

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
JANUARY 4, 2022**

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 4, 2022. Present were Commissioners, Kevin Overmyer, Stan Klotz, and Mike Burroughs; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**REORGANIZATION OF THE BOARD OF COMMISSIONERS**

**Stan Klotz moved, second by Mike Burroughs, to appoint Kevin Overmyer as President, Mike Burroughs as Vice President and Stan Klotz as Member of the Marshall County Board of Commissioners for 2022. Motion carried 3-0.**

**COMMISSIONER DEPARTMENT HEAD APPOINTMENTS**

**Mike Burroughs moved, second by Stan Klotz, to reappoint Doug Masterson as Buildings & Grounds Supervisor-Courthouse, County Building & Museum; to reappoint John Greer as Buildings & Grounds Supervisor-Jail; to reappoint Steve Howard as Building Commissioner; to reappoint Linda Rippy as Museum Director; to reappoint Jerry Huss as Weights & Measures Inspector; to reappoint Jason Peters as Highway Superintendent; to reappoint Pam Schweizer-Betz as Veterans Service Officer; to reappoint Clyde Avery as EMA Director; to reappoint Michael Marshall as IT Director; to reappoint Ann Anglin as Human Resource Administrator; and to reappoint James Clevenger as County Attorney. Motion carried 3-0.**

**COMMISSIONER APPOINTMENTS**

**Argos Public Library: Mike Burroughs moved, second by Stan Klotz, to reappoint Maria Horvath to the Argos Public Library for a four-year term, ending December 31, 2025. Motion carried 3-0.**

**Culver-Union Township Library: Stan Klotz moved, second by Mike Burroughs, to reappoint Mary Banfield to the Culver-Union Township Library Board for a four-year term, ending December 31, 2025. Motion carried 3-0.**

**Argos Plan Commission: Mike Burroughs moved, second by Stan Klotz, to reappoint Ray Trump to the Argos Plan Commission for a four-year term, ending December 31, 2025. Motion carried 3-0.**

**Alcohol Beverage Commission: Mike Burroughs moved, second by Stan Klotz, to reappoint Jan Fisher to the Alcohol Beverage Commission for a one-year term, ending December 31, 2022. Motion carried 3-0.**

Board of Health: **Mike Burroughs moved, second by Kevin Overmyer, to reappoint Matthew Miller to the Marshall County Board of Health for a four-year term, ending December 31, 2025. Motion carried 2-0-1, with Stan Klotz abstaining due to the receipt of a campaign donation.**

Board of Health: **Mike Burroughs moved, second by Stan Klotz, to reappoint Thomas Pedavoli to the Marshall County Board of Health for a four-year term, ending December 31, 2025. Motion carried 3-0.**

Board of Health: **Mike Burroughs moved, second by Stan Klotz, to reappoint Tracy Fox to the Marshall County Board of Health for a four-year term, ending December 31, 2025. Motion carried 3-0.**

MACOG: **Mike Burroughs moved, second by Stan Klotz, to reappoint Kevin Overmyer to the MACOG Board for a one-year term, ending December 31, 2022. Motion carried 3-0.**

Convention Visitors Bureau: **Stan Klotz moved, second by Mike Burroughs, to reappoint Linda Rippy to the Convention Visitors Bureau for a two-year term, ending December 31, 2023. Motion carried 3-0.**

Sick Bank Board: **Mike Burroughs moved, second by Stan Klotz, to reappoint Sheriff Matthew Hassel, Rhonda Ferguson and Sharon Dotta to the Sick Bank Board for a one-year term, ending December 31, 2022. Motion carried 3-0.**

Safety Committee: **Mike Burroughs moved, second by Stan Klotz, to reappoint Stan Klotz to the Safety Committee for a one-year term, ending December 31, 2022. Motion carried 3-0.**

Central Dispatch Committee: **Mike Burroughs moved, second by Stan Klotz, to reappoint Kevin Overmyer to the Central Dispatch Committee for a one-year term, ending December 31, 2022. Motion carried 3-0.**

Unsafe Building Committee: **Stan Klotz moved, second by Mike Burroughs, to reappoint Mike Burroughs to the Unsafe Building Committee for a one-year term, ending December 31, 2022. Motion carried 3-0.**

Unsafe Building Committee: **Mike Burroughs moved, second by Stan Klotz, to reappoint Kathy Schwenk to the Unsafe Building Committee for a one-year term, ending December 31, 2022. Motion carried 3-0.**

Marshall County Park & Recreation: **Mike Burroughs moved, second by Stan Klotz, to reappoint Richard Markley to the Marshall County Park & Recreation Board for a four-year term, ending December 31, 2025. Motion carried 3-0.**

Technology Committee: **Mike Burroughs moved, second by Stan Klotz, to re-establish the Technology Committee with the following members: Auditor, Treasurer, Recorder,**

**Assessor, Court Representative, IT Director, GIS Coordinator, Council Representative and Commissioner Representative Mike Burroughs. Motion carried 3-0.**

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from United Telephone Co. of IN, Inc. dba Lumen on River Park, between River Street and Liberty Street, in Center Township, for the purpose of relocating facilities to accommodate replacement of footbridge. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from United Telephone Co. of IN, Inc. dba Lumen on River Park, between River Street and Liberty Street, in Center Township, for the purpose of relocating facilities to accommodate replacement of footbridge. Motion carried 3-0.**

Superintendent Peters presented a road bore request from NIPSCO on 4<sup>th</sup> Road and Grape Road, between Filbert Road and Grape Road, in German Township, for the purpose of installing a new gas main. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from NIPSCO on 4<sup>th</sup> Road and Grape Road, between Filbert Road and Grape Road, in German Township, for the purpose of installing a new gas main.**

**Motion carried 3-0.**

Superintendent Peters provided a department update: The RFP has been submitted for 2022-2025 Bridge Inspection. Following an accident on Bridge 301, 17<sup>th</sup> Road, an insurance claim will be submitted with repairs estimated at \$37,800; to rehab the bridge an additional \$13,515 has been estimated for a total rehab cost of \$51,315. A Notice to Bidders has been published for Bridge 5, Tamarack Road, and Bridge 9, N. Queen Road, with bids to be opened January 18<sup>th</sup> at 9:45 a.m. Applications for Community Crossings for the first call has opened and an application will be submitted. Local quarterly reports are in process. The Wetland Mitigation contract for Bridge 81, Hickory Road, is up for an additional two-year monitoring period and the Commissioners recommended requesting a quote and contract extension for consideration.

**ROD HESS**

Rod and Cheryl Hess, 14252 11<sup>th</sup> Road, Plymouth expressed concerns regarding the replacement of Bridge 87, 11<sup>th</sup> Road. Following receipt of a letter from the Indiana Department of Natural Resources, a copy of the blueprint was requested from USI. In review of the blueprint, questions arose concerning property values, safety, and property appearance.

**ATTORNEY REPORT**

Jail-ACLU: Attorney Clevenger and Betty Knight will be discussing the County request to file a motion to have the case dismissed.

Graber Lien/Marshall County Jail: Attorney Clevenger and Derek Jones are proceeding and working on a couple of final additions.

Opioid Litigation: Cohen & Malad, on behalf of numerous local governments that opted out of the Attorney General settlement statute negotiated with the Attorney Generals Office for introduction into this General Assembly, a revised bill that would have more proceeds of the settlement with Johnson & Johnson and three other large distributors going to local governments,

no restrictions on continuing litigation against other defendants, and a process for payment of attorney fees. The attorney fees to Cohen & Malad would be reduced significantly under this new statute but would lift the attorney fee liability from Marshall County. The attorney fees would be set up similar in nature to the settlement proposal in the Purdue Pharma bankruptcy case. (Which is now in jeopardy due to the presiding bankruptcy judge refusing to go along with the deal that protects the owner/family from criminal liability.)

Federal OSHA Mask Mandate: The OSHA mandate is still in litigation.

Litigation: The Commissioners have been provided a year-end summary of all the pending litigation of which the County is party. Many of the cases involve tort claims against the Sheriff or the Sheriff's Department which are being defended by Bliss McKnight attorneys.

Health Department Cases: Three separate court hearings are scheduled relating to failed septic systems.

VIP Ventures et al (VanHawk) v County: Plaintiff's sued the Town of Culver, Union Township, the Culver Fire Department, and the County claiming the fire department did not extinguish the fire at 415 Lakeshore Drive on October 9, 2019. The Town removed property from the site belonging to the plaintiffs. Our insurance counsel, Joe Smith, filed a motion to dismiss the claims against the County. Hearing is scheduled for January 20, 2022 at 9:00 a.m. via Zoom. The court plans to stream the hearing.

#### AUDITOR REPORT

December 31, 2021 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the December 31, 2021 minutes as presented. Motion carried 3-0.**

Prepay Request: **Stan Klotz moved, second by Mike Burroughs, to approve a prepayment to Community Bank of Colorado for the Highway Department truck payment in the sum of \$232,954.47. Motion carried 3-0.**

January claims: **Stan Klotz moved, second by Mike Burroughs, to approve the January monthly claims as presented. Motion carried 3-0.**

#### COMMISSIONER ITEMS

SRI Tax Sale Certificate Contract: Auditor Julie Fox explained there are 19 properties in Marshall County that are severely delinquent in the payment of property taxes, having been offered for tax sales and no bids equal to or in excess of the minimum sale price were received. Recommending the Commissioners allow SRI to conduct a Commissioners' Sale to sell the parcels and have those properties back on the tax roll. **Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2022-02: A Resolution Establishing the Intent to Conduct a Commissioner's Sale to Sell Tax Sale Certificates for Properties that are Severely Delinquent in Payment of Property Taxes. Motion carried 3-0.**

**PUBLIC COMMENT**

Mike Miley inquired into the number of Marshall County bridges. Highway Superintendent Peters explained there are 137 bridges, not including small structures.

**ADJOURNMENT**

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 9:32 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
JANUARY 18, 2022**

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., Tuesday, January 18, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**PARK & RECREATION DEPARTMENT**

Park & Recreation Department Board President Greg Hildebrand presented a request to apply for a grant through the Marshall County Community Foundation. The grant will fund a professional Natural Features Inventory (NFI) of the Mill Pond and Memorial Forest properties. Explaining an NFI is a report that fully details and describes the ecological communities found in an area, primarily using soils, hydrology, and plants. Endangered, threatened, rare, or invasive species of concern are also noted and mapped. Management recommendations are made based on the results of the NFI for proper long-term stewardship of these sites. In addition to a final report, a presentation will be made to the public. The grant is expected to be around \$25,000, with a ten percent local match funded by the local budget. The Board plans to issue an RDP on January 7<sup>th</sup>, due back on the 14<sup>th</sup>, at which time will have a better cost of the service. **Mike Burroughs moved, second by Stan Klotz, to allow the Park & Recreation Department to apply for a Marshall County Community Foundation grant in the sum of \$25,000. Motion carried 3-0.**

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from BSM Groups on 9871 1<sup>st</sup> Road, in North Township, for the purpose of replacing underground conduit and fiber optic. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from BSM Group at 9871 1<sup>st</sup> Road, in North Township, for the purpose of replacing underground conduit and fiber optic. Motion carried 3-0.**

Superintendent Peters presented four road surface and right-of-way cut requests from NIPSCO at the following locations:

Old US 31, between 18<sup>th</sup> Road and Dewey Street, in Walnut Township

Michigan Road, between 16<sup>th</sup> Road and 15<sup>th</sup> Road, in Walnut Township

Old US 31, between State Road 110 and 19<sup>th</sup> Road, in Walnut Township

Michigan Road, between 12B Road and W. 14C Road, in Walnut and Center Township for the purpose of replacing utility poles. **Mike Burroughs moved, second by Stan Klotz, to approve the four road surface and right-of-way cut requests from NIPSCO on Old US 31, between 18<sup>th</sup> Road and Dewey Street; on Michigan Road, between 16<sup>th</sup> Road and 15<sup>th</sup> Road; on Old US 31, between State Road 110 and 19<sup>th</sup> Road; and on Michigan Road, between 12B Road and W. 14C Road, for the purpose of replacing utility poles.**

**Motion carried 3-0.**

Superintendent Peters provided a department update: Five RFPs have been received for 2022-2025 Bridge Inspection from Beam, Longest & Neff, United Consulting, SJCA, USI Consultants and DLZ. The RFP from USI Consultants and DLZ have been submitted to INDOT for approval to proceed with scoring. A Community Crossings 2022 Financial Commitment letter was presented for signature with a total project cost of \$1,552,440, explaining there is a 25% local match. **Mike Burroughs moved, second by Stan Klotz, to approve the request from the Highway Department to apply for the Community Crossings Matching Grant in the sum of \$1,552,440. Motion carried 3-0.**

Superintendent Peters explained INDOT is making the transition from paper contracts to DocuSign, allowing the Board President to sign electronically. **Mike Burroughs moved, second by Stan Klotz, to approve the creation of a Resolution allowing the Board President to electronically sign documents, following formal approval by the Board of Commissioners. Motion carried 3-0.**

**Stan Klotz moved, second by Mike Burroughs, to allow the Board President to electronically sign INDOT documents on DocuSign prior to the Resolution being presented. Motion carried 3-0.**

#### **BID OPENING – BRIDGE #5 AND BRIDGE #9**

Attorney Clevenger opened the following bids for locally funded projects Bridge No. 5, Tamarack Road, and Bridge No. 9, N. Queen Road, as follows:

<b>Contractor</b>	<b>Bridge #5</b>	<b>Bridge #9</b>	<b>Total Cost</b>
Milestone Contractors South Bend, IN	\$363,640.26	\$285,650.21	\$649,290.47
LaPorte Construction Co., Inc. LaPorte, IN	\$335,718.46	\$284,208.00	\$619,926.46
Ellas Construction Co., Inc. Gary, IN	\$566,156.98	\$472,743.76	\$1,038,900.74

**Stan Klotz moved, second by Mike Burroughs, to allow the Highway Department to take the bids for Bridge No. 5 and Bridge No. 9 under advisement. Motion carried 3-0.**

#### **SHERIFF DEPARTMENT**

Captain Neal Wallace requested permission to apply for a grant from the Indiana Department of Homeland Security to purchase body cameras. The grant request would be approximately \$4,000 to purchase ten body cameras at \$800 per camera, with an equal match funded from the Jail Supplies account line. **Mike Burroughs moved, second by Stan Klotz, to allow the Sheriff to apply for the Indiana Department of Homeland Security to purchase body cameras in the sum of \$4,000. Motion carried 3-0.**

Sergeant Nick Laffoon explained the increased request for public access records and time required to prepare the records. The Sheriff is requesting the existing Ordinance be amended to increase the amount charged to \$25 per hour, up to a maximum of \$125. Discussion was held concerning the ability to charge for an employee's time to reproduce a public record request.

## **RECORDER**

Recorder Janet Howard presented the Land Records Software License Agreement Extension between the Marshall County Recorder and Fidlar Technologies for contract signed on September 6, 2016, for a five-year term in the sum of \$18,530 annually. Recorder Howard explained \$8,000 will be paid from the ID Security Fund and the remainder from the Recorders Perpetuation Fund. **Stan Klotz moved, second by Mike Burroughs, to approve the Land Records Software License Agreement Extension between the Marshall County Recorder and Fidlar Technologies for a five-year term in the annual sum of \$18,530, allowing the Board President to sign the contract. Motion carried 3-0.**

## **ATTORNEY REPORT**

Jail-ACLU: Attorney Clevenger and Betty Knight will be meeting with the Commissioners in an Executive Session on February 7<sup>th</sup>.

Graber Lien/Marshall County Jail: Started condition (new notice to Graber) precedent to suit.

Opioid Litigation: A bill has been proposed to amend the distribution plan for the settlement proceeds from the big four. The bill also provides for a method of payment of attorney fees. The Commissioners are asked to express support for the compromised bill to State representatives.

Federal OSHA Mask Mandate: The U.S. Supreme Court determined OSHA exceeded its authority to mandate vaccines for employees who are employed by employers with 100 or more.

VIP Ventures et al (VanHawk) v County: Plaintiff's sued the Town of Culver, Union Township, Culver Fire Department, and the County claiming the fire department did not extinguish the fire at 415 Lakeshore Drive on October 9, 2019. The town removed property from the site belonging to the plaintiffs. A motion has been filed to dismiss the claims against the County. Hearing is scheduled for January 20, 2022, at 9:00 a.m. via Zoom. The court plans to stream the hearing.

Community Resource Center – Health Department Lease: **Mike Burroughs moved, second by Stan Klotz, to approve the 2<sup>nd</sup> Amendment to Lease Agreement between Community Resource Center and Board of Commissioners in the sum of \$2,385 per month, effective February 4, 2022, through February 3, 2024, for the Health Department office space. Motion carried 3-0.**

## **AUDITOR REPORT**

January 4, 2022, Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the January 4, 2022, minutes as presented. Motion carried 3-0.**

January claims: **Stan Klotz moved, second by Mike Burroughs, to approve the January monthly claims as presented. Motion carried 3-0.**

Statement of 2021 Revenues and Expenditures: Auditor Julie A. Fox stated the 2021 County revenues were \$111,160,169.77 and expenditures were \$104,704,468.34.

#### **COMMISSIONER ITEMS**

**BZA Board: Stan Klotz moved, second by Mike Burroughs, to appoint Trent Bennett to the BZA Board for a four-year term, ending December 31, 2025. Motion carried 3-0.**

Health Board: Discussion was held concerning the political party affiliation of the Health Department Board.

Argos Public Library: **Mike Burroughs moved, second by Stan Klotz, to appoint Lacey Dewitt to fill the unexpired term of Debra Haschel beginning January 1, 2022, ending December 31, 2022. Motion carried 3-0.**

Executive Session Minutes: **Stan Klotz moved, second by Mike Burroughs to approve the January 17, 2022, executive session minutes. Motion carried 3-0.**

Commissioner Burroughs stated the meetings are now available for live stream and may be viewed for 30-days either through the Marshall County app or website.

#### **PUBLIC COMMENT**

No public comment was heard.

#### **ADJOURNMENT**

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:32 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
FEBRUARY 7, 2022**

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 8:30 a.m., Monday, February 7, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given, the meeting live streamed at [www.co\\_marshall.in.gov](http://www.co_marshall.in.gov) and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters stated LaPorte Construction was the low bidder for both Bridge 5 (\$335,718.46) and Bridge 9 (\$284,208) construction projects and requested permission to enter into an agreement. **Mike Burroughs moved, second by Stan Klotz, to award the bridge construction contract for Bridges 5 and 9 to LaPorte Construction in the total sum of \$619,926.46, pending review of the contract by Attorney Clevenger. Motion carried 3-0.**

Superintendent Peters stated the Countywide Bridge Inspection 2022-2025 Score Sheets will be submitted to the Board for completion and upon completion will be submitted to INDOT for approval.

Superintendent Peters presented a right of way request from NIPSCO on County Line Road, between W. Anglin and 800 N. Road, in Bourbon Township, for the purpose of replacing aging infrastructure and improve system reliability. **Stan Klotz moved, second by Mike Burroughs, to approve the right of way cut request from NIPSCO on County Line Road, between W. Anglin and 800 N. Road, in Bourbon Township, for the purpose of replacing aging infrastructure and improve system reliability. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Homestead Dairy on 14C Road, between Maple Road and Lilac Road, in Greene Township, for the purpose of installing a manure hose. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from Homestead Dairy on 14C Road, between Maple Road and Lilac Road, in Greene Township, for the purpose of installing a manure hose. Motion carried 3-0.**

Superintendent Peters presented a right of way cut request from BSM Groups for QC Communications at 1808 Dogwood Road, between Highway 6 and Dogwood Road, in German Township, for the purpose of installing cable. **Mike Burroughs moved, second by Stan Klotz, to approve the right of way cut request from BSM Groups for QC Communications at 1808 Dogwood Road, between Highway 6 and Dogwood Road, in German Township, for the purpose of installing cable. Motion carried 3-0.**

Superintendent Peters presented a road surface and right of way cut request from NIPSCO on 9B Road, between S. Beech Road and County Line (N 1100 W) Road, in Bourbon Township, for the purpose of replacing aging infrastructure and improve system reliability.

**Stan Klotz moved, second by Mike Burroughs, to approve the road surface and right of way cut request from NIPSCO on 9B Road, between S. Beech Road and County Line (N 1100 W) Road, in Bourbon Township, for the purpose of replacing aging infrastructure and improve system reliability. Motion carried 3-0.**

Superintendent Peters stated the 2022-1 Community Crossing Grant application has been submitted for Pear Road, 14B Road to 18B Road; Tamarack Road, US 6 to County Line Road; and, 15<sup>th</sup> Road, State Road 17 to railroad tracks on Thorn Road.

Superintendent Peters stated the INDOT Project Coordination Contract 60743, DES No. 1702839 for Bridge 87, 11<sup>th</sup> Road over the Yellow River, and Contract 60742, DES No. 1702838 for Bridge 120, South Upas Road over the Yellow River, have been electronically signed and submitted.

Superintendent Peters provided a department review following the winter storm.

#### **BAKER TILLY MUNICIPAL ADVISORS, LLC**

Baker Tilly Director Heidi Amspaugh presented a Refunding Analysis for the Lease Rental Refunding Bonds with three possible scenarios, the best option resulting in a \$266,048 gross annual savings. The savings are based upon the following assumptions: Current refunding of \$5,030,000 Outstanding Lease Rental Refund Bonds of 2014; Maturity date of bonds remain February 1, 2027; 2014 Bonds Call date of August 1, 2022; Cost of issuance at \$125,000; Underwriter Discount of 0.75%; and Transfer \$1,113,000 from 2014 debt service reserve. Further explaining the earliest closing date would be May 2022 and the term would remain until February 1, 2027. Commissioner Klotz stated his preference would be to wait until the current legislative session ends and a determination reached on the resolution under consideration at the State. **Mike Burroughs moved, second by Kevin Overmyer, to move forward with Lease Rental Refunding Bonds, Series 2022. Motion carried 2-1, with Stan Klotz voting no.**

#### **MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION**

This item has been rescheduled for the February 21, 2022, Commissioner meeting.

#### **EXTENSION OFFICE**

Purdue Extension Director Kelsey Guadarrama presented the Extension Express Newsletter for Purdue Extension highlighting the Ag & Natural Resources, Health & Human Sciences and 4-H Youth Development projects. Further explaining youth enrollment is high at 459, with 150 more children than last year.

#### **TREASURER**

Treasurer Angie Birchmeier presented the Services Agreement between L & D Mail Masters, Inc. and Marshall County for the printing and mailing of the annual property tax form.

**Stan Klotz moved, second by Mike Burroughs, to approve the Services Agreement between L & D mail Masters, Inc. and Marshall County for the printing and mailing of the annual property tax form. Motion carried 3-0.**

Treasurer Birchmeier requested permission to extend office hours for the purpose of tax collection as follows: Spring Collection due May 10, 2022: Saturday, May 7<sup>th</sup> from 9:00 a.m. to 12:00 p.m.; Monday, May 9<sup>th</sup> from 8:00 a.m. to 6:00 p.m.; and Tuesday, May 10<sup>th</sup> from 8:00 a.m. to 6:00 p.m. Fall Collection due November 10, 2022: Saturday, November 5<sup>th</sup> from 9:00 a.m. to 12:00 p.m.; Wednesday, November 9<sup>th</sup> from 8:00 a.m. to 6:00 p.m.; and Thursday, November 10<sup>th</sup> from 8:00 a.m. to 6:00 p.m. **Mike Burroughs moved, second by Stan Klotz, to approve the extended office hours for the purpose of tax collection as presented. Motion carried 3-0.**

Treasurer Birchmeier stated all TCU locations, First Merchants Bank in Bourbon, First Farmers Bank and Trust in Culver and the Town of Bremen Clerk-Treasurer's Office will serve as a collection point two weeks prior to tax payment due date.

#### **BOYS & GIRLS CLUB – PLYMOUTH/BREMEN**

A representative of the Boys & Girls Club failed to appear to provide an annual update.

#### **MUSEUM**

The Commissioners stated Museum Director Linda Rippy has retired following 29 years of service. **Mike Burroughs moved, second by Stan Klotz, to appoint Sandy Garrison as the Director of the Museum. Motion carried 3-0.**

Director Sandy Garrison and Historical Society Board President Mike Miley presented a quarterly report and update, expressing appreciation for all the volunteers.

#### **RESOLUTION 2022-04 – LINDA RIPPY**

The Commissioners presented Linda Rippy with Resolution 2022-04: In recognition of outstanding accomplishments and contributions. Whereas under her guidance and leadership there has been a marked increase in visitors who tour the museum, view the many exhibits, and participate in activities and programs sponsored by the Museum. The County Commissioners honor Linda for her twenty-nine years of outstanding leadership, recognize and acknowledge her dedication and commitment. On behalf of the citizens of Marshall County pay tribute to her and extend its sincerest gratitude to her.

#### **VETERANS SERVICE OFFICER**

Veterans Service Officer Pam Schweitzer-Betz explained AIC has donated a Flag Service Box for recycling flags which will be placed in the Veterans Service Office Room 307.

#### **ATTORNEY REPORT**

##### **Old Business:**

Jail - ACLU: Betty Knight will be meeting with the Commissioners in Executive Session to discuss the status of the litigation after today's meeting.

VIP Ventures et al (Van Hawk) v County: Plaintiffs sued the Town of Culver, Union Township, the Culver Fire Department, and the County claiming the fire department did not extinguish the fire at 415 Lakeshore Drive on October 9, 2019. The Town allegedly removed property from the site belonging to the Plaintiffs. Our insurance counsel filed a motion to dismiss the claims against the County. A hearing on the Town's Motion to Dismiss was held via Zoom on

January 20, 2022. The County's motion was not scheduled for the 20<sup>th</sup> due to a mix-up by insurance counsel and the court staff. The new hearing date is March 15, 2022 at 1:30 p.m. via Zoom. Plaintiff's counsel has not yet filed a response to the County's motion.

**Regional Sewer District:** A Public Hearing is scheduled for February 21, 2022 at 6:00 p.m. to take public comment concerning the possible establishment of a County Regional Sewer District that would cover 13 high density rural residual areas in the unincorporated areas of the county. The first priority area includes the lakes starting at Lawrence Lake and extends westerly to Lake Latonka, including all of the lakes in between.

The public hearing is the second step in the process. It is one of the times when the public can provide comment. There will be additional public hearings scheduled in the event the decision is made to proceed. If a determination is made to proceed after the public hearing, a petition must be filed with the Marshall Circuit Court. Attorney Clevenger requested the Commissioners decide a few matters concerning the petition today so information can be commented upon at the public hearing. Changes can and will likely be made if the process continues.

**Mike Burroughs moved, second by Stan Klotz, to appoint the Board President as the contact person for the Regional Sewer Board. Motion carried 3-0.**

**Stan Klotz moved, second by Mike Burroughs, to appoint a seven Trustee Board with five of the appointments made by the Commissioners, one appointment by Council and one appointment by the City of Plymouth. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to allow a \$50 per diem to the appointees of the Regional Sewer District Board of Trustees. Motion carried 3-0.**

**New Business:**

**Treasurer – L&D Mail Masters Agreement:** This item was addressed previously in the meeting.

Discussion was held concerning the process of a condominium joining the Pretty Lake Conservancy District.

**Attorney Duties & Compensation Agreement:** **Mike Burroughs moved, second by Stan Klotz, to approve the Duties & Compensation Agreement between the Marshall County Attorney and The Board of Commissions of Marshall County, Indiana increasing the hourly rate from \$150 to \$175 for additional duties. Motion carried 3-0.**

**MARSHALL COUNTY COMMUNITY FOUNDATION**

Marshall County Community Foundation Executive Director Linda Yoder presented Commissioner Kevin Overmyer and Culver Town Manager Ginny Munroe each a plaque recognizing the leadership provided by both in receiving the Stellar Community Designation, Quality of Life Plan, Fund the Essentials and Ready Grant Proposals.

## **AUDITOR REPORT**

**January 18, 2022 Minutes:** Mike Burroughs moved, second by Stan Klotz, to approve the January 18, 2022 minutes as presented. Motion carried 3-0.

**Claims:** Stan Klotz moved, second by Mike Burroughs, to approve the February claims as presented. Motion carried 3-0.

## **COMMISSIONER ITEMS**

**Ordinance 2022-05:** Stan Klotz moved, second by Mike Burroughs, to approve **Ordinance 2022-05: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook, Section 4.8 Bereavement Leave.** Motion carried 3-0.

**Resolution 2022-03:** Mike Burroughs moved, second by Stan Klotz, to approve **Resolution 2022-03 Approving Electronic Signatures for INDOT.** Motion carried 3-0.

**Cyber Security Insurance:** The Commissioners discussed the renewal of the Cyber Security Insurance policy and due to the amount of paperwork and security measures required by our current carrier deemed it was in the best interest to switch insurance carriers. Insurance Consultant Mike Miley stated the new insurance carrier agreed to honor the initial premium quoted and coverage is in effect as of January 31, 2022. Discussion was held concerning the need to outsource cyber security.

**Highway Department:** Superintendent Peters presented a road surface cut request from Brad Stackhouse on Hickory Road, between 11<sup>th</sup> Road and 12<sup>th</sup> Road, in Center Township, for the purpose of installing water pipe. **Stan Klotz moved, second by Mike Burroughs, to approve the road surface cut request from Brad Stackhouse on Hickory Road, between 11<sup>th</sup> Road and 12<sup>th</sup> Road, in Center Township, for the purpose of installing water pipe.** Motion carried 3-0.

**Resolution 2022-05(1): Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2022-05(1): Disaster Emergency Declaration for county wide winter storm effective February 2, 2022 and terminating February 4, 2022.** Motion carried 3-0.

**ARP Committee:** Commissioner Overmyer stated the ARP Committee held a meeting to receive information from Surf Broadband Solutions and Marshall County Fiber, LLC to bring broadband to rural Marshall County.

**Veteran Markers:** Stan Klotz moved, second by Mike Burroughs, to increase the reimbursement amount from \$75 to \$100 for veteran markers upon request by a funeral home. Motion carried 3-0.

Commissioner Burroughs stated the Marshall County App was very helpful by providing storm warnings and road condition updates. Encouraging everyone to download the app.

Technology Committee: Commissioner Burroughs stated the Technology Committee held their first meeting. The Auditor, Treasurer and Assessor are looking at a new vendor and will be attending a product demonstration.

Commissioner Overmyer read into the record a portion of the Commissioner Minutes from November 4, 2019, concerning RQAW – Marshall County Jail Expansion Project wherein Commissioner Klotz moved to allow RQAW to begin the second phase of the Jail Expansion Project. Explaining this was mentioned because of a letter Commissioner Klotz issued stating he was against the jail expansion project. Commissioner Overmyer also read into the record a portion of the same meeting minutes concerning 2020 Health Insurance. Explaining Gibson Insurance has a very good team to conduct business on behalf of Marshall County with insurance carriers and believes it inappropriate for others to take credit.

Commissioner Klotz clarified he did initially vote in favor of the jail to get solid numbers on what the jail would cost. However, after learning the full cost of \$60 million to expand, fund, and staff the jail, he was no longer in favor.

#### **PUBLIC COMMENT**

No public comment was heard.

#### **ADJOURNMENT**

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:14 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST:

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Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
FEBRUARY 21, 2022**

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 21, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**EMA APPRECIATION WEEK**

Commissioner Burroughs read into the record a news release from Indiana Department of Homeland Security honoring county-level emergency managers who work around the clock to protect their communities from disasters. The Commissioners recognized EMA Director Clyde Avery, expressing their appreciation for all the work, communication, training, and maintaining excellence in his office.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a right of way cut request from Beechy Excavating on 5B Road, between Beech Road and County Line Road, in German Township for the purpose of installing a culvert to create a swale. **Stan Klotz moved, second by Mike Burroughs, to approve the right of way cut request from Beechy Excavating on 5B Road, between Beech Road and County Line Road, in German Township for the purpose of installing a culvert to create a swale. Motion carried 3-0.**

Superintendent Peters presented a road surface cut request from Jon Langfeldt on Linden Road, between 5B Road and 7<sup>th</sup> Road, in North Township for the purpose of installing a drainage tile. **Mike Burroughs moved, second by Stan Klotz, to approve the road cut request from Jon Langfeldt on Linden Road, between 5B Road and 7<sup>th</sup> Road, in North Township for the purpose of installing a drainage tile. Motion carried 3-0.**

Superintendent Peters explained Attorney Clevenger has reviewed the Agreement between LaPorte Construction Co, Inc., and Marshall County for Bridges 5 and 9 Replacements - Tamarack Road over Jesse McKesson Ditch and Queen Road over Jesse McKesson Ditch, which has been signed by the Commissioners and the Notice to Proceed has been sent to USI and LaPorte Construction.

Superintendent Peters explained additional appropriation requests have been submitted for Overtime, Bridge 1-Ule Trail, Bridge 5-Tamarack Road, Bridge 9-N. Queen Road, Hickory Road Mitigation, and 7<sup>th</sup> Road Mitigation for Council consideration.

Superintendent Peters provided a winter storm review.

Superintendent Peters requested approval to purchase four pickup trucks from Lincolnway Auto in the sum of \$105,200 and to prepay the claim. **Mike Burroughs moved, second by Stan Klotz, to approve the purchase of four vehicles from Lincolnway Auto and to prepay the claim in the sum of \$105,200. Motion carried 3-0.**

### **PLAN COMMISSION**

Plan Commission Director Ty Adley presented 21-PC-15, a request to update the Marshall County Zoning Ordinance Article 6 010 A and Article 13 Shipping Containers, to permit shipping containers as accessory structures. **Mike Burroughs moved, second by Stan Klotz, to approve 21-PC-15 on Second Reading. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to amend the above motion by moving to approve Ordinance 2022-06: An Ordinance Amending Ordinance Commonly Known As “The Marshall County Zoning Ordinance 2007-10”, as amended on Second Reading. Motion carried 3-0.**

**Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2022-06: An Ordinance Amending Ordinance Commonly Known As “The Marshall County Zoning Ordinance 2007-10”, as amended on Third Reading. Motion carried 3-0.**

### **OLDER ADULT SERVICES**

Older Adult Services Executive Director Janis Jeffirs Holiday presented the 2022 Second Quarter Report and requested approval of an INDOT claim in the sum of \$98,065 for operating expenses. **Stan Klotz moved, second by Mike Burroughs, to approve the financial report as presented. Motion carried 3-0.**

Directors Holiday explained \$150,000 in Cares funding is available until June, along with this year's funding and ARP funding. There is a possibility the minivan order will be cancelled. Further explaining the scheduling software will be implemented this year.

### **MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION**

Marshall County Economic Development Corporation CEO/President Laura Walls presented a Quarterly Report highlighting the successes of 2021, including Business attraction: \$13.2 million in capital investment creating 114 new jobs; Business Expansions: \$67 million in capital investment creating 217 new jobs, with a total of \$80.2 million in capital investments and 331 new jobs; The Plymouth Manufacturing Center has been sold to Divert, Inc.; and, Labor Data: 385 more Marshall County residents employed in December, 2021 compared to December, 2020.

### **PARK & RECREATION DEPARTMENT**

Park Board Secretary Deb VanDeMark requested permission to apply for the Arrow Head Country Resource Conservation and Development Area, Inc. grant in the sum of \$5,000 for a kayak launch feasibility study. Explaining the grant application was submitted prior to the deadline of January 31, 2022. **Mike Burroughs moved, second by Stan Klotz, to allow the Park and Recreation Department to apply for the Arrow Head Country Resource Conservation and Development Area, Inc. grant in the sum of \$5,000 for a kayak launch feasibility study. Motion carried 3-0.**

Secretary VanDeMark stated the Park & Recreation Department has been awarded \$4,000 from the Marshall County Community Foundation Grant request submitted.

## **ELECTION BOARD**

Clerk Deb VanDeMark provided an update on the Vote Center locations explaining they will be utilizing The Pines in Bremen, Life Enrichment Center in Plymouth-West and the Fairground Building in Argos.

## **MARSHALL COUNTY FIBER & SURF BROADBAND SOLUTIONS**

Commissioner Overmyer explained Marshall County Fiber, a partnership between RTC (Rochester Telephone Company) and Marshall County REMC, presented information to the ARP Committee.

Marshall County REMC CEO Dave Lewallen, Rochester Telephone Company President Joe McCarter and Surf Air CEO Gene Cruise presented a request for ARP Funding to bring broadband into Marshall County homes. Explaining the construction of transport fiber from the existing Marshall County REMC Smart Grid to the Culver Hut, approximately 5.15 miles of fiber to be completed in 2022 and eventually providing fiber to nearly 2,100 residents. Also facilitating the 2022 FTTP (Fiber to the Premises) build of the “Lakes Region” including Kreighbaum Lake, Cook Lake, Holem Lake, Myers Lake and Lawrence Lake. This build is approximately 6.37 buried miles, reaching over 460 customers.

## **ATTORNEY REPORT**

### **Old Business:**

Jail-ACLU: Attorney Clevenger received the final version of the dismissal agreement and presented for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Stipulated Private Settlement Agreement with the ACLU and send to the federal court. Motion carried 3-0.**

Jail Refund Bonds: Attorney Clevenger has advised the legal and financial working group to put together some initial information that might be helpful in the event the county wishes to proceed with refinancing the jail bonds at a lower interest rate. The same group has been advised to hold off on work towards a refinancing until after the March County Council meeting. Presumably Marshall County will know whether the General Assembly has adopted any legislation that might permit a revenue source for jail maintenance and operations.

VIP Ventures et al (VanHawk) v County: Hearing on the County’s motion to dismiss the complaint is scheduled for March 15, 2022, at 1:30 p.m. via Zoom.

Regional Sewer District: A public hearing is scheduled for this evening at 6:00 p.m. to receive information and to take public comment concerning the possible establishment of a county regional sewer district that would cover 13 high density rural residential areas in the unincorporated areas of the county. The first priority area includes the lakes starting at Lawrence Lake and extends westerly to Lake Latonka and includes all of the lakes in between.

### **New Business:**

Marshall County Death at Jail: The Sheriff advised Attorney Clevenger that we had a death at the jail. It appears to be medical related. A notice has been provided to Bliss McKnight. Bliss McKnight will assign defense counsel to investigate per their standard procedures.

## **AUDITOR REPORT**

Resolution 2022-06: Veteran's Burial Markers **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2022-06: Veteran's Burial Markers as presented.**

**Motion carried 3-0.**

February 7, 2022, Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the February 7, 2022, minutes as presented. Motion carried 3-0.**

February 7, 2022, Executive Session Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the February 7, 2022, executive session minutes as presented.**

**Motion carried 3-0.**

February claims: **Stan Klotz moved, second by Mike Burroughs, to approve the February monthly claims as presented. Motion carried 3-0.**

## **COMMISSIONER ITEMS**

Prosecutor Storage: Discussion was held concerning the Prosecutor's need for storage.

ARP Funding Resolution: Discussion was held concerning the funding resolution and the desire to proceed with adoption at the March meeting.

## **PUBLIC COMMENT**

Robert Demis, 2099 8<sup>th</sup> Road, Plymouth, expressed concern about the adoption of the Shipping Container Ordinance and how it applies to his property. The Commissioners recommended he speak with the Plan Commission.

Mr. Demis also expressed concern about the lack of barrier surrounding fiber optics infrastructure. Marshall County REMC CEO Dave Lewallen addressed the concern stating infrastructure is not installed in the manner described in Marshall County.

## **ADJOURNMENT**

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 11:18 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
MARCH 7, 2022**

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 7, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented five road bore requests from Surf Broadband at the following locations:

W. Lincoln Highway, between Pioneer Rd and W. Jefferson St, in North Twp.  
Michigan Rd, 7B Road, Oak Park, and 6C Rd, between 6C Rd and Airport Rd, in Center Twp.  
Michigan Rd, between Hillside Dr and Oakhill Ave, in Center Twp.  
State Rd 17, between Pine Rd and Jarrell Dr, in Center Twp.  
W. Lincoln Hwy, between Candy Ln and Sunnyside Dr, in Center Twp.

For the purpose of placing duct and fiber along multiple roads in Marshall County to provide high speed internet for the area. **Mike Burroughs moved, second by Stan Klotz, to approve the five road bore requests from Surf Broadband on W. Lincoln Highway, between Pioneer Road and W. Jefferson Street, in North Township; on Michigan Road, 7B Road, Oak Park, and 6C Road, between 6C Road and Airport Road, in Center Township; on Michigan Road, between Hillside Drive and Oakhill Ave, in Center Township; on State Road 17, between Pine Road and Jarrell Drive, in Center Township; and on W. Lincoln Hwy, between Candy Lane and Sunnyside Drive, in Center Township for the purpose of placing duct and fiber along multiple roads in Marshall County to provide high speed internet for the area. Motion carried 3-0.**

Superintendent Peters explained the Cardno three-year contract for Bridge 81, Hickory Road Mitigation has expired. An estimate was received from Lockmuller in the sum of \$62,900 and from Cardno in the sum of \$46,883. Superintendent Peters requested approval of the agreement with Cardno to extend services through 2028, which will complete a ten-year maintenance and monitoring for a fixed fee. **Stan Klotz moved, second by Mike Burroughs, to approve the agreement with Cardno to provide maintenance and monitoring services on Bridge 81, Hickory Road Mitigation in the sum of \$46,883. Motion carried 3-0.**

Superintendent Peters explained additional information has been provided to INDOT for Bridge 87, 11<sup>th</sup> Road, and Bridge 120, Upas Road, in accordance with the INDOT Local Public Agency Project Coordination Contract concerning draft fee justification and fair wage rate.

Superintendent Peters provided a department update: Bridge 5, Tamarack Road, is ready for construction. NIPSCO is in the process of relocating a gas line and once completed Bridge 9, N. Queen Road, will be ready for construction. The 1997 Distributor was hit by another vehicle and have been waiting for the insurance carrier to determine if it is repairable or totaled. An additional appropriation will be submitted in the sum of \$68,200 for Highway Equipment to

purchase a used Distributor in a sum not to exceed \$110,000. A meeting was held with Town of Argos and Marshall County REMC concerning the installation of an emergency siren in Walnut Township. Fuel charges were \$125,000 in February.

Cathy Hamann, 16097 Cooke Lake Trail, Plymouth, inquired about Cooke Lake Trail being on the 2022 Road Plan and requested the brush be cut back at Pear Road. Superintendent Peters stated Cooke Lake Trail will be completed this year.

#### **SHERIFF DEPARTMENT**

Sheriff Matt Hassel explained Deputy Wozniak has requested approval to retire K9 Iroc and permission to keep Iroc. **Mike Burroughs moved, second by Stan Klotz, to allow Iroc to retire and to allow Deputy Wozniak to keep Iroc. Motion carried 3-0.**

Sheriff Hassel explained the new Central Square software for the jail management, records, and CAD has been installed and the department is seeing the benefit of having the entered information transferred into the other systems. Sheriff Hassel requested permission to allow two employees to travel to Orlando, Florida from March 27<sup>th</sup> through March 30<sup>th</sup> to attend Central Square ENGAGE training. **Stan Klotz moved, second by Mike Burroughs, to allow two employees to travel to Orlando, Florida from March 27<sup>th</sup> through March 30<sup>th</sup> to attend Central Square ENGAGE training. Motion carried 3-0.**

Sheriff Hassel requested an amendment to Ordinance 2018-12, increasing the electronic document fees from a flat fee of \$15 to \$25 per hour, not to exceed \$150.

#### **EMA**

EMA Director Clyde Avery presented the Quarterly Report (December 6, 2021 – March 6, 2022) stating the 2021 EMPG Salary Reimbursement Grant Compliance Monitoring Documentation has been submitted. The Marshall County Hazard Mitigation Plan is due to be renewed by 2023 and is working with the Indiana Department of Homeland Security regarding the Hazard Mitigation Plan Update Grant, which is 75% funded by FEMA and 25% local match.

Director Avery requested permission to travel to Porter County on March 8<sup>th</sup> to attend One County – One Protocol Program training. **Stan Klotz moved, second by Mike Burroughs, to allow the EMA Director to travel to Porter County on March 8<sup>th</sup> to attend One County – One Protocol Program training. Motion carried 3-0.**

Director Avery stated the COOP plan members met to discuss the after-action plan following the winter weather event and overall went smoothly, finding the plan to be beneficial.

#### **DAVID GEORGE**

David and Jennifer George, 10205 Quince Road, Plymouth, explained since the road was resurfaced, they are experiencing a drainage problem and following a discussion with Surveyor Cultice are requesting a culvert be installed as there is not a regulated drain. Commissioner Burroughs will arrange a time to meet with Mr. and Mrs. George, Surveyor Cultice and Highway Superintendent Peters to discuss available options.

## ATTORNEY REPORT

### Old Business:

Highway: Attorney Clevenger reviewed the LPA Consulting Contracts with USI Consultants, Inc. for Bridge 87: 11<sup>th</sup> Road over Yellow River, \$188,000; and Bridge 120: South Upas Road over Yellow River, \$215,000. Both were the standard LPA state required forms and included appendices which included the standard terms for USI. Neither contract requires signing until after INDOT reviews.

Jail-ACLU: The dismissal paperwork has been signed and Notices are being prepared. A waiting period of 3-days is required after issuing notice prior to submitting to the judge for approval of the dismissal agreement.

Jail Refunding Bonds: The legal and financial team is on hold until after the close of the Indiana General Assembly. If the County wishes to refinance the jail bonds, it should do so sooner than later, given the increasing bond interest rates.

VIP Ventures et al (VanHawk) v County: Hearing on the County's motion to dismiss the complaint is scheduled for March 15, 2022, at 1:30 p.m. via Zoom.

Regional Sewer District: Resolution 2022-07: Resolution of the Marshall County Commissioners and Marshall County Council to File a Petition for the Establishment of a Marshall County Regional Sewer District for Certain Unincorporated Areas of Marshall County was presented for approval. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2022-07: Resolution of the Marshall County Commissioners and Marshall County Council to File a Petition for the Establishment of a Marshall County Regional Sewer District for Certain Unincorporated Areas of Marshall County. Motion carried 3-0.**

The Resolution will be presented to Council on March 14<sup>th</sup> for consideration and approval. If the petition is submitted, IDEM initiates another process to consider the petition which includes allowances for public comment.

Council Member Thornton requested clarification on the process for an area to be added to the district and the member appointments. Attorney Clevenger stated if an area wants to be added to the district, it requires a petition to be filed with the Regional Sewer District. Members who reside in the project area will be appointed with staggering terms. As projects are completed and terms end, new appointees will reside in the next project area.

Opioid Settlement: Attorney Clevenger provided a brief history and stated statute has been revised allowing the County to opt back into and continue claims against pharmacies. Further explaining seventy percent of the settlement would be restricted and thirty percent unrestricted.

The County should be receiving settlement proceeds from the Purdue Pharma bankruptcy if the new plan is approved by the bankruptcy Judge. The Sackler family would contribute additional cash over time which would increase the pay-out to more than \$10 billion. Funds to local governments would be used for opioid abatement programs, overdose rescue medicines, and victims.

The County, through Cohen & Malad, and the multi-district litigation still has a claim against several large pharmacies.

Resolution 2022-09: Resolution to Opt Back into Opioids Settlement Pursuant to Indiana Code 4-6-15-2 was presented. **Stan Klotz moved, second by Mike Burroughs, to approve**

**Resolution 2022-09: Resolution to Opt Back into Opioids Settlement Pursuant to Indiana Code 4-6-15-2. Motion carried 3-0.**

Notice of Election to Opt Back into Opioids Settlement Under Indiana Code 4-6-15-2:  
**Mike Burroughs moved, second by Stan Klotz, to approve Notice of Election to Opt Back into Opioids Settlement Pursuant to Indiana Code 4-6-15-2. Motion carried 3-0.**

Settlement Participation Form (Distributor Settlement): **Mike Burroughs moved, second by Stan Klotz, to approve the Settlement Participation Form (Distributor Settlement) and to allow the Board President to sign on behalf of the County. Motion carried 3-0.**

Settlement Participation Form (Jansszen Settlement): **Stan Klotz moved, second by Mike Burroughs, to approve the Settlement Participation Form (Jansszen Settlement) and to allow the Board President to sign on behalf of the County. Motion carried 3-0.**

Amendment to Agreement for Professional Services Relating to Opioids Settlements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, and the Johnson & Johnson Defendants: **Mike Burroughs moved, second by Stan Klotz, to approve the Amendment to Agreement for Professional Services Relating to Opioids Settlement with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, and the Johnson & Johnson Defendants. Motion carried 3-0.**

Auditor Certification: **Stan Klotz moved, second by Mike Burroughs, to authorize the Marshall County Auditor to Certify Resolution 2022-09: A Resolution to Opt Back Into Opioids Settlement Under Indiana Code 4-6-15-2. Motion carried 3-0.**

**New Business:**

TMA Homestead Deduction Audit Program-Auditor: Attorney Clevenger reviewed the contract.

**AUDITOR REPORT**

TMA Homestead Deduction Audit Program-Auditor: Auditor Fox presented an Agreement with Tax Management Associates, Inc. (TMA) for Homestead Deduction Audit Program. Explaining TMA will review and identify parcels receiving duplicate Homestead Deduction in other jurisdictions for the periods 2019, 2020, and 2021. The cost of the audit will be paid as a percentage of the taxes recovered upon collection. **Stan Klotz moved, second by Mike Burroughs, to approve the Tax Management Associates, Inc. Homestead Deduction Audit Program as presented. Motion carried 3-0.**

February 21, 2022, Minutes: **Stan Klotz moved, second by Mike Burroughs, to approve the February 21, 2022, minutes as presented. Motion carried 3-0.**

February 21, 2022, Public Hearing Minutes: Mike Burroughs moved, second by Stan Klotz, to approve the February 21, 2022, Public Hearing Meeting Minutes for the proposed establishment of the Marshall County Regional Sewer District as presented.

**Motion carried 3-0.**

March claims: Mike Burroughs moved, second by Stan Klotz, to approve the March monthly claims as presented. Motion carried 3-0.

#### **COMMISSIONER ITEMS**

Jones Petrie Rafinski: Commissioner Burroughs requested Auditor Fox follow-up with our IT Department to ensure Jones Petrie and Rafinski have received the necessary documentation following the public hearing.

ARP Funding: Commissioner Klotz requested consideration by the ARPA Committee to allocate a portion of the funding to the road program.

#### **PUBLIC COMMENT**

No public comment was heard.

#### **ADJOURNMENT**

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:00 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
MARCH 21, 2022**

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 21, 2022. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. Mike Burroughs, Vice President was not present. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a right of way cut request from BSM Groups on King Road in Center Township for the purpose of utility relocate. **Stan Klotz moved, second by Kevin Overmyer, to approve the road bore request from BSM Groups on King Road in Center Township for the purpose of utility relocate. Motion carried 2-0.**

Highway Superintendent Peters presented a road bore and right of way cut request from Frontier Communications on N. 1100 W. Road, between W. 1100 N. and W. 1000 N., in Bourbon Township, for the purpose of a telecom service drop. **Stan Klotz moved, second by Kevin Overmyer, to approve the road bore and right of way cut request from Frontier Communications on N. 1100 W. Road, between W. 1100 N. and W. 1000 N., in Bourbon Township, for the purpose of a telecom service drop. Motion carried 2-0.**

Superintendent Peters provided a department update: Bridge 87, 11<sup>th</sup> Road, and Bridge #120, Upas Road, documents have been approved by INDOT for the Local Public Agency Project Coordination Contract and the USI contract will be presented for approval next month.

Elm Road Small Structure #1004 will be known as Bridge #34 due to the increase in size and added to the bridge inventory. United Consulting Supplemental Agreement No. 1 was presented for Small Structure #1004 in the sum of \$1,200 for a culvert/tile locate. **Stan Klotz moved, second by Kevin Overmyer, to approve United Consulting Supplemental Agreement No. 1 for the Marshall County Small Structure #1004-Replacement Project Elm Road over Sarah Hershberger Ditch, the Original Fee of \$13,300 has been increased by \$1,200 for a Revised Fee of \$14,500 for the Field Survey. Motion carried 2-0.**

Superintendent Peters explained work on Bridge #5, N. Tamarack Road, and Bridge #9, Queen Road, will begin soon. Marshall County has been awarded \$1,892,000 for Bridge #231, Center Street, Bremen, in Federal Highway Administration Funds for Project Fiscal Year 2027. A forty percent (40%) increase in costs, estimated at \$836,324, for the 2022 Road Program is anticipated, resulting in a shortfall in the 2022 Road Program budget. Discussion was held concerning the 1997 Distributor and proposed insurance settlement and Superintendent Peters agreed to contact the insurance consultant to discuss their proposed settlement.

**BUILDINGS & GROUNDS**

Buildings and Grounds Supervisor Doug Masterson presented a proposal to construct a 46x64 storage building to be utilized for the Prosecutor's file storage in the sum of \$135,260, explaining with the additional cost of HVAC and electrical the total sum would be \$175,000 -

\$180,000. Prosecuting Attorney Nelson Chipman explained they are currently renting three units at an annual cost of \$1,000 per unit.

### **PLAN COMMISSION**

Director Ty Adley provided the 2021 Annual Report providing a 15-year comparison of permits, values, BZA Cases and Plan Commission Cases. Further explaining 2021 was a year of great accomplishment for Marshall County both through the Planning Commission and BZA. The Department has experienced new records in permit numbers and in valuation of permits. In 2021, there were 1,105 permits issued and valuation of \$76,951,679 compared to 523 permits issued in 2015. Many residents found ways to continue their investment in 2021 within Marshall County. Most of these investments came in the form of new accessory buildings, conventional homes, and small commercial buildings.

Director Adley further explained the 2022 work program consists of assisting towns and the city with planning and zoning; continuing to update the zoning ordinance to keep up with the latest changes in technology and building practices; beginning to adjust the subdivision ordinance to make the process more user friendly; and enforcement of the zoning ordinance, focusing on waste and debris.

### **HEALTH DEPARTMENT**

Administrator Faith Freed requested permission to apply for the Administration of Elevated Blood Lead Level Reduction Grant. The two-year grant (July 1, 2022 – June 30, 2024) will provide funding to support services (testing, education, environmental assessments of risk factors) offered to families of children with high blood lead levels. Funds are provided through HEA 1007 from the American Rescue Plan of 2021 and the Indiana Department of Health has allocated \$10,257.68 for Case Management and \$7,685.32 for Environment Inspection, for a total amount available to Marshall County in the sum of \$17,943. **Stan Klotz moved, second by Kevin Overmyer, to approve the Health Department request to apply for the Administration of Elevated Blood Lead Level Reduction Grant in the sum of \$17,943. Motion carried 2-0.**

Administrator Freed requested permission to apply for the Immunizations/Vaccines-Child PPHF Federal Grant for the period of July 1, 2022 to June 30, 2023. The prior grant award was \$60,000 and they are requesting \$90,000 this grant cycle. **Stan Klotz moved, second by Kevin Overmyer, to approve the Health Department request to apply for the Immunizations/Vaccines-Child PPHF Federal Grant in the sum of \$90,000. Motion carried 2-0.**

### **ATTORNEY REPORT**

#### **Old Business:**

**Jail-ACLU:** The dismissal paperwork has been signed and Notices prepared. We are still in a waiting period before submitting to the judge for approval of the dismissal agreement.

**Jail Refunding Bonds:** The legal and financial team is on hold until waiting for direction from the Marshall County Council. Apparently, there are other issues involved besides trying to take advantage of a lower bond interest rate.

VIP Ventures et al (VanHawk) v County: A hearing on the County's motion to dismiss the plaintiffs' complaint was held on March 15, 2022. Judge Palmer took the motion under advisement.

Regional Sewer District: The County Council approved the joint resolution for authorizing a petition to IDEM to establish a Marshall County Regional Sewer District for 13 priority areas in the county. The petition is complete, but cannot be filed until March 24, 2022, at least 30-days after the public hearing.

Opioid Settlement: All the paperwork has been timely submitted. No word has been received about the bankruptcy plan being approved.

**New Business:**

There was no new business to report.

**AUDITOR REPORT**

March 7, 2022, Minutes: Stan Klotz moved, second by Kevin Overmyer, to approve the March 7, 2022, minutes as presented. Motion carried 3-0.

March claims: Stan Klotz moved, second by Kevin Overmyer, to approve the March monthly claims as presented. Motion carried 3-0.

Commissioner Certificate Tax Sale: The Commissioner Certificate Tax Sale will be held on March 30, 2022 at 10:00 a.m.

**COMMISSIONER ITEMS**

Community Resource Center (CRC): Commissioner Overmyer stated Community Corrections and the Health Department have offices in the CRC Building, which is being sold; suggesting the possibility of purchasing the building to move the criminal related offices to the CRC.

**Stan Klotz moved, second by Kevin Overmyer, to allow Attorney Clevenger to obtain two appraisals for the Community Resource Center. Motion carried 2-0.**

**PUBLIC COMMENT**

No public comment was heard.

**ADJOURNMENT**

With no further business to come before the board **Stan Klotz moved, second by Kevin Overmyer, to adjourn the meeting at 10:13 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
APRIL 4, 2022**

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 4, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**WEIGHTS & MEASURES**

Weights & Measures Inspector Jerry Huss provided a quarterly report, stating there have been 278 individual inspection checks completed. Inspector Huss was proud to announce the Annual Convention will be held at Swan Lake from November 1<sup>st</sup> – 4<sup>th</sup> and this is the first time to be held in Marshall County in 109 years. Inspector Huss further acknowledged the support of the Commissioners, Visitors Bureau, Auditor, and Bowen Printing.

**MIDWEST MAINTENANCE**

Midwest Maintenance Project Manager James Giguere and Foreman Jerry Hazeltine provided a progress report for the courthouse clock tower restoration stating materials have been received and work will begin on Monday with a mid to late July completion date.

**BAKER TILLY CONSULTANTS**

Bond Refinance: Baker Tilly Consultants Partner Todd Samuelson and Director Heidi Amspaugh presented schedules in connection with the proposed issuance of Lease Rental Refunding Bonds, Series 2022, which would be a current refunding of the outstanding Lease Rental Refunding Bonds of 2014, with a call date of August 1, 2022. The refinance assumes a lower interest rate and release of the debt reserve, with a June closing. The current amortization schedule of \$5,030,000 Outstanding Principal Amount of Lease Rental Refunding Bonds of 2014 reflects \$569,700 in interest and \$1,120,000 in annual payments. The illustrative amortization schedule of \$4,175,000 Principal Amount of Lease Rental Refunding Bonds, Series 2022, reflects \$253,139 in interest and \$880,000 in annual payments. The current interest rate is 4% and for illustrative purposes, the interest rate is 2.5% which reflects an annual savings of \$236,000.

Commissioner Klotz discussed the option of a legislative change and early payoff, eliminating the interest payments. Mr. Samuelson explained if the County decides to proceed with a refinance, an early payoff will need to be negotiated with the financial institution.

**Mike Burroughs moved, second by Kevin Overmyer, to approve moving forward with the bond refinance. Motion carried 2-1, with Stan Klotz voting no.**

Ms. Amspaugh explained the presentation will be made to the Marshall County Council on Monday, April 11<sup>th</sup>, and if approved to move forward, the Bond Resolution will be presented to the Commissioners on May 2<sup>nd</sup> and Council on May 9<sup>th</sup>.

Comprehensive Financial Plan: Mr. Samuelson explained a Comprehensive Financial Plan was prepared in April 2016 and generally recommends updating the plan every three to five years. Discussion was held concerning the review of funding that could be moved to LIT Special Legislation Fund from the General Fund. The cost of the financial plan is estimated at \$30,000-\$35,000 depending on the scope of the plan. **Mike Burroughs moved, second by Stan Klotz, to enter into an Agreement with Baker Tilly to complete a Comprehensive Financial Plan.**

**Motion carried 3-0.**

#### **HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from Hunter Transit, LLC, at 280 West Shore Drive, Culver in Union Township for the purpose of installing conduit.

**Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Hunter Transit, LLC, at 280 West Shore Drive, Culver, in Union Township for the purpose of installing conduit. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink on 6A Road, between Hickory Road and Grape Road, in German Township for the purpose of providing service to a customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from CenturyLink on 6A Road, between Hickory Road and Grape Road, in German Township for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink on 3<sup>rd</sup> Road, between Nutmeg Road and Michigan Road, in North Township for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink on 3<sup>rd</sup> Road, between Nutmeg Road and Michigan Road, in North Township for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters provided the LPA Consulting Contract between Marshall County and USI Consultants for Bridge 87, 11<sup>th</sup> Road over the Yellow River, in the sum not to exceed \$188,000 and for Bridge 120, South Upas Road over the Yellow River, in the sum not to exceed \$215,000.

Superintendent Peters provided a department update: Crews will begin Bridge 5, Tamarack Road and Bridge 9, Queen Road replacement projects the week of April 11<sup>th</sup>. The Request for Proposal (RFP) has been posted for Bridge 231, Center Street, Bremen Project for fiscal year 2027. A settlement has been reached with the insurance carrier for the 1997 Distributor truck in the sum of \$16,150. The price of a new Distributor truck would be \$230,000 and could be delivered by August or September. The close out paperwork has been submitted to INDOT for the Community Crossings 2021-01 projects. The cost of fuel increased by \$8,500 last month. Pricing has increased by 40-44% which will affect the 2022 Road Program costs.

Superintendent Peters explained due to the amount of millings coming from US 30, he would like to extend the County Highway property to the west. Discussion was held concerning Attorney Clevenger notifying Schrock Farms.

Commissioner Burroughs questioned Superintendent Peters concerning recent public comments indicating Commissioner Burroughs and Overmyer have not supported the Highway Department Road Program, property, equipment, and roads requests. Superintendent Peters stated the

Commissioners have embraced ideas and has been great working with both the Board of Commissioners and Council, further clarifying no requests have been denied by either board. Commissioner Burroughs then referred to the Commissioner Minutes of October 5, 2020, reading a portion into the record: "Commissioner Overmyer stated two Council candidates are supporting a more aggressive road plan and questioned Commissioner Klotz what the plan entails. Commissioner Klotz indicated there would be more information coming in January. Commissioner Burroughs questioned how this plan differs from the current road plan. Commissioner Klotz stated the key is funding."

Commissioner Burroughs then asked Superintendent Peters if Commissioner Klotz has submitted a specific road plan different than the Highway Department Road Plan anytime between October 5, 2020 and now. Superintendent Peters stated no written documentation has been received, however, he has always taken into consideration conversations and suggestions made by any of the Commissioners.

Commissioner Klotz stated he indicated in the last public meeting he would like to utilize \$5 million of the ARP funding on the roads. He further stated he does not always speak to Superintendent Peters prior to making suggestions in a public meeting but he does speak to Superintendent Peters concerning the thought process. Commissioner Klotz added he believes Jason is the correct person for the position, has the utmost respect for him and supports the work he does.

#### **HYPER WAVE CONSULTING, LLC**

Hyper Wave Consulting, LLC, Business Manager Dan Sammartano presented the renewal request for Voice over IP (VoIP) services, stating the services and fees will remain unchanged with a three-year term. **Stan Klotz moved, second by Mike Burroughs, to approve the Voice Over Internet Protocol (VoIP) Service Agreement. Motion carried 3-0.**

Business Manager Sammartano presented an ERS Wireless Proposal explaining HWC has reviewed a proposal submitted by ERS Wireless in Elkhart for setup and installation of the radio over IP (RoIP) solution. HWC has approached the proposal by performing a cost analysis of the technology. Since the RoIP will be utilizing the County's existing network, the long-term cost will be essentially zero. Currently, the County spends \$435.64 per month for the CenturyLink circuits. Additionally, HWC has identified a Comcast Business circuit that is no longer needed by the County. This internet circuit was previously used for backup internet, but with the new redundant fiber circuits in place, this service is no longer necessary. This Comcast service is costing the County \$238.76 per month. Currently, the total cost per month for both CenturyLink and Comcast services is \$674.40 per month. After implementation of the ERS RoIP system, the CenturyLink service can be cancelled, and the Comcast service can be canceled immediately. The cost of implementing the RoIP Solution from ERS will be \$17,220 and includes five-years of on-site services. By cancelling both CenturyLink and Comcast services, the return on investment for the RoIP solution will be 26 months. Based upon the information, HWC does recommend the proposal submitted by ERS Wireless. HWC will assist ERS Wireless in configuring the network for this installation and have proposed a one-time charge of \$800 with no contract required. **Mike Burroughs moved, second by Stan Klotz, to approve the agreement allowing Hyper Wave to assist ERS Wireless in configuring the network in the sum of \$800. Motion carried 3-0.**

### **PRIORITY PROJECTS RESOURCES, INC.**

Priority Projects Resources, Inc., Shannon McLeod provided an update concerning the Marshall County Owner Occupied Rehab Project and presented Resolution 2022-10: Authorizing the Submittal of the Owner Occupied Housing Rehabilitation Application to the Indiana Housing and Community Development Authority. The grant is \$500,000 and is fully funded by the Indiana Housing Authority. Sixty-four applications were received, reviewed, and needs scored by an eight person committee. Sixteen households have qualified for projects. Each project will be \$25,000 or less. Once the application is submitted, the bidding solicitation and vetting process will begin. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2022-10: Resolution of the County Commissioners of the County of Marshall, Indiana, Authorizing the Submittal of the Owner Occupied Housing Rehabilitation Application to the Indiana Housing and Community Development Authority and Addressing Related Matters.** Motion carried 3-0.

Ms. McLeod presented the Marshall County Housing Owner Occupied Rehabilitation Program Grievance Procedures and outlined the grievance process. **Mike Burroughs moved, second by Stan Klotz, to approve the Marshall County Housing Owner Occupied Rehabilitation Program Grievance Procedures and to allow the Board President to sign.** Motion carried 3-0.

Insurance Consultant Mike Miley clarified the award is federal dollars, the grievance procedure, bonding, and certification process.

### **EMA**

EMA Director Clyde Avery presented a request to apply for the All-Hazard Mitigation Plan Update Grant request in the sum of \$24,620. A 25% County match is required in the sum of \$6,163, which can be an in-kind donation. Director Avery also requested permission to allow the EMA Advisory Board to consider the contractor who will be updating the plan.

**Mike Burroughs moved, second by Stan Klotz, to approve the request to apply for the All-Hazard Mitigation Plan Update Grant as presented and to allow the EMA Advisory Council to select the contractor.** Motion carried 3-0.

### **COMMUNITY CORRECTIONS**

Community Corrections Director Ward Byers presented a request to apply for the Community Corrections Grant for funding in 2023. He explained funding will be requested for Community Corrections, Prosecutor Pretrial Diversion and possibly Superior Court III Drug Court. The Advisory Board will be meeting to finalize the grant requests. Director Byers is anticipating the Community Correction budget remain at \$362,802 and Prosecutor budget to remain at \$61,964. **Stan Klotz moved, second by Mike Burroughs, to approve the request to apply for the Community Corrections Grant as presented.** Motion carried 3-0.

### **PROBATION DEPARTMENT**

Chief Probation Officer James Bendy requested permission to apply for the IOCS Pretrial Grant for funding in 2023, explaining the grant allows for two full-time employees, training, travel, and equipment in the total sum of \$128,994. **Stan Klotz moved, second by Mike Burroughs, to approve the request to apply for the IOCS Pretrial Grant in the sum of \$128,994.** Motion carried 3-0.

### **DUSTIN'S PLACE**

Dustin's Place board member Jamie Beckwith explained the 3<sup>rd</sup> Annual Join the Journey 5K and one-mile family fun run in support of grieving children and the race will be held April 23<sup>rd</sup> at 8:00 a.m. The route will begin and end at Dustin's Place, 11082 Lincoln Highway.

**Mike Burroughs moved, second by Stan Klotz, to allow Dustin's Place to use a portion of the road off Lincoln Highway to host the 3<sup>rd</sup> Annual Join the Journey 5k race on April 23, 2022 at 8:00 a.m. Motion carried 3-0.**

### **SHERIFF DEPARTMENT**

Sheriff Matt Hassel requested permission to allow the K9 officer attend out-of-state training in Pittsburgh, PA from April 26-28<sup>th</sup>. Sheriff Hassel stated the training costs will be paid from the Commissary Fund. **Mike Burroughs moved, second by Stan Klotz, to allow the K9 Officer to attend out-of-state training in Pittsburgh, PA from April 26<sup>th</sup> through April 28<sup>th</sup>.**

**Motion carried 3-0.**

### **ATTORNEY REPORT**

#### **Old Business:**

VIP Ventures et al (VanHawk) v County: The motions to dismiss filed by Culver, Culver Fire Department, and Marshall County were granted on March 28<sup>th</sup>. The court noted none of the seven plaintiffs were owners of the property at the time of the fire and do not have standing under any legal theory to pursue the damages pertaining to the real estate. The court noted the Plaintiffs are estopped from pursuing damages based upon the earlier determination the building at 415 Lakeshore Drive should be demolished and the affirmance of the demolition order by the Court of Appeals. The Defendants, all governmental entities, have immunity given the circumstances.

The attorney for the Plaintiffs indicated during the last hearing that he expected the Judge to grant the Defendants' Motion to Dismiss and signaled he will amend the complaint. He may do so under the Trial Rules of Procedure but must do so by April 8, 2022. The Plaintiffs have until April 28, 2022 to file a notice of appeal.

Jail Refunding Bonds: This item was addressed earlier in the meeting.

Community Resource Center (CRC): Steve Harper has provided Attorney Clevenger with the names of two commercial building appraisers Marshall County could hire to complete an appraisal on the CRC. The building is for sale and currently Marshall County leases space in the building for the Health Department and Community Corrections. An engagement proposal has been requested from Dave Waszak, one of the appraisers and should have the proposal this week. Commissioner Klotz stated constituents would prefer to invest money on the roads, not buildings. **Mike Burroughs moved, second by Kevin Overmyer, to allow Commissioner Overmyer and Attorney Clevenger to review the proposal from Dave Woszak and ratify any action at the April 18, 2022 meeting. Motion carried 2-1, with Stan Klotz voting no.**

#### **New Business:**

Bush Shooting: The Marshall County Prosecutor, ISP, and our insurance carrier attorneys have completed their investigations. All signaled in one way or another that the Marshall County Deputy's action was justified. In response to a request for public records, reports and videos were provided to a TV station so it is possible to see an additional media report.

John Zentz Remembrance: John Zentz was one of three directors on the board for the Holding Corporation (for the jail). John passed away February 12, 2022. He had numerous accomplishments including serving as a Commissioner, Council Member, and Recorder. No matter his position, he always had what was best for Marshall County as his top priority. The Holding Corporation directors typically attend a luncheon after their annual meeting and all were treated to John Zentz stories about interesting happenings while he was serving Marshall County. We have lost volumes of unofficial history of Marshall County government with his passing.

#### **AUDITOR REPORT**

March 21, 2022, Minutes: **Stan Klotz moved, second by Kevin Overmyer, to approve the March 21, 2022, minutes as presented. Motion carried 2-0-1, with Mike Burroughs abstaining.**

April claims: **Stan Klotz moved, second by Mike Burroughs, to approve the April monthly claims as presented. Motion carried 3-0.**

#### **COMMISSIONER ITEMS**

Resolution 2022-08 Marshall County Adopting a Plan for the Distribution of the Proceeds of the County's Grant from the American Rescue Plan Act of 2021: Attorney Clevenger explained the Resolution meets the requirement to detail the County's Plan for distribution of the \$8,985,074 in grant funding. Commissioner Klotz would like to see an additional \$5 million allocated to roads. Attorney Clevenger stated the Resolution does not detail how the funds are to be spent and Council will need to appropriate funding to each project. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2022-08: Resolution for Marshall County Adopting a Plan for the Distribution of the Proceeds of the County's Grant from the American Rescue Plan Act of 2021. Motion carried 3-0.**

#### **HIGHWAY DEPARTMENT-CONTINUED**

Superintendent Peters presented a road bore request from CenturyLink on Taft Street, between Union Road and Lincoln Highway, in West Township for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink on Taft Street, between Union Road and Lincoln Highway, in West Township for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink on 1<sup>st</sup> Road, between N. Michigan Road and Oak Road, in North Township for the purpose of providing service to a customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from CenturyLink on 1<sup>st</sup> Road, between N. Michigan Road and Oak Road, in North Township for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Brad Stackhouse on Gumwood Road, between 10<sup>th</sup> Road and 11<sup>th</sup> Road, in Bourbon Township for the purpose of installing irrigation. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from Brad Stackhouse on Gumwood Road, between 10<sup>th</sup> Road and 11<sup>th</sup> Road, in Bourbon Township for the purpose of installing irrigation. Motion carried 3-0.**

### **PUBLIC COMMENT**

Robert Demis of 20993 8<sup>th</sup> Road, Plymouth, requested clarification on Accessory Structure and whether the square footage is subject to taxes. Mr. Demis was referred to the Assessor's Office. Richard Fites of Tippecanoe Township expressed concerns regarding the condition of the roads, questioning how often the Board of Commissioners reviewed the roads annually and why equipment is stored outside to rust. Mr. Fites also requested a copy of the 2022 Road Plan and was directed to the Highway Department.

Superintendent Peters explained in 2015 the first paser rating indicated 85% of the roads were rated in bad condition and the rating has improved to 48%. The department is trying to balance maintenance of the roads with additional road projects.

### **COMMISSIONER ITEMS-CONTINUED**

**ARP Appropriation:** Commissioner Overmyer stated a plan for appropriation has been discussed with the ARP Committee for the following items: \$500,000 Surf Air, \$500,000 Marshall County Fiber, \$2,000,000 Regional Sewer District, \$2,000,000 Highway Paving Projects 2023-2024, \$1,000,000 Highway Equipment, \$300,000 Not for Profits, and \$500,000 Clock Tower.

**Mike Burroughs moved, second by Stan Klotz, to support an ARP additional appropriation request for Council consideration as follows: \$500,000 Surf Air, \$500,000 Marshall County Fiber, \$2,000,000 Regional Sewer District, \$2,000,000 Highway Paving Projects 2023-2024, \$1,000,000 Highway Equipment, \$300,000 Not for Profits, and \$500,000 Clock Tower. Motion carried 3-0.**

**Medical Insurance Premiums:** Commissioner Overmyer stated a meeting was held with Gibson Insurance in January and the following amounts were paid for medical insurance premiums: 2018 \$1,943,990; 2019 \$2,035,819; 2020 \$1,778,302, explaining the reduced premium is due to lower claim ratio resulting in the December premium being waived; 2021 \$2,018,474 and 2022 \$2,184,159. It is unclear where the County saved \$1,200,000 that is being claimed.

### **ADJOURNMENT**

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:29 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
APRIL 18, 2022**

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 9:42 a.m., Monday, April 18, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from CenturyLink on 4B Road, between Thorn Road and Plymouth-LaPorte Trail, in Polk Township for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink on 4B Road, between Thorn Road and Plymouth-LaPorte Tail, in Polk Township for the purpose of providing service to a customer.**  
**Motion carried 3-0.**

Superintendent Peters presented the APA and Appraisal Reports for right-of-way acquisitions for Bridge 87, 11<sup>th</sup> Road, and Bridge 120, Upas Road, for review and approval.

**Stan Klotz moved, second by Mike Burroughs, to approve the APA and Appraisal Report for right-of-way acquisitions for Bridge 87, 11<sup>th</sup> Road, in the total sum of \$2,000 upon legal review and allowing the Board President to sign. Motion carried 3-0.**

**Stan Klotz moved, second by Mike Burroughs, to approve the APA and Appraisal Report for right-of-way acquisitions for Bridge 120, Upas Road, in the total sum of \$3,850 upon legal review and allowing the Board President to sign. Motion carried 3-0.**

Superintendent Peters provided a department update: The Request for Proposals (RFP) has been posted and are due on April 29<sup>th</sup> for Bridge 231, Center Street, Bremen. Superintendent Peters explained the financial shortfalls expected in the 2022 Road Program, Community Crossings and additional paving projects due to increased costs and explained this information was presented to Council Members at the April 11<sup>th</sup> meeting.

**BOYS & GIRLS CLUB OF MARSHALL COUNTY**

Boys & Girls Club of Marshall County Chief Executive Officer Andrew Fitzpatrick and Board Vice President Sue Payne presented a club update explaining the challenge with staffing. A request was presented for 2021 and 2022 funding. Auditor Fox explained the funding request for both years will be processed upon receiving signature on the claim form.

**CASA**

CASA Director Chastity Keller presented a CDC video highlighting CASA Volunteers. At least one in seven children have experienced child abuse and/or neglect in the past year. In 2019, 1,840 children died of abuse and neglect in the United States. As a consistent caring adult in the child's life, a CASA volunteer provides extra eyes and ears for the judge making informed decisions for the well-being of the child. The volunteers work with the guardian ad litem and

Department of Child Services (DCS) to provide support and resources for the child and their families to help preserve the family unit.

Director Keller introduced Debra Feldman, a CASA Volunteer since 2017, explaining Debra has spent nearly 500 hours learning and advocating in the best interest of the children who have been abused and neglected in Marshall County. Director Keller and the Commissioners presented Ms. Feldman the Marshall County CASA of the Year Award for her excellence in maintaining communication with the children she had been appointed to during the pandemic.

### **OLDER ADULT SERVICES**

Older Adult Services Executive Director Janis Jeffirs Holiday presented the 2022 Third Quarter Report and requested approval of an INDOT claim in the sum of \$99,466 for operating expenses. **Stan Klotz moved, second by Mike Burroughs, to approve the financial report as presented and claim in the sum of \$99,466. Motion carried 3-0.**

Director Holiday presented a request to apply for the 2023 public transit grant, explaining the operating budget for 2023 is \$610,448, with an estimated revenue of \$42,000, a federal share of \$284,224, local match of \$284,224, and State share of \$56,702. She further explained there is an additional CARES award for 2023 in the amount of \$28,224. The grant application will also include a capital project of \$61,612 to purchase a replacement low-floor minivan, with 80% federal share and 20% match. All required match funds will be secured by Marshall County Council on Aging. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2022-11: A Resolution Authorizing Filing of a C4023 Application for a Grant Under Section 5311/5339 of the Federal Transit Act, as Amended. Motion carried 3-0.**

### **HEALTH DEPARTMENT**

Health Department Administrator Faith Freed requested permission to apply for the Naloxone Kit Grant. The purpose of the grant is to provide emergency opioid rescue kits to the community, explaining no monetary award is provided, only the naloxone kits. **Stan Klotz moved, second by Mike Burroughs, to approve the request to apply for the Naloxone Kit Grant as presented. Motion carried 3-0.**

Administrator Freed announced Public Health Nurse Danielle Burke received an all-expense paid scholarship to attend the National TB Conference in Palm Springs, California in May and requested permission to allow her to attend the out-of-state training. **Mike Burroughs moved, second by Stan Klotz, to allow the public health nurse to attend out-of-state training in Palm Springs, CA in May. Motion carried 3-0.**

Administrator Freed requested permission to apply for the Immunization and Vaccines for Children COVID-19 Supplemental Grant. This is the second installment of the three-and-a-half (3½) year grant from January 2021 to June 2022. The award amount is based on population and the share to be received by Marshall County is \$84,288.53. The budget presented includes costs for personnel, travel, supplies, equipment, contractual and other operating expenses. Childhood vaccines will be offered at the schools and administered upon parental consent. Public Health Nurse Sandy Dunfee explained COVID-19 vaccinations will be administered by St. Joseph Regional Medical Center only upon consent of the parents. **Mike Burroughs moved, second by Stan Klotz, to approve the request to apply for the Immunization and Vaccines for Children COVID-19 Supplemental Grant as presented. Motion carried 3-0.**

### **PROSECUTOR**

Prosecuting Attorney Nelson Chipman requested permission to apply for the Edward Byrne Memorial JAG Grant. The grant budget includes \$1,095 for equipment and \$39,859.66 for Supplies and Operating Expenses. The federal award is \$20,365.66 and a local match from Drug Task Force Fund is \$21,068 for a total grant budget of \$41,433.66. **Stan Klotz moved, second by Mike Burroughs, to approve the request to apply for the Edward Byrne Memorial JAG in the sum of \$41,433.66. Motion carried 3-0.**

### **LIFELONG LEARNING NETWORK**

Lifelong Learning Network Board Member Greg Hildebrand introduced Allie Shook as the newly hired Executive Director of Lifelong Learning Network. Ms. Shook stated she is excited about bridging the gap in education and to be able to meet those needs in the following four areas: training center, adult education, correctional classes and career/technical education (CTE) programs to students.

### **EMA & COMMUNITY CORRECTIONS**

EMA Director Clyde Avery and Community Corrections Director Ward Byers presented a video highlighting the SchoolGuard app, which is used by schools to notify law enforcement of an armed intruder. The features include Hero911 Network, instant alerts all on and off-duty officers; Alert Mapping which displays a mapped location of the armed intruder; Teacher Assist, Intraschool, non-life-threatening communications; Principal Push which gives principals and select staff the ability to send a group message or warning to all SchoolGuard users; Speed Dials 911 which instantly speed dials 911 to speak with an emergency dispatcher. Discussion was held concerning the Commissioners paying the one-time setup fee and year one of the subscription with each school corporation being responsible for the monitoring fees in years two and three. Triton School Corporation Superintendent Jeremy Riffle explained the school's number one priority is to keep the children safe and thanked Director Avery for his efforts. Discussion was held concerning the clarification needed in the contract naming the schools as a party as they are taking over the monitoring payments in years two and three.

**Stan Klotz moved, second by Mike Burroughs, to approve the Guard911 Alert System Master Service Agreement with the adjustments as recommended by Attorney Clevenger to include the School Corporations as a party and upon Council appropriation of \$15,340 for set-up and \$24,648 for monitoring fees for a total sum of \$39,988. Motion carried 3-0.**

### **ATTORNEY REPORT**

#### **Old Business:**

VIP Ventures et al (VanHawk) v County: At the prior Commissioner meeting it was reported the Judge dismissed the Plaintiffs' complaint but under the Rules, the Plaintiffs could file an amended complaint by April 8<sup>th</sup>. The Plaintiffs requested and were granted an extension to file an amended complaint to May 8<sup>th</sup>. The Plaintiffs have until April 28, 2022 to file a notice of appeal.

Jail Refunding Bonds: It appeared to Attorney Clevenger a majority of the County Council members were in favor of refunding the bonds. However, no action was taken to proceed. Thus, bond counsel is still on hold. The plan was to approach local banks to determine their interest in refunding that would include information on rates and early pay-off. If terms were good, bond counsel would present the initial resolution to the Commissioners on May 2<sup>nd</sup>. The Council

would be presented with the resolution on May 9<sup>th</sup>. Please note, bond rates are expected to go up again in early May.

Community Resource Center (CRC): The Waszak appraisal fee was higher than expected so the County did not go forward. Attorney Clevenger has other names of appraisers and can look for a less expensive appraisal fee. At this point, if the County is interested in making an offer, it is proposed to do so, conditioned on the purchase price not exceeding, or even being set at a percentage under two appraisals to be completed and approved by the County. It is unclear if the CRC or United States Department of Agriculture Rural Development (RD) will go along with such a conditional bid. Discussion about prospective purchases and specific purchase prices should be in executive session given these circumstances. There are no scheduled meetings before the due date for bids which is April 29<sup>th</sup>.

Marshall County Holding Corporation Replacement for John Zentz: Stan Klotz moved, second by Mike Burroughs, to appoint Martin Oosterbaan to the Marshall County Holding Corporation. Motion carried 3-0.

**New Business:**

Council on Aging Grant Application: This item was addressed previously in the meeting.

Guard911 Alert System: This item was addressed previously in the meeting.

**AUDITOR REPORT**

April 4, 2022, Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the April 4, 2022, minutes as presented. Motion carried 3-0.**

April claims: **Stan Klotz moved, second by Mike Burroughs, to approve the April monthly claims as presented. Motion carried 3-0.**

Plymouth Manufacturing Center, 2809 Jim Neu Drive, Plymouth: Payment was received from the Marshall County Economic Development Corporation in the sum of \$263,250 for the sale of the Plymouth Manufacturing Center land located at 2809 Jim Neu Drive, Plymouth.

Auditor of State Automatic Taxpayer Refund: The Auditor of State will be distributing an automatic taxpayer refund, if an Indiana resident filed a tax return for 2020 before January 3, 2022. Direct deposit payments will begin in May and continue through mid-summer and checks will be mailed in late summer. Married couples, when filing jointly, are both eligible for the Automatic Taxpayer Refund.

**COMMISSIONER ITEMS**

Drainage Board Appointment: **Mike Burroughs moved, second by Stan Klotz, to reappoint Randy Gingle to the Marshall County Drainage Board for a term of three years, retroactive from January 1, 2022 through December 31, 2024. Motion carried 3-0.**

### **PUBLIC COMMENT**

Council Member Jesse Bohannon, 511 Cavalier Drive, Culver, requested consideration of reducing the principal amount of the Jail Refinance Bond, which will increase cash flow and reduce fees. Member Bohannon has placed a call to the Indiana Bond Bank to inquire on securing small bonds.

Travis Hensley, 17624 State Road 331, Tippecanoe, addressed concerns of neglect to the roads in the southern part of the county and would like to see the ARP funding allocated for the repair of roads and not financing private companies for high-speed internet.

Clerk Deb VanDeMark stated there is a need for poll workers and if additional workers are not secured, the number of vote centers may need to be reduced.

Sheriff Matt Hassel voiced support of the Guard911 Alert System stating it was developed in 2011 and is one of the best apps available.

### **ADJOURNMENT**

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 11:20 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
MAY 2, 2022**

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 2, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**MIDWEST MAINTENANCE**

Midwest Maintenance Project Foreman Jerry Hazeltine provided a progress report for the courthouse clock tower restoration stating a few items have been donated to the Historical Society. Commissioner Overmyer stated the 150<sup>th</sup> anniversary celebration has been scheduled for June 11, 2022 at 11:00 a.m.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a right of way cut request from BSM Groups at 1425 Miami Trail, between US Highway 6 and State Road 331, in German Township for the purpose of installing CenturyLink fiber optic cable. **Mike Burroughs moved, second by Stan Klotz, to approve the right of way cut request from BSM Groups at 1425 Miami Trail, between US Highway 6 and State Road 331, in German Township for the purpose of installing CenturyLink fiber optic cable. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Ferguson Michiana on Leslie Street, between Klinger Ave and Farrel Ave, in Polk Township for the purpose of installing an air pipe for Ever Blue Lakes. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Ferguson Michiana on Leslie Street, between Klinger Ave and Farrel Ave, in Polk Township for the purpose of installing an air pipe for Ever Blue Lakes. Motion carried 3-0.**

Superintendent Peters provided a department update: The endorsed APA and Appraisal Reports have been returned. Work has begun on Bridge 5, Tamarack Road. Request for Proposals (RFP) have been received from DLZ, USI, and Lawson-Fisher for scoring Bridge 231, Center Street, Bremen. Marshall County was awarded \$1 million for Community Crossings 2022-1 and the Request for Proposals (RFP) will be advertised May 2<sup>nd</sup> and May 9<sup>th</sup> for the following Community Crossings Projects: Tamarack Road, US 6 to County Line Road; Pear Road, 14B Road to 18B Road; and, 15<sup>th</sup> Road, State Road 17 to Thorn Road at the railroad tracks; along with the following additional paving projects: 1<sup>st</sup> Road, Tamarack to County Line Road; Sycamore Road, 9<sup>th</sup> Road to US 30; Union Road, 9C Road to 10B Road; and, 12<sup>th</sup> Road, N. Michigan to Maple Road. The RFPs are due in the Auditor's Office by May 16<sup>th</sup> at 9:00 a.m. and are to be opened at the Commissioners meeting at 9:30 a.m.

Superintendent Peters stated the crews are working on patching, grading, brush chopping and will begin spraying calcium on the gravel roads this week. The reclaiming process has begun on the following roads: 12<sup>th</sup> Road, King Road to Hawthorn Road; 17<sup>th</sup> Road, Juniper to Hickory Road; 7B Road, Lilac Road to the cul-du-sac; and 17B Road, Fir Road to Elm Road.

### **BUILDINGS & GROUNDS**

Buildings & Grounds Supervisor John Greer presented a jail maintenance quarterly report outlining repaired jail projects. Supervisor Greer explained with the supply chain problems and increased costs would like to discuss developing a long-term plan and budget for some of the higher cost items. Two estimates were provided for a water heater replacement; the costs have doubled since December. Estimates were also provided for six roof top heating and cooling units in the sum of \$480,943, four of the ten units have already been replaced. Supervisor Greer stated the estimates reflect the need for a long-term, multi-year proactive plan, rather than a reactive approach to jail maintenance. Discussion was held and this item will be addressed again at the May 16<sup>th</sup> meeting.

### **MUSEUM**

Museum Director Sandy Garrison was unable to attend the meeting and has been rescheduled for the May 16<sup>th</sup> meeting.

### **SHERIFF DEPARTMENT**

Jail Program Director Josh Pitts stated a Recovery Walk has been scheduled for Saturday, August 27, 2022 and requested permission to allow a guest speaker on the Courthouse lawn to begin the walk. Participants will walk from the Courthouse to Christos Banquet Center for a resource fair. **Stan Klotz moved, second by Mike Burroughs, to allow a Recovery Walk guest speaker on the Courthouse lawn to begin the walk August 27, 2022.**  
**Motion carried 3-0.**

### **BAKER TILLY CONSULTANTS**

Baker Tilly Consultants Partner Todd Samuelson presented an Engagement Letter for the proposed Comprehensive Financial Plan for the next five years. Explaining the fee shall not exceed \$35,000 and should be completed within sixty (60) days. Discussion was held concerning the financial plan providing assistance in crafting legislation dealing with a continuing of the LIT. **Mike Burroughs moved, second by Stan Klotz, to approve the five-year Comprehensive Financial Plan Agreement between Baker Tilly and Marshall County.**  
**Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to allow the President to sign the Comprehensive Financial Plan Agreement. Motion carried 3-0.**

### **ATTORNEY REPORT**

#### **Old Business:**

**VIP Ventures et al (VanHawk) v County:** The Plaintiffs had to appeal the dismissal of their complaint by April 28<sup>th</sup> and as of this morning have not yet filed. The Plaintiffs have until May 7, 2022 to file an amended complaint. They cannot do both; file an appeal and file an amended complaint. If they did not appeal, they forfeit the right to argue the original complaint should not have been dismissed.

Guard911 Alert System Contract: Community Corrections Director Ward Byers is working on revisions and addendums to be signed by the schools to ensure Marshall County does not have financial responsibility after year one of the contract. The schools are in favor of continuing the contract for this system.

Regional Sewer District: The petition and exhibits will be filed today, May 2, 2022. Attorney Clevenger will file a copy of the filed petition and exhibits with the County Commissioners and County Council as well as the township trustees and school corporations within the county. In addition, copies of the petition and exhibit will be furnished to the public libraries in the county, the office of Economic Development, and the Health Department so the petition can be inspected by the public.

Indiana Department of Environmental Management (IDEM) will begin its process. Information concerning the IDEM process and plan will be reported.

**New Business:**

County Employee Worker's Compensation Doctor and Drug Testing: The County has referred employees who are hurt while at work to Dr. Holm for over 20 years. Likewise, if a prospective employee needs to be drug tested, they have been referred to Dr. Holm's office. There is a matter of urgency in these referrals and Human Resources plans to continue this practice.

Comprehensive Financial Plan – Baker Tilly: This item was addressed previously in the meeting.

**AUDITOR REPORT**

April 18, 2022, Minutes: Stan Klotz moved, second by Mike Burroughs, to approve the April 18, 2022, minutes as presented. Motion carried 3-0.

May claims: Mike Burroughs moved, second by Stan Klotz, to approve the May monthly claims as presented. Motion carried 3-0.

**COMMISSIONER ITEMS**

No commissioner items were heard.

**PUBLIC COMMENT**

No public comment was heard.

**ADJOURNMENT**

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:17 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
MAY 16, 2022**

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, May 16, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Attorney Clevenger stated two contractors have submitted bids for the 2022-1 Community Crossings projects and additional paving projects, as follows:

Community Crossings Projects	E & B Paving, Inc.	Milestone Contractors North, Inc.
<b>Tamarack Rd (US 6 to Tyler Rd)</b>	\$ 516,092.80	\$ 458,516.80
<b>Pear Rd (14B to 18B)</b>	\$ 1,110,117.45	\$ 982,750.45
<b>15<sup>th</sup> Rd (S.R. 17 to Thorn Rd RR)</b>	\$ 371,505.00	\$ 339,017.50
	<b>\$ 1,977,715.25</b>	<b>\$ 1,780,284.75</b>

Additional Paving Projects	E & B Paving, Inc.	Milestone Contractors North, Inc.
<b>1<sup>st</sup> Rd (Tamarack to County Line)</b>	\$ 617,589.45	\$ 487,338.75
<b>Sycamore Rd (9<sup>th</sup> Rd to US 30)</b>	\$ 458,001.90	\$ 372,207.50
<b>Union Rd (9C Rd to 10B Rd)</b>	\$ 292,717.85	\$ 253,146.05
<b>12<sup>th</sup> Rd (N. Michigan to Maple)</b>	\$ 337,552.80	\$ 292,935.35
	<b>\$ 1,705,862.00</b>	<b>\$ 1,405,627.65</b>

**Stan Klotz moved, second by Mike Burroughs, to take the bids for Community Crossings 2022-1 and additional paving projects under advisement. Motion carried 3-0.**

Superintendent Peters presented several road surface cuts and right-of-way cut requests from NIPSCO on Rose Road, between 6<sup>th</sup> Road and Plymouth-LaPorte Trail; on Main Street, between Miller Street and Allen Street; on French Street, between Walnut Street and Vine Street; on N. Sycamore Road, between W. 4B Road and W. 3B Road; W. 7<sup>th</sup> Road, between County Line Road and Plymouth-LaPorte Trail, and on N. Sycamore Road, between W. 1<sup>st</sup> Road and W. 4B Road, all in Polk Township for the purpose of replacing aging infrastructure to improve system reliability. **Stan Klotz moved, second by Mike Burroughs, to approve the road surface cut and right-of-way cut requests from NIPSCO on Rose Road, between 6<sup>th</sup> Road and Plymouth-LaPorte Trail; on Main Street, between Miller Street and Allen Street; on French Street, between Walnut Street and Vine Street; on N. Sycamore Road, between W. 4B Road and W. 3B Road; W. 7<sup>th</sup> Road, between County Line Road and Plymouth-LaPorte Trail, and on N. Sycamore Road, between W. 1<sup>st</sup> Road and W. 4B Road, all in**

**Polk Township for the purpose of replacing aging infrastructure to improve system reliability. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink on Michigan Road, between 20B Road and State Road 110, in Walnut Township for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink on Michigan Road, between 20B Road and State Road 110, in German Township for the purpose providing service to a customer.**  
**Motion carried 3-0.**

Superintendent Peters submitted the LPA-Consulting Contract for County Bridge Inspections between Marshall County and USI Consultants, Inc. in accordance with National Bridge Inspection Standards for Cycle Years 2022 through 2025, Phase I (2022), Phase 1A (2023), Phase II (2024), Phase IIA (2025). The term of the contract shall be from September 1, 2022 to October 31, 2026 and the maximum amount payable under this contract shall not exceed Two Hundred Ninety-nine Thousand Two-hundred Fifty-seven dollars and zero cents (\$299,257.00). **Stan Klotz moved, second by Mike Burroughs, to approve the LPA-Consulting Contract for County Bridge Inspection between Marshall County and USI Consultants, Inc., for Cycle Years 2022-2025 in a sum not to exceed Two Hundred Ninety-nine Thousand Two-hundred Fifty-seven dollars (\$299,257.00).** Motion carried 3-0.

Superintendent Peters provided a department update: The appraisal signature pages have been returned for offers on Bridge 87, 11<sup>th</sup> Road, and Bridge 120, Upas Road. Work is continuing on Bridge 5, Tamarack Road and Bridge 73, King Road. Score sheets have been requested from the Commissioners for Bridge 231, Center Street, Bremen. Tree Servants provided a quote for spraying brush on 900 miles of roadway in the sum of \$44,550. A 2018 772 GPS grader was located with 2,375 hours at a cost of \$250,000. The reclaiming process has begun on the following roads: 12<sup>th</sup>, King to Hawthorn; 17<sup>th</sup>, Juniper to Hickory; 7B, Lilac to cul-de-sac; 17B, Fir to Elm; Dewberry, 18<sup>th</sup> to 17B; and, 6B, Plymouth-Laporte to County Line.

Superintendent Peters presented the Annual Operational Report for Local Roads and Streets and Bridges for the year ended December 31, 2021 for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Annual Operational Report for Local Roads and Streets and Bridges for the year ended December 31, 2021.** Motion carried 3-0.

**MUSEUM**

Museum Director Sandy Garrison and Historical Society Board President Mike Miley presented a quarterly report highlighting the Crossroads Newsletter, Country Woman, award of a Lilly grant, membership, volunteer hours, number of visitors, school tours, salvaged pieces from courthouse, and Brown Bag events. A PowerPoint presentation was also provided showcasing the annual meeting, recognizing Lillian Bullock, a local 4<sup>th</sup> grader, who won the AIC Award for an essay on Marshall County, Bremen History Center, refurbishing of the Bowen House, and the original Plymouth plat map. Commissioner Overmyer stated the rededication of the Courthouse will be held Saturday, June 11<sup>th</sup> at 11:00 a.m.

**BUILDINGS & GROUNDS**

Buildings & Grounds Supervisor John Greer was unable to attend the meeting.

**Stan Klotz moved, second by Mike Burroughs, to reject the bids received at the prior meeting and re-bid the project. Motion carried 3-0.**

#### **MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION**

Marshall County Economic Development Corporation President/CEO Laura Walls provided a MCEDC update: PIDCO held a groundbreaking ceremony; there are four large expansion projects currently in progress; companies are automating due to worker shortage; The South Bend/Elkhart Regional Partnership has established a search committee for a CEO; and an agreement has not been entered into yet for the READI grant as the committee is still meeting and preparing to move forward. The quarterly luncheon will be held on June 15<sup>th</sup> at 11:30 a.m. at the Gallery on West in Argos and will highlight resources available to businesses and industries.

#### **ATTORNEY REPORT**

##### **Old Business:**

VIP Ventures et al (VanHawk) v County: The Plaintiffs did not file an appeal before the deadline nor did they file an amended complaint before the deadline. On the last day for filing an amended complaint, the attorney for the Plaintiffs filed his motion to withdraw and a motion for another extension of time to file an amended complaint by the Plaintiffs or new attorney. Judge Palmer granted the motion to withdraw and denied the motion for more time. The Plaintiffs could file an appeal of Judge Palmer's denial of the second motion to extend and that deadline date is June 8<sup>th</sup>.

Guard911 Alert System Contract: The contract is being revised to add the schools as parties.

Regional Sewer District: The petition and exhibits were filed on May 2, 2022. A copy of the filed petition and exhibits were delivered to the County Commissioners, County Council, township trustees, school corporations, public libraries, the office of Economic Development and the Health Department so the petition can be inspected by the public. IDEM will start its process and Attorney Clevenger will be reaching out to special counsel to learn more about the timing of the IDEM process.

##### **New Business:**

INDOT Condemnation Cases: INDOT filed two condemnation cases against landowners along Highway 6 near Bremen. The County was named only for its interest for the real estate taxes due. Papers have been filed protecting the County's interest.

Marshall County Holding Corp.: The annual meeting has been scheduled for June 6<sup>th</sup> at 11:30 a.m. in Commissioners Room 203.

#### **AUDITOR REPORT**

May 2, 2022, Minutes: **Stan Klotz moved, second by Mike Burroughs, to approve the May 2, 2022, minutes as presented. Motion carried 3-0.**

May claims: **Mike Burroughs moved, second by Stan Klotz, to approve the May monthly claims as presented. Motion carried 3-0.**

Schneider/Beacon Tools: Auditor Fox requested approval of the agreement with Schneider for Beacon Tools, which provides additional search resources for the public. The initial set-up cost

and first year will be paid from Plat Mapping fund in the sum of \$4,728 with the annual renewal fee of \$2,016 to be paid from Cum Cap Development. **Mike Burroughs moved, second by Stan Klotz, to approve the agreement with Schneider subject to review of Attorney Clevenger, allowing the Board President to sign. Motion carried 3-0.**

2023 Budget: Auditor Fox stated Budget forms will be issued to the departments in June and the first reading will be held in August.

#### **PUBLIC COMMENT**

Sharon Leathers, 4491 Sycamore Road, Walkerton, questioned the American Rescue Plan (ARP) funding.

Cheryl Hess, 14252 11<sup>th</sup> Road, Plymouth, expressed concerns about the construction on Bridge 87 due to the road being extended closer to her home and the safety issues involved. She also requested better communication on the appraisal process. Commissioner Overmyer stated he will arrange a meeting with USI and the homeowners.

Tim Harman, 2940 Sycamore Road, Bremen, and County Council Representative would like a collaborative effort between Council and Commissioners, allocating more ARP money into the roads. The ARP funding needs to be obligated by 2024.

Sandra Cornell, 8089 King Road, Plymouth, requested the Council and Commissioners rise and stand as a team to prepare a plan for the ARP funding.

#### **COMMISSIONER ITEMS**

No Commissioner items heard.

#### **ADJOURNMENT**

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

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
JUNE 6, 2022**

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, June 6, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**MIDWEST MAINTENANCE**

Midwest Maintenance Project Manager James Giguere and Foreman Jerry Hazeltine provided a progress report for the courthouse clock tower restoration project stating the clockface and columns are being prepared for installation. The project is on schedule and should be completed by the end of July. The architect will be onsite to look at the outside steps due to drainage issues and discuss the available options for a clear coat product.

**HIGHWAY DEPARTMENT**

USI Consultants LLC, Project Supervisor Chris Holth presented an update on Bridge 73, King Road, over the Yellow River, stating Milestone has been contracted for the work and the project is on schedule and within budget. The road will be open to traffic mid-October with final completion next year. Highway Superintendent Jason Peters explained there has been some vandalism at the site and is requesting the Sheriff's Department patrol the area.

Superintendent Peters explained Katie McLear of USI Consultants, LLC was unable to attend today's meeting to provide an update on Bridge 1, Ule Trail. The total cost is estimated at \$227,000 up to the point of construction.

Superintendent Peters explained a request was received from Marian University's Ancilla College seeking to install a directional road sign and replacement of "Ancilla College" road signs with "Marian University" road signs. **Mike Burroughs moved, second by Stan Klotz, to allow Marian University to replace the "Ancilla College" road signs located on Sycamore Road, Union Road, Taft Street, Oakhill Ave, 9B Road and Olive Trail without a fee. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Stone Excavating in front of 16229 12B Road, in West Township for the purpose of installing a delivery line for new septic. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from Stone Excavating in front of 16229 12B Road, in West Township for the purpose of installing a delivery line for new septic. Motion carried 3-0.**

Superintendent Peters presented a road surface and right-of-way cut request from Northern Indiana Public Service Company (NIPSCO) on N. Redwood Road, between 1<sup>st</sup> Road and Tyler Road, in Polk Township for the purpose of replacing aging infrastructure and improve system reliability within the area. **Mike Burroughs moved, second by Stan Klotz, to approve the road surface and right-of-way cut request from Northern Indiana Public Service Company**

**(NIPSCO) on N. Redwood Road, between 1<sup>st</sup> Road and Tyler Road, in Polk Township for the purpose of replacing aging infrastructure and improve system reliability within the area. Motion carried 3-0.**

Superintendent Peters presented a road bore and right-of-way cut request from Frontier Communications on 17B Road, between Douglas Road and State Road 331, in Tippecanoe Township for the purpose of installing a Telecom service drop. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore and right-of-way cut request from Frontier Communications on 17B Road, between Douglas Road and State Road 331, in Tippecanoe Township for the purpose of installing a Telecom service drop. Motion carried 3-0.**

Superintendent Peters presented a road bore and right-of-way cut request from Frontier Communications on Apple Road and 9B Road, between Beech Road and E. County Line Road, in Bourbon Township for the purpose of replacing a damaged telephone cable. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore and right-of-way cut request from Frontier Communications on Apple Road and 9B Road, between Beech Road and E. County Line Road, in Bourbon Township for the purpose of replacing a damaged telephone cable. Motion carried 3-0.**

Superintendent Peters provided a department update: The appraisal signature pages have been returned for offers on Bridge 87, 11<sup>th</sup> Road, and Bridge 120, Upas Road. The RFQ was sent out on Bridge 301, 17<sup>th</sup> Road (east of Ironwood). Construction is continuing on Bridge 5, Tamarack Road, and on Bridge 9, Queen Road. Bridge 231, Center Street, Bremen, the highest ranked scoring firm was DLZ. This information has been submitted to and approved by INDOT. The LPA Consultant contract and negotiations between Marshall County and DLZ will begin for fiscal year 2027.

Superintendent Peters stated Marshall County was awarded \$1,000,000 for Community Crossings 2022-1 and the bids received at the prior meeting have been reviewed. Milestone Construction was the low bid, and all requirements were met. The Community Crossing projects totaled \$1,780,284.75 and the additional paving projects totaled \$1,405,627.65 for a grand total of \$3,185,912.40. **Mike Burroughs moved, second by Stan Klotz, to approve the bid from Milestone Construction for the Community Crossings 2022-1 projects and additional paving projects in the total sum of \$3,185,912.40. Motion carried 3-0.**

Superintendent Peters provided a road work update: The Argos Community Building Fair Grounds paving project has been completed, which completes the grant requirements and will allow the final inspection for close-out. Chip and sealing will begin this week on the following roads: 7<sup>th</sup> Road, King to Linden; 7B Road, Lilac to dead end; Pine Road, 6<sup>th</sup> to 5<sup>th</sup>; Plymouth-Laporte, US 30 to County Line; and 6B Road, County Line to Plymouth-Laporte. Calcium for gravel and reclaimed roads has been completed. RejuvTec will spray sealant on approximately two miles of road in Collins Subdivision and Oak Crest Subdivision, which were paved two years ago, and three miles of millings overlayed on asphalt of failed roads. This will be testing a possible future treatment with recycled asphalt. This treatment is very close to the cost of chip and seal. This process could have a major impact to future planning, especially on failed roads.

Superintendent Peters stated roadside spraying bids were requested during the annual bid process; however, no bids were received. Documentation has been sent to Attorney Clevenger for review.

## **ATTORNEY REPORT**

### **Old Business:**

VIP Ventures et al (VanHawk) v County: June 8<sup>th</sup> is the deadline to appeal Judge Palmer's last order.

Regional Sewer District: Emails have been exchanged with Barnes & Thornburg. No word yet on the timing of IDEM's public hearing process.

Jail Overcrowding Cases: An email was circulated to the Commissioners, Judges, and other county officials with the news that our last inmate overcrowding case was summarily dismissed by Federal Judge Leichty. All twenty-eight cases were dismissed in one fashion or another. The successful conclusion did not go unnoticed by Bliss-McKnight's vice president and legal counsel.

If the hearing in July goes as planned, the ACLU class action case will be dismissed. It was reported that Marshall County was the only county to not have ACLU intervention. Kudos to the Commissioners, Judges, Sheriff, Prosecutor, Community Corrections, Probation, and a few other county officials for a successful team effort. The County did incur expenses, but the County avoided what was likely a much more expensive remedy.

### **New Business:**

Carrero & Gonzales v Universe Co., MC Highway and MC Plan Commission: Two plaintiffs filed suit against Universe Trucking Company. The case was removed to federal court since Universe was an out-of-state company. Defense counsel named MC Highway and MC Plan Commission as non-party defendants. The plaintiffs' counsel added Marshall County non-party defendant as party defendants even though the incident took place at the US 30 and Oak Road intersection. Our insurance carrier will be working with the Highway Superintendent and Plan Commission Director in an attempt to be summarily dismissed.

Bridge 232, Randolph Street Intergovernmental Agreement with Plymouth: An intergovernmental agreement has been prepared and submitted to Commissioners for review and approval at an upcoming meeting.

Marshall County Holding Corporation: The annual meeting will be held today at 11:30 a.m. in the Commissioners Room 203.

## **PLAN COMMISSION**

Plan Commission Director Ty Adley presented 22-PC-01, a request to update the Marshall County Zoning Ordinance / Signs of Expressions Article 6. Director Adley explained Indiana Code 36-1-3-11 was recently updated/added and has contradicted the existing Marshall County Zoning Ordinance 6.200.C.8 and this is in the name of reconciling the two. The Zoning Ordinance was not allowing the same time frames the state code was permitting (30 days vs 60 days prior to an election). Political signs and other signs of expression shall adhere to I.C. 36-1-3-11 and following conditions: (a) Each sign should not exceed 32 square feet; (b) Signs shall

not be placed greater than 60 days before an election; (c) Signs shall be removed seven days after the election; (d) The sign shall not be illuminated; (e) The sign shall not be located in a public right-of-way or otherwise create a safety hazard. The Technical Review Committee (TRC) and Planning Commission recommend approval of the changes as presented. **Mike Burroughs moved, second by Stan Klotz, to open the public hearing on 22-PC-01. Motion carried 3-0.**

Jesse Bohannon 511 Cavalier Drive, Culver, requested all signs be treated in the same manner as political signs and enforcement be consistent.

**Stan Klotz moved, second by Mike Burroughs, to close the public hearing on 22-PC-01. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to approve 22-PC-01 on first reading. Motion carried 3-0.**

**Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass 22-PC-01 on second and third reading. Motion carried 3-0.**

Director Adley presented 22-PC-02, a request to update the Marshall County Zoning Ordinance/Data Centers, Articles 3, 6 and 13. Director Adley explained the existing ordinance does not have an existing use denoting data center nor a comparable use within the land use matrix. The term Data Center brings up a variety of inclusive uses such as server farms, mining operations, and other technology warehousing matters. As the need for technology and data capacity increases, a greater requirement for related infrastructure rises. These upgrades continue to find their desire to reach out into the rural areas. For most data centers, the greatest impact for their business is going to be the utility infrastructure and potential exterior mechanics to serve the business, not the usual traffic generation as impact. Items of interest during the review included utility grid impact, accessory vs. primary use in relationship to scale, noise generation and screening.

There are not many communities in the state that have data center ordinances, so national ordinances were sought and through the research the following ordinance is proposed. Article 3: A-1 Special Use, I-1 Permitted, I-2 Permitted. Article 6: Development Standards to include 250 Data Center (1) Scale of Data Center; (2) The applicant shall provide written approval from local utilities stating the following for major data centers: (a) Adequate capacity is available on the applicable supply lines and substations to ensure the capacity available to serve the other needs of the planning area. (b) Utility supply equipment and related infrastructure are sufficiently sized and can safely accommodate the proposed use. (c) The use will not cause interference on and off the premises. (3) A screening plan shall be provided for major data centers. (4) No use on a property shall create an objectionable production or operational noise, or combination of noises, detectable at the boundary line of any residential or commercial district. Article 13: Definition; Data Center is a facility where the primary operation is the compiling, processing and/or storage of documents, records, and other types of information. Such uses may include server farms, mining operations, and other associated technology warehouse.

The Technical Review Committee (TRC) and Planning Commission recommend approval of the changes as presented. **Stan Klotz moved, second by Mike Burroughs, to open the Public Hearing on 22-PC-02. Motion carried 3-0.**

No public comment was heard.

**Mike Burroughs moved, second by Stan Klotz, to close the Public Hearing on 22-PC-02. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to approve 22-PC-02 on first reading. Motion carried 3-0.**

**Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass 22-PC-02 on second and third reading. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2022-06(2) and Ordinance 2022-06(3) Ordinances Amending Ordinance Commonly Known As the “Marshall County Zoning Ordinance 2007-10”, as amended. Motion carried 3-0.**

#### **HEALTH DEPARTMENT**

Health Department Administrator Faith Freed and Public Health Nurse Sandy Dunfee presented a request to apply for the Schools Reopening Grant explaining the funding will allow the Health Department to work with the schools in Marshall County by providing staff to assist with updating immunization records, and to assist with vision and hearing screens. The federal grant funding is \$110,000 and the grant period is July 1, 2022 through June 30, 2023. Public Health Nurse Dunfee explained they have a working relationship with St. Joseph Regional Medical Center to administer Covid-19 vaccinations in a school setting. The Health Department will not administer Covid-19 vaccinations. **Mike Burroughs moved, second by Stan Klotz, to allow the Health Department to apply for the Schools Reopening Grant in the sum of \$110,000. Motion carried 3-0.**

#### **LIFELONG LEARNING NETWORK**

Lifelong Learning Network Board Member Greg Hildebrand and Executive Director Allie Shook requested consideration of \$2,000,000 in ARP funding for a portion of the required match for the READI Grant to build the Career Innovation Center. The project has a \$10 million working budget with a portion of the funding to come from local industry and private funding. The READI Grant application will be submitted at the end of the month, with awards in the fall.

Commissioner Klotz stated support for the project, but infrastructure is a priority. The Commissioners will take the request under advisement.

#### **AUDITOR REPORT**

**May 16, 2022, Minutes: Stan Klotz moved, second by Mike Burroughs, to approve the May 16, 2022, minutes as presented. Motion carried 3-0.**

**June claims: Stan Klotz moved, second by Mike Burroughs, to approve the June monthly claims as presented. Motion carried 3-0.**

**Congressional School Fund Annual Report: Stan Klotz moved, second by Mike Burroughs, to approve the Congressional School Fund Annual Report, reflecting the fund balance of \$21,222.93. Motion carried 3-0.**

### **PUBLIC COMMENT**

Robert Demis, 20993 8<sup>th</sup> Road, Plymouth expressed concerns regarding a new violation cited regarding adding doors to a storage unit located on his property and the costs associated with the delays and requests. Mr. Demis also expressed concerns about complaints filed with the Sheriff's Department regarding safety issues with a neighbor and has not received an update from the officers involved. Commissioner Klotz stated he understands the concern and will review the issues with the Plan Commission and BZA.

### **COMMISSIONER ITEMS**

Guard911 Alert System: Auditor Fox explained a claim for payment was submitted by Community Corrections under the Community Transition Fund 1123 for payment to Guard 911 and does not have a signed contract. Attorney Clevenger stated there were concerns with the contract and the local school corporations. Community Corrections Director Ward Byers stated the concerns were addressed and the schools have executed agreements with Guard911 for year two and thereafter. The County agreement is for the program build and first year and will provide copies of the executed agreements. **Mike Burroughs moved, second by Stan Klotz, to approve the contract upon review by the County Attorney and to allow the Board President to sign the contract. Motion carried 3-0.**

American Rescue Plan (ARP): Commissioner Overmyer stated Council referred the funding appropriation back to the Commissioners. Following discussion, **Mike Burroughs moved, second by Stan Klotz, to recommend Council approve the following appropriations in ARP Funding, \$1 million for Highway Equipment and \$100,000 in Administrative Fees. Motion carried 3-0.**

Employee Training: Commissioner Klotz is anticipating required employee training to be held on June 29<sup>th</sup>, with a press release to follow.

### **ADJOURNMENT**

With no further business to come before the board, **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 9:50 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
JUNE 20, 2022**

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 20, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; and County Auditor, Julie A. Fox. County Attorney, James Clevenger was not present. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters stated one bid was submitted for Marshall County Bridge #301, East 17<sup>th</sup> Road over Charles Pfiefer Ditch from Milestone Contractors North, Inc. in the total sum of \$32,900. **Stan Klotz moved, second by Mike Burroughs, to take the bid for Marshall County Bridge #301, East 17<sup>th</sup> Road over Charles Pfiefer Ditch, under advisement. Motion carried 3-0.**

Superintendent Peters provided a department update on bridges as follows: Pile driving work is complete on Bridge #73, King Road; Bridge #1, Ule Trail, USI Consultant, the contract was discussed and will be presented at the next meeting to allow Attorney Clevenger time to review it; Bridge 87, 11<sup>th</sup> Road, and Bridge 120, Upas Road, are candidates for 100% construction cost pending the timeframe the required documents are completed and ready for letting; Bridge 5, Tamarack Road, progress continues and Bridge 9, Queen Road, construction will begin following completion of Bridge 5; Bridge #231, Center Street, Bremen, DLZ provided information to INDOT for their review and approval. Milestone Contractors will be providing a start date for Community Crossings and additional paving projects. Work continues on the road, roadside spraying, and brush chopping. An additional appropriation of \$750,000 in the MVH Fund for Other Operating Supplies has been submitted for Council review. These funds will be utilized for fuel, oil, and stone.

**SHERIFF DEPARTMENT**

Sheriff Matt Hassel requested permission to seek quotes for a police vehicle to replace a vehicle involved in a crash. Our insurance carrier, Bliss McKnight will be settling the claim and remitting a check to the Auditor's Office in the sum of \$22,200. **Stan Klotz moved, second by Mike Burroughs, to allow the Sheriff to obtain quotes on a police vehicle. Motion carried 3-0.**

**SURF AIR & MARSHALL COUNTY FIBER**

Gene Cruise, Surf Air and Joe McCarter, Marshall County Fiber have submitted a request for American Rescue Plan (ARP) funding following a meeting with the ARP committee. Mr. Cruise explained Surf Air has submitted a request for \$500,000 which will be invested in connecting the areas between LaPaz to Lake of the Woods to Bremen and will be serving 150 homes. Surf Air will be contributing \$1,500,000 to this project. Mr. McCarter explained Marshall County Fiber has also submitted a request for \$500,000 in ARP funding for two projects: transporting fiber to the Culver hut unit, approximately five miles and 2,100 customers, and the Lakes Region. The timeline to finish the build would be by the end of 2022. Dave Lewallen of Marshall County

REMC explained there would be \$7,000 gained in property values with fiber connectivity. Council member Heath Thornton clarified the County Council voted to deny five of the ARP additional appropriation requests and approved the request for \$1 million in Highway Equipment and \$100,000 in Administrative Expenses.

**Mike Burroughs moved, second by Kevin Overmyer, to recommend Council approve \$500,000 in ARP funding to both Marshall County Fiber and Surf Air. Motion carried 2-1, with Stan Klotz voting no until road funding is reviewed.**

#### **MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION**

Marshall County Economic Development Corporation President/CEO Laura Walls provided an update as follows: MCEDC is working on several expansion projects including Oasis and Plymouth Molding Group. Marshall County is actively looking to recruit veterans at [www.wewantvets.com](http://www.wewantvets.com), where there are currently 17 active job postings. Resumes have been submitted by 31 veterans. Ms. Walls further explained they are starting to see the RV industry slowdown and would recommend business reach out for assistance.

#### **BUILDINGS & GROUNDS**

Buildings & Grounds Supervisor Doug Masterson provided highlights of the projects completed in the first six months including heat pump replacement, replacement and repair of sidewalks, lighting in the EMA building, maintenance of elevators, furnaces, sump pumps, generators, carpet cleaning, remodeling of the Surveyor's Office and progress on the new building.

#### **AUDITOR REPORT**

June 6, 2022, Minutes: Stan Klotz moved, second by Mike Burroughs, to approve the June 6, 2022, minutes as presented. Motion carried 3-0.

June claims: Mike Burroughs moved, second by Stan Klotz, to approve the June monthly claims as presented. Motion carried 3-0.

Settlement: Auditor Fox stated settlement is on schedule and funds will be distributed to the units on June 24<sup>th</sup>.

2023 Budget: Auditor Fox stated budget requests have been distributed to the departments for completion. In anticipation of distributing the 2023 budget requests to Council in early July, the Commissioners will meet on Monday, June 27<sup>th</sup> at 8:00 a.m. with the Auditor, Buildings & Grounds, and the Highway Department to review budgets.

#### **PUBLIC COMMENT**

No public comment was heard.

#### **COMMISSIONER ITEMS**

Intergovernmental Agreement between Marshall County and the City of Plymouth Regarding Access to Centennial Park During the Bridge No. 232 Replacement Project: Commissioner Burroughs explained there is still a question concerning lights at each end of the bridge.

**Mike Burroughs moved, second by Stan Klotz, to table the Intergovernmental Agreement between Marshall County and the City of Plymouth Regarding Access to Centennial Park During the Bridge No. 232 Replacement Project until the next meeting. Motion carried 3-0.**

**Group Health Insurance:** Commissioner Overmyer stated following discussion by the Council members at their last meeting, the Commissioners would like to assist those employees participating in the County medical plan by reducing the employee share of the cost of the medical insurance premiums. **Mike Burroughs moved, second by Stan Klotz, to reduce the employee share of the medical cost to \$1 per pay and to reduce the employee share of the dependent cost to \$50 per pay, including spouse, child(ren) and family for the remainder of the policy period ending December 31, 2022 and deductions beginning with the July 8<sup>th</sup> pay. The Commissioners will absorb the balance of the employee share and dependent share of the medical insurance premium from the Commissioners budget in the General Fund. The change in premium is not to be considered a “life event” to allow employees the opportunity to change plans. Motion carried 3-0.**

**Marshall County Coroner:** The Commissioners commended Coroner John Grolich for receiving the 2022 Jeff Stout Service of Excellence Award recognizing him for his hard work and dedication

**ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:25 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
JULY 5, 2022**

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 5, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**MIDWEST MAINTENANCE**

Midwest Maintenance Project Foreman Jerry Hazeltine provided a progress report for the courthouse clock tower restoration stating the work is progressing according to the schedule and the scaffold should come down soon. Discussion was held concerning the deterioration of the east side stairwell. A couple of options will be presented for repair.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore and right of way cut request from Frontier on 9B Road, between Beech Road and Apple Road, in Bourbon Township for the purpose of a telecom service drop. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore and right of way cut request from Frontier on 9B Road, between Beech Road and Apple Road, in Bourbon Township for the purpose of a telecom service drop.**  
**Motion carried 3-0.**

Superintendent Peters presented a road bore request from Frontier on 7<sup>th</sup> Road, between Elm Road and State Road 331, in German Township for the purpose of a telecom service drop. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Frontier on 7<sup>th</sup> Road, between Elm Road and State Road 331, in German Township for the purpose of a telecom service drop.** Motion carried 3-0.

Superintendent Peters presented a road bore request from CenturyLink on Oakhill Ave, between S. Second Street and Nursery Street, in Center Township for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink on Oakhill Ave, between S. Second Street and Nursery Street, in Center Township for the purpose of providing service to a customer.**  
**Motion carried 3-0.**

Superintendent Peters requested approval to proceed with the contract with Milestone Contractors North, Inc. for the repair of Marshall County Bridge #301, East 17<sup>th</sup> Road over Charles Pfeifer Ditch. Superintendent Peters explained a contract will be presented for signature at the next meeting, if approved. **Stan Klotz moved, second by Mike Burroughs, proceed with Milestone Contractors North, Inc. for the repairs of Marshall County Bridge #301, East 17<sup>th</sup> Road over Charles Pfeifer Ditch.** Motion carried 3-0.

Superintendent Peters provided a department update on bridges: Milestone is continuing work on Bridge 73, King Road; An agreement was presented between USI Consultants, Inc., and Marshall County, for Bridge #1, N. Ule Trail, in a sum not to exceed \$227,700, providing if right of entry is utilized, the sum is not to exceed \$177,600. Superintendent Peters stated this is a locally funded bridge replacement project. USI Consultant Representative Katie Mclear explained the timeline is 2024 or 2025. **Mike Burroughs moved, second by Stan Klotz, to approve the Agreement between Marshall County and USI Consultants, Inc. for Bridge 1, N. Ule Trail Bridge Replacement, in a sum not to exceed \$227,700. Motion carried 3-0.**

Superintendent Peters explained the county is waiting on landowners regarding the appraisals for Bridge 87, 11<sup>th</sup> Road, and Bridge 120, Upas Road, and has been in contact with INDOT and MACOG. USI Consultant Katie Mclear explained their recommendation to proceed with condemnation and to continue communications with INDOT. Ms. Mclear further explained the county does not need to unbundle the projects or change the letting date at this time.

**Mike Burroughs moved, second by Stan Klotz, to allow the property owners until Friday, July 8<sup>th</sup> to communicate with USI Consultants, and if no response, to proceed with the condemnation process. Motion carried 3-0.**

Superintendent Peters explained the progress on Bridge 5, Tamarack Road, and Bridge 9, Queen Road; INDOT has reviewed and approved the LPA Consulting contract with DLZ on Bridge #231, Center Street, Bremen, with a few minor changes, adjusting the contract amount from \$502,000 to \$463,200 a savings of \$38,800; he provided an update on Bridge 11, Union Road and explained that a meeting will be held today between Commissioner Burroughs and the City of Plymouth to discuss sidewalks and lighting on Bridge 232, Randolph Street.

Superintendent Peters outlined the costs of Community Crossings 2022 projects and additional paving projects, explaining that due to rising costs a shortfall of \$1,185,912.40 is anticipated and the timeline for submitting additional appropriations is next Wednesday for the August Council meeting. Progress continues on the road program, roadside spraying, and brush chopping. An additional appropriation of \$750,000 in the MVH Fund for Other Operating Supplies has been submitted for Council consideration. These funds will be utilized for fuel, oil, and stone.

**Stan Klotz moved, second by Mike Burroughs, to request Council support \$600,000 from American Rescue Plan funds to support the Highway Department shortfall. Stan Klotz moved, second by Mike Burroughs, to amend the above motion and request Council support \$1,200,000 from American Rescue Plan funds to support the Highway Department shortfall. Motion carried 3-0.**

### EMA

EMA Director Clyde Avery presented the Quarterly Report, March 7, 2022 – July 4, 2022, explaining reimbursement has been received for the 2021 EMPG Salary Reimbursement Grant. The EMA Advisory Council has selected BOLDplanning as the contractor to update the Marshall County All Hazard Mitigation Plan in the sum of \$24,620. A copy of the professional services agreement was sent to Attorney Clevenger for review. The Hazard Mitigation Plan grant agreement has not been received for signature.

### **JIM HULSE**

Jim Hulse, 15777 4B Road, Plymouth, presented a letter to the Commissioners outlining concerns of neighbors shooting guns for extended periods of time and the noise generated. Attorney Clevenger indicated Marshall County does not have a sound ordinance. Discussion was held concerning the Plan Commission having a similar discussion and the possibility of a zoning ordinance. Law enforcement could be called for possible disturbing the peace but it is nearly impossible to enforce unless they are caught in the act.

### **HEALTH DEPARTMENT**

Health Department Administrator Faith Freed presented a request to apply for the Crisis CoAg Supplemental Testing Site Continuation Grant in the sum of \$50,000. The grant will fund the continuation of the local COVID-19 testing site to meet the community's need for PCR, Rapid, and at-home tests. **Stan Klotz moved, second by Mike Burroughs, to allow the Health Department to apply for the Crisis CoAg Supplemental Testing Site Continuation Grant in the sum of \$50,000. Motion carried 3-0.**

### **HUMAN RESOURCES**

Human Resources Administrator Ann Anglin presented Resolution 2022-12: COVID-19 Exposure Policy for All County Employees and Elected Officials for review and approval. **Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2022-12: COVID-19 Exposure Policy for All County Employees and Elected Officials. Motion carried 3-0.**

### **OLDER ADULT SERVICES**

Older Adult Services Executive Director Janis Jeffirs Holiday explained Older Adult Services has had a contract with St. Joseph Health System for over twenty years, whereby Older Adult Services transported oncology/radiation patients to and from treatment. St. Joseph Health System has terminated the contract, resulting in a revenue loss of \$40,000 per year. Director Holiday requested \$100,000 (\$50,000 in 2022 and \$50,000 in 2023) in American Rescue Plan funding to help cover the loss. **Stan Klotz moved, second by Mike Burroughs, to recommend Council support Older Adult Services in replacing the lost funding due to St. Joseph Health System terminating the contract to provide transportation services to oncology patients. Motion carried 3-0.**

### **ATTORNEY REPORT**

#### **Old Business:**

**Jail Overcrowding Cases:** It was previously reported that all 28 of the private jail over-crowding cases were dismissed. The ACLU class action case is scheduled for a dismissal hearing on July 14, 2022 at 2:00 p.m.

**Highway Bridge 232, Randolph Street, Intergovernmental Agreement with the City of Plymouth:** The Agreement was ready to be signed, but the City would like add width and lighting to the Agreement. Commissioner Burroughs is meeting with representatives of the City and our designers this week. We should have an understanding as to which governmental unit is responsible for the extras.

**Guard911 Alert System:** Community Corrections Director Ward Byers confirmed the schools have signed addendums for the second and third year of the original contract and his department is paying for year one. Thus, the contract with Marshall County for year one needs to be signed.

Health Department v Hopple: The parties reached a settlement that included the landowner installing a new septic tank and trenches to code, at his expense.

Haines v Sheriff: The plaintiff was a young girl passenger in an ATV that collided with a deputy sheriff patrol car. The ATV driver blamed the deputy for the collision and the deputy blamed the ATV driver. The case is set for mediation on August 2<sup>nd</sup>. Bliss-McKnight has not asked us to participate in the mediation or any settlement at this point.

Roseander v Holcomb: Plaintiff was an inmate at the jail. She claims the head jailkeeper denied her a knee brace while she was incarcerated and that violated her constitutional rights. Our carrier has filed a Motion for Summary Judgment since her rights could not have been violated as the jailer was following and relying on the direction of the QCC medical staff.

**New Business:**

Memorandum of Understand (MOU) with Historical Society: The 2013 MOU was for the expansion of hours at the museum and for the Historical Society to pay part-time employees to cover the additional hours. Museum Director Sandy Garrison and Historical Society Board Member Mike Miley wish to update the original MOU.

**AUDITOR REPORT**

June 20, 2022, Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the June 20, 2022, minutes as presented. Motion carried 3-0.**

June claims: **Stan Klotz moved, second by Mike Burroughs, to approve the June monthly claims as presented. Motion carried 3-0.**

**PUBLIC COMMENT**

No public comment was heard.

**COMMISSIONER ITEMS**

Intergovernmental Agreement between Marshall County and the City of Plymouth Regarding Access to Centennial Park During the Bridge No. 232 Replacement Project: Commissioner Burroughs explained he is meeting with City officials later today to discuss this item.

Special LIT: Commissioner Overmyer explained Representatives Jack Jordan and Ryan Mishler plan to meet later this month to discuss Special LIT and suggested the Commissioners and Council both appoint representatives to meet with the representatives. **Mike Burroughs moved, second by Stan Klotz, to appoint Stan Klotz as the Commissioner representative to meet with Representatives Jordan and Mishler concerning Special LIT. Motion carried 3-0.**

**ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:44 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

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Stan Klotz, Member

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
JULY 18, 2022**

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 18, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**UNSAFE BUILDING**

Attorney James Clevenger explained the Unsafe Building Board advertised a Notice to Seek Quotes for Demolition of 15910 Olive Trail, Plymouth, Indiana Demolition Project. The following bids were received and opened: Langfeldt Excavating, LLC, Plymouth, in the sum of \$18,800 and David L. Stowers Excavating, Elwood, in the sum of \$15,000. **Stan Klotz moved, second by Mike Burroughs, to take the bids under advisement and provide the bids to Attorney Janette Surrisi and to the Unsafe Building Board. Motion carried 3-0.**

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented an Agreement between Marshall County and Milestone Contractors North, Inc. for the repair of Marshall County Bridge #301, East 17<sup>th</sup> Road over Charles Pfeifer Ditch for signature. Noting the contract was approved at the July 5<sup>th</sup> Commissioner meeting.

Superintendent Peters provided updates on the following bridges: Bridge 73, King Road appears to be ahead of schedule. Bridge 5, Tamarack Road, has been completed and a final walk through will be completed this week. Work will begin soon on Bridge 9, N. Queen Road. A Professional Services Agreement for Right-of-Way Services with United Consulting for Marshall County Bridge #11, Union Road over Peter Sarber Ditch, DES No. 1902809 was presented for signature. The INDOT LPA contract has been sent out for signatures on Bridge 231, Center Street.

Superintendent Peters explained a meeting was held with the City of Plymouth and USI concerning Bridge 232, Randolph Street. A request was made to USI to provide two estimates for bridge lighting options. The city has agreed to pay for the lighting and the mayor has signed the Intergovernmental Agreement between Marshall County and the City of Plymouth Regarding Access to Centennial Park During the Bridge No. 232 Replacement Project. **Stan Klotz moved, second by Mike Burroughs, to approve the Intergovernmental Agreement between Marshall County and the City of Plymouth Regarding Access to Centennial Park During the Bridge No. 232 Replacement Project. Motion carried 3-0.**

Following discussion concerning the Highway Department 2022 Road Program budget shortfalls, **Mike Burroughs moved, second by Stan Klotz to approve an \$890,000 appropriation from the ARP Fund and an \$888,939.20 appropriation from the General Fund for the remaining shortfall on the 2022 Road Program materials for a total appropriation of \$1,778,939.20. Motion carried 3-0.**

### **MARSHALL STARKE DEVELOPMENT CENTER**

Marshall Starke Development Center (MSDC) President and Chief Executive Officer Rick Thompson and Children's Program Vice President Janet Pollitt explained they are a non-profit entity providing services for 250 individuals with intellectual and developmental disabilities in Marshall County. In addition to services for adults with disabilities, MSDC also provides services to approximately 125 children in its Head Start and Early Head Start programs. When fully staffed, MSDC employs close to 175 full-time positions. During an onsite visit by Commissioner Overmyer, discussion was held concerning the lack of ability to quickly secure the building in the event of an active shooter or any other emergency event. MSDC has requested cost estimates from Vermillion Systems Security Solutions, Cottage Watchman Security and The Flying Locksmiths and is requesting assistance in funding the project with ARP funds. Discussion was held concerning the security system having the ability to immediately notify emergency services. The Commissioners suggested once all estimates are received and reviewed by the MSDC Board, a recommendation be brought back to the Board of Commissioners.

### **CENTER TOWNSHIP**

Center Township Trustee Amy Knapp explained there is an excavation and title issue of the Lake/Stringer Cemetery property and requested permission to allow Marshall County Surveyor Craig Cultice to survey the Lake/Stringer Cemetery. **Mike Burroughs moved, second by Stan Klotz, to allow Surveyor Cultice to survey the Lake/Stringer Cemetery property on State Road 17 at no charge to the township. Motion carried 3-0.**

### **BEAMAN HOME**

Beaman Home Executive Director Renea Salyer explained the Beaman Home provides emergency shelter and supportive services to victims of domestic violence and/or sexual assault and is seeking a contribution of \$40,000 from the ARP funds to help offset the direct service and operational costs of running the shelter and outreach programs as State and Federal grant funding has been reduced by 13% this year.

### **NEIGHBORHOOD CENTER**

Neighborhood Center Executive Director Christine Garner explained the need to improve the freezer/cooler storage to be able to bring bulk foods on site. The Neighborhood Center has received estimates to demolish the current on site shed, build an enclosed area for the freezer/cooler combo with a garage door for loading, electric, and pour concrete slabs at a cost of \$120,000. The addition will also allow the expansion of the dry goods portion of the pantry and create an opportunity to expand the clothing room as well. Director Garner explained there have been occasions when they were unable to accept all that has been offered due to space issues. With the expanded capacity they would be able to accept these donations and save money by purchasing in bulk, resulting in more quality food in the homes of Marshall County residents. Director Garner requested consideration of ARP funds of \$35,000-\$40,000 to assist. The remaining balance will be paid from grant awards and the building fund. **Stan Klotz moved, second by Mike Burroughs, to support the Neighborhood Center in creating an outdoor freezer/cooler project. Motion carried 3-0.**

### **CORONER**

Coroner John Grolich presented Ordinance 2022-9: Establishing the Fees for the Coroner's Office of Marshall County, Indiana. Coroner Grolich explained there is an occasional need to store bodies in the morgue until the remains can be collected by the funeral home and would like

to establish a fee for the storage as follows: \$50 per day for the storage of a body/human remains after said body has been released by the coroner's office and until the body has been released to a funeral home. In the event the remains are decomposed as determined by the coroner, the fee will be \$90 per day. As long as storage of a body is in the Marshall County morgue for the funeral homes in Marshall County and for a contiguous county, the fees for storage will be waived. The coroner has entered into mutual aid agreements with contiguous counties, which is the basis for the waiver of fees. **Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2022-9: Establishing the Fees for the Coroner's Office of Marshall County, Indiana on first reading. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to suspend the rules and pass Ordinance 2022-9: Establishing the Fees for the Coroner's Office of Marshall County, Indiana on second and third reading. Motion carried 3-0.**

#### **RODNEY & CHERYL HESS**

Rodney and Cheryl Hess, 14252 11<sup>th</sup> Road, Plymouth, expressed concerns about the Bridge 87, 11<sup>th</sup> Road project, stating a counteroffer was sent to USI but they did not receive a response until they received notification of the lawsuit.

#### **ATTORNEY REPORT**

##### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: Attorney Clevenger filed four complaints for appropriation against the landowners on both sides of the bridge so the new bridge can be constructed to legal specifications. One landowner accepted the County offer ahead of the deadline.

One landowner may drop an unacceptable condition to have a driveway entrance reserved for the area we plan to take, and that landowner expressed a willingness to accept a slightly revised offer. If so, we will have three cases still pending.

Since litigation has been initiated, negotiations would be best with those having full knowledge of the requirements. For instance, we cannot make a deal which would leave us with too narrow of a right-of-way (paved road too narrow or a tree too close to the right of way). Litigation and the purchase of real estate are matters that qualify for executive sessions. It was suggested an executive session be scheduled for after the August 1<sup>st</sup> regularly scheduled commissioner meeting.

Jail Overcrowding Cases: The dismissal agreement on the ACLU class action case was approved on Thursday by Judge Leichty. Lisa Baron reported that the Judge was complimentary of the Marshall County officials and the several steps the County promptly took to remedy the complaints and avoid any constitutional rights violations.

Highway Bridge 232, Randolph Street, Intergovernmental Agreement with Plymouth: The Intergovernmental Agreement is ready to be signed by the Commissioners. The County needs access to the bridge through the park and the city has agreed to pay for any special lighting associated with the new bridge.

**New Business:**

Coroner Ordinance 2022-9 Storage Fees: This item was addressed previously in the meeting.

**AUDITOR REPORT**

July 5, 2022, Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the July 5, 2022, minutes as presented. Motion carried 3-0.**

July claims: **Stan Klotz moved, second by Mike Burroughs, to approve the July monthly claims as presented. Motion carried 3-0.**

ARP Funding: The second tranche of ARP funding was received in the sum of \$4,492,537 last week. \$1 million has been appropriated for Highway Equipment and \$100,000 appropriated for Administrative Expenses.

**PUBLIC COMMENT**

Cheryl Hess, 14252 11<sup>th</sup> Road, Plymouth, questioned how an individual claims damage caused by the Highway Department.

David Oberlee, 2622 N. Shawnee Trail, Laporte, stated a letter was sent to the Board of Commissioners on June 3, 2022 and he has not received a response. Attorney Clevenger explained the letter was referred to the insurance carrier and by law, they have 90 days to respond to the letter.

Sharon Leathers, 4491 Sycamore Road, Walkerton, asked Commissioner Overmyer if he was recruiting individuals to run as democrats in the fall election. Commissioner Overmyer stated politics are not discussed in a public meeting.

**COMMISSIONER ITEMS**

No Commissioner items were heard.

**ADJOURNMENT**

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

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST:

Julie A. Fox, Auditor

Stan Klotz, Member

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
AUGUST 1, 2022**

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 1, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**MIDWEST MAINTENANCE**

Midwest Maintenance Project Manager James Giguere provided a progress report for the courthouse clock tower restoration project stating the project is near completion. Change Order No. 8 was presented for the removal, disposal, and installation of the east side steps in the sum of \$137,017. Work is anticipated to be done this fall. **Mike Burroughs moved, second by Stan Klotz, to approve Change Order No. 8 to replace the east steps in the sum of \$137,017. Motion carried 3-0.**

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from CenturyLink on Maple Road, between 4A Road and 5A Road, in North Township, for the purpose of providing service to a customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from CenturyLink on Maple Road, between 4A Road and 5A Road, in North Township for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a request from NIPSCO to replace equipment on NIPSCO pole 787610, on Miami Trail, between 1B Road and Miami Trail, in German Township, for the purpose of increasing system reliability in the area. **Stan Klotz moved, second by Mike Burroughs, to approve the request from NIPSCO to replace equipment on NIPSCO pole 787610, on Miami Trail, between 1B Road and Miami Trail, in German Township, for the purpose of increasing system reliability in the area. Motion carried 3-0.**

Highway Superintendent Jason Peters presented a right of way cut request from NIPSCO on Dogwood Road, between 2B Road and Dogwood Road, in German Township, for the purpose of increasing system reliability in the area. **Mike Burroughs moved, second by Stan Klotz, to approve the right of way cut request from NIPSCO on Dogwood Road, between 2B Road and Dogwood Road, in German Township for the purpose of increasing system reliability in the area. Motion carried 3-0.**

Highway Superintendent Jason Peters presented a road bore and right of way cut request from NIPSCO on 1st Road, between Ironwood Road and Miami Trail, in German Township, for the purpose of increasing system reliability in the area. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore and right of way cut request from NIPSCO on 1st Road, between Ironwood Road and Miami Trail, in German Township for the purpose of increasing system reliability in the area. Motion carried 3-0.**

Superintendent Peters provided updates on the following bridge projects: Bridge 301, 17<sup>th</sup> Road (east of Ironwood); Bridge 73, King Road; Bridge 87, 11<sup>th</sup> Road; Bridge 120, Upas Road; Bridge 5, Tamarack Road; Bridge 9, Queen Road; Bridge 11, Union Road; Bridge 232, Randolph Street; and Bridge 231, Center Street.

Superintendent Peters explained Milestone plans to begin work on the Community Crossings and additional paving projects this week. Road program work continues and he provided a list of completed and in process projects.

### **PLAN COMMISSION**

Plan Commissioner Director Ty Adley and Michiana Area Council of Governments (MACOG) Senior Environmental Planner Leah Thill presented the MACOG Regional Brownfields Coalition Memorandum of Agreement between Michiana Area Council of Governments, Elkhart County, Kosciusko County, Marshall County and St. Joseph County. Ms. Thill explained on October 1, 2019, EPA awarded MACOG a Brownfield Cooperative Agreement with grant period ending September 30, 2022, in the sum of \$600,000. In May 2022, EPA announced a second award of \$500,000 to MACOG for Cooperative Agreement with a grant period of October 1, 2022 through September 30, 2025. **Stan Klotz moved, second by Mike Burroughs, to approve the MACOG Regional Brownfields Coalition Memorandum of Agreement between the Michiana Area Council of Governments, Elkhart County, Kosciusko County, Marshall County, and St. Joseph County. Motion carried 3-0.**

### **HEALTH DEPARTMENT**

Health Department Public Health Nurse Sandy Dunfee requested permission to travel to Minnesota September 13<sup>th</sup> through September 15<sup>th</sup> to attend an immunization conference. **Mike Burroughs moved, second by Stan Klotz, to allow Sandy Dunfee to travel to Minnesota from September 13<sup>th</sup> through September 15<sup>th</sup> to attend an immunization conference with grant funding covering the associated costs. Motion carried 3-0.**

### **OLDER ADULT SERVICES**

Older Adult Services Director Janis Jeffirs-Holiday presented the quarterly report and second quarter claims. Director Holiday explained CARES funding is being requested in the sum of \$55,907, American Rescue Plan funding in the sum of \$25,215 and Section 5311 funding in the sum of \$15,722 for a total claim request of \$98,480. The local match required for these claims is \$1,636. **Mike Burroughs moved, second by Stan Klotz, to approve the Quarterly Report and three claims in the total sum of \$98,480. Motion carried 3-0.**

### **EMA**

EMA Director Clyde Avery presented Resolution 2022-13: Amended Resolution of Warning Annex A, explaining Walnut Township installed warning sirens which will be manually operated from their department. **Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2022-13: Amended Resolution of Warning Annex A. Motion carried 3-0.**

Director Avery presented Resolution 2022-14: Amended Resolution of Emergency Public Information “Annex B” explaining the County no longer has a Facebook account.

**Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2022-14: Amended Resolution of Emergency Public Information “Annex B”. Motion carried 3-0.**

Director Avery explained the EMA Hazard Mitigation Grant Agreement has not yet been received and upon receipt, will present the BoldPlanning Professional Services Agreement for approval.

### **BUILDINGS & GROUNDS**

Buildings & Grounds Jail Supervisor John Greer presented two estimates for replacement of water heaters at the jail. IDEAL Consolidated, Inc. provided an estimate in the total sum of \$134,211 and Bowman's Tin Shop provided an estimate in the total sum of \$166,090.51.

**Mike Burroughs moved, second by Stan Klotz, to approve the proposal from IDEAL Consolidated, Inc. in the sum of \$134,211 to replace the jail water heaters.**

**Motion carried 3-0.**

### **JIM HULSE**

Jim Hulse was not present.

### **MUSEUM**

Museum Director Sandy Garrison and Historical Society Board President Mike Miley presented a quarterly report highlighting the number of visitors, volunteer hours, fundraising effort, tours, and outreach at the 4H Fair. A PowerPoint presentation was provided highlighting local ties to the big screen from Lambert Hillyer (Western Director-Durango Kid, The Invisible Ray, and The Batman), Denny Miller (Tarzan), and the Flynn family (Top Gun Maverick).

Director Garrison explained the staff attended OSHA training and requested permission to install panic button software on the Museum computers. Director Garrison presented an estimate from Cottage Watchman in the sum of \$560. **Mike Burroughs moved, second by Stan Klotz, to approve the proposal from Cottage Watchman to install a 5-pack of virtual button licenses in the sum of \$560. Motion carried 3-0.**

### **TOWN OF CULVER**

Culver Town Manager Ginny Munroe, Culver Police Chief Wayne Bean and EMS Director Jeff Koons presented concerns with the 911 Dispatch Center, explaining the issues with faulty equipment and/or systems, misdirected calls, and the protocol for additional calls for service. The Town of Culver is requesting improved communication, training, and the creation of a collaborative team to make a more comprehensive approach to the county-wide emergency services. Ms. Munroe explained Bourbon Town Council President Ward Byers provided a written statement regarding the concerns the Bourbon Town Council also has with the 911 Dispatch Center and read it into the record.

Discussion was held concerning the need for additional towers, personnel issues and consideration of implementing a special local option income tax for public safety.

### **SHERIFF DEPARTMENT**

Sheriff Matt Hassel and Chief Communication Supervisor Matt Pitney presented a written response addressing the concerns of the Town of Culver. Sheriff Hassel stated Indiana Public Safety will be onsite later this week to review the entire system.

Sheriff Hassel presented a Professional Services Contract between Ritter Strategic Services LLC and Marshall County to provide professional services related to public safety answering points operations and technology, policy and procedures, governance and funding, and managed service offerings. **Stan Klotz moved, second by Mike Burroughs, to approve the Professional Services Contract between Ritter Strategic Services LLC and Marshall County at \$150 per hour with a “not to exceed” amount to be determined. Motion carried 3-0.**

Sheriff Hassel explained the desire to increase the cost for electronic records and requested an Ordinance be considered at an upcoming meeting.

### **ATTORNEY REPORT**

#### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: The County is required to purchase a slightly wider right of way on both sides of 11<sup>th</sup> Road and on both sides of the river. This meant we needed to purchase small parcels from five landowners. One landowner accepted the offer ahead of the deadline. We filed four complaints for appropriation. Attorney Clevenger has heard from three of the landowners, including Mr. & Mrs. Hess who attended the last meeting. An executive session is scheduled for 1 pm today to talk about the purchase of right of way and the litigation. A representative from USI is scheduled to attend. USI is to report on the progress with the fourth farm that has not been in contact with Attorney Clevenger. A process must be followed if we look for INDOT to assist in any compromise settlements.

David Oberly: Attorney Clevenger spoke with David Oberly following the last meeting and his issue was with the County Judicial System, a matter the Commissioners could not be of assistance. A letter was sent to Mr. Oberly in follow-up to that conversation.

Opioid Settlement Funds: The State of Indiana has received payment one from the Distributors settlement. The Indiana Attorney General's Office will be sending information concerning the timing of payment to Marshall County. The second payment is expected in late August.

The Attorney General also indicated Indiana qualified for acceleration of settlement payments from the Johnson & Johnson settlement. Payments one through five are expected before the end of 2022.

One of the generic pharmaceuticals has proposed a global settlement through the Federal court in Ohio worth \$3.7 billion payable over 13 years. The Attorney General was not involved in this so if it proceeds, it is uncertain how funds may be distributed to Marshall County.

#### **New Business:**

EMA – BoldPlanning Contract: The contract has been reviewed and is fine with the exception of preferring the jurisdiction be Indiana rather than Tennessee. The consulting contract is \$24,620 and Marshall County does not pay for services in advance, but rather reviews deliverables and if acceptable, pays for those deliverables.

Sheriff – Ritter Services: The proposed contract is to provide services concerning review of the County's 911 system.

### **AUDITOR REPORT**

July 18, 2022, Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the July 18, 2022, minutes as presented. Motion carried 3-0.**

August claims: **Stan Klotz moved, second by Mike Burroughs, to approve the August monthly claims as presented. Motion carried 3-0.**

Milestone Contractors North, Inc.: Milestone Contractors North, Inc. presented an estimate to repair the County building north and south parking lots in the sum of \$39,620.

**Stan Klotz moved, second by Mike Burroughs to voiced support to repave the north and south side parking lots of the County Building and accept the quote upon Council approval of funding. Motion carried 3-0.**

### **PUBLIC COMMENT**

Robert Demis, 20993 8<sup>th</sup> Road, provided an update on the storage container variance and expressed the Sheriff Department was not responding to his concerns with a neighbor.

Marty Oosterbaan and Ginny Munroe, Community Crossroads requested support and consideration of Resolution 2022-15, a Resolution Approving Investments in Workforce Health and Education and an Investment in Community Health and Growth to Enable Submissions for READI Grant consideration. The first project is Simulation and Skills Lab to Support Bachelor of Nursing Degree at Marion University's Ancilla Collage (MUAC) presented by Assistant Dean of Nursing Rebecca Zellers for a total project cost of \$750,000 and requested a 20% match from the County in the sum of \$150,000. The second project is Community Health and Well-Being Initiative (Blue Zones) presented by United Way Executive Director Linda Yoder for a total project cost of \$6,100,000 and requested a 9% match from the County in the sum of \$525,000. The third project is Career Innovation Center presented by Lifelong Learning Network Executive Director Allie Shook for a total project cost of \$7,500,000 and requested a 20% match from the County in the sum of \$1,500,000. The total of all three projects is \$14,350,000 with a total county cost request of \$2,175,000. **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2022-15: A Resolution Approving Investments in Workforce Health and Education and an Investment in Community Health and Growth to Enable Submissions for READI Grant Consideration, in a sum up to \$2,175,000. Motion carried 2-1, with Stan Klotz voting no because he is not in favor of Blue Zones or the use of ARP funds.**

### **COMMISSIONER ITEMS**

X-Soft Contract: Assessor Debbie Dunning presented the Prescribed Contract for Computer Software, Services and Equipment explaining the costs will be paid from the Reassessment Fund. Attorney Clevenger explained the contract is \$304,000 with five annual payments of \$60,800. **Stan Klotz moved, second by Mike Burroughs, to approve the contract with X-Soft and to allow either the Assessor or Auditor sign. Motion carried 3-0.**

West High School Commemoration: A celebration was held yesterday to commemorate the five Plymouth firemen who lost their lives forty years ago. The Commissioners, on behalf of all residents, thanked all first responders for their service.

**ADJOURNMENT**

With no further business to come before the board, **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 11:42 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST:

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Julie A. Fox, Auditor

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Stan Klotz, Member

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
AUGUST 15, 2022**

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 15, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**MIDWEST MAINTENANCE & STULL WOODWORKS**

The Board of Commissioners expressed appreciation for the quality of work provided by Midwest Maintenance and Stull Woodworks by presenting a plaque to Brian Stull, Stull Woodworks and to Jerry Hazeltine, Midwest Maintenance.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters requested approval of the Progressive Insurance Full Release of All Claims Without Indemnity in the sum of \$25,000 for damages arising from an automobile accident on December 10, 2021 to Bridge #301 on East 17<sup>th</sup> Road over the Charles Pfiefer Ditch in Argos. **Stan Klotz moved, second by Mike Burroughs, to approve the Progressive Insurance Full Release of All Claims without Indemnity for Bridge #301, East 17<sup>th</sup> Road. Motion carried 3-0.**

Superintendent Peters provided updates on the following bridge projects: Bridge 301, 17<sup>th</sup> Road (east of Ironwood); Baker Street Bridge; Bridge 73, King Road; Bridge 87, 11<sup>th</sup> Road; Bridge 120, Upas Road; Bridge 5, Tamarack Road; Bridge 9, Queen Road; Bridge 11, Union Road; Bridge 232, Randolph Street; and Bridge 231, Center Street. Superintendent Peters presented the Final Tracing Document Cover Pages for signature for Bridge 87, 11<sup>th</sup> Road and Bridge 120, Upas Road. **Stan Klotz moved, second by Mike Burroughs, to approve the Cover Page for Bridge 87, 11<sup>th</sup> Road and Bridge 120, Upas Road. Motion carried 3-0.**

Superintendent Peters explained Milestone plans to begin work on the Community Crossings and additional paving projects in the following order: 12<sup>th</sup> Road, Michigan to Maple; Pear Road, 14B Road to 18B Road; 15<sup>th</sup> Road, State Road 17 to Thorn (Railroad); Sycamore Road, 9<sup>th</sup> Road to US 30; Union Road, 9C Road to 10B Road; Tamarack Road, US 6 to County Line; and, 1<sup>st</sup> Road, Tamarack Road to Walkerton Town Limits. Road program work continues: a list of completed and in process projects were provided. Another round of mowing the right-of-way has begun.

**EXTENSION**

Extension Director Michelle Gordon Releford explained she began her duties as County Extension Director effective August 1<sup>st</sup>. Phil Woolery has served as interim since April 1<sup>st</sup> and is assisting Michelle in the transition. Director Gordon Releford explained she would like to educate the youth that there is more to 4-H than "agriculture" and would like to focus on civics and training our youth to become leaders of tomorrow.

## **EMA**

EMA Director Clyde Avery explained the Hazard Mitigation Grant Agreement has been signed and presented the BOLDplanning Professional Services Agreement for signature, noting the Governing Law has been changed from Tennessee to Indiana. Director Avery explained Phase 1 and 2 will be paid from the 2022 budget and the balance of the contract will be added to the 2023 budget request.

## **PATTY WRIGHT**

Patty Wright was not present. Attorney Clevenger spoke with Ms. Wright by telephone, requesting a meeting be set for September 6<sup>th</sup> following the regularly scheduled Commissioners meeting.

## **ATTORNEY REPORT**

### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: The County was required to purchase additional right-of-way from five landowners along 11<sup>th</sup> Road on each side of the road and each side of the river. One landowner accepted the appraised offer, so the County filed four condemnation cases against the landowners that did not accept the original offers.

There have been negotiations with all four landowners. We have oral agreements for administrative settlements with two of the landowners. The revisions were approved by INDOT. Attorney Clevenger received the revised paperwork Friday and will share it with the two parties and will process those parcels.

Negotiations continue with two landowners. Olive Trail Farms LLC is one of the parcels in which negotiations continue. Patty Wright requested to be on this agenda. Attorney Clevenger called her Friday to explain the County's position on the parcel owned by the LLC and suggested scheduling an executive session on Tuesday, September 6<sup>th</sup> to discuss.

Attorney Clevenger is waiting to hear from the remaining landowners' attorneys on the final parcel.

EMA-BOLDplanning Professional Services Agreement: This item was addressed previously in the meeting.

Regional Sewer District: The County has not heard from IDEM. Three weeks ago, we were advised the County petition is still being reviewed by IDEM and other State agencies.

### **New Business:**

Autopsy Invoice: On August 2<sup>nd</sup> a letter was sent to the Department of Correction concerning the autopsy invoice. No response has been received.

## **AUDITOR REPORT**

August 1, 2022, Minutes: Stan Klotz moved, second by Mike Burroughs, to approve the August 1, 2022, minutes as presented. Motion carried 3-0.

August 1, 2022, Executive Session Minutes: Stan Klotz moved, second by Mike Burroughs, to approve the August 1, 2022, Executive Session minutes as presented. Motion carried 3-0.

August claims: Mike Burroughs moved, second by Stan Klotz, to approve the August monthly claims as presented. Motion carried 3-0.

**HYPERWAVE CONSULTING LLC**

Sheriff Department Communications Supervisor Matt Pitney and Hyper Wave Consulting, LLC, Business Manager Dan Sammartano presented an updated ERS Wireless Proposal in the sum of \$21,870.50, explaining the cost of the equipment has increased since the initial proposal on March 16, 2022. **Stan Klotz moved, second by Mike Burroughs, to approve Hyper Wave Consulting Project Proposal Estimate No. 13299 for a one-time setup fee in the sum of \$21,870 for connecting the Civil Defense Building and the Jail. Motion carried 3-0.**

**PUBLIC COMMENT**

Sherry Hess, 14252 11<sup>th</sup> Road, requested confirmation the stipulations discussed would be entered into the Agreement.

**COMMISSIONER ITEMS**

2023 Commissioner Meeting Schedule: Mike Burroughs moved, second by Stan Klotz, to approve the 2023 Commissioner Meeting Schedule. Motion carried 3-0.

2023 Holiday Schedule: This item is tabled until the September 6, 2022 meeting.

Jackie Walorski: Commissioner Klotz stated following the tragic death of Jackie Walorski, he has received requests to honor Representative Walorski's memory by dedicating a section of a road or a bridge in her name.

**ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:04 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST:

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Julie A. Fox, Auditor

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Stan Klotz, Member

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
SEPTEMBER 6, 2022**

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 6, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from NIPSCO on Michigan Road, between 15<sup>th</sup> Road and 16<sup>th</sup> Road, in Walnut Township, for the purpose of providing system reliability and improve circuit performance. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from NIPSCO on Michigan Road at Michigan Road, between 15<sup>th</sup> Road and 16<sup>th</sup> Road, in Walnut Township, for the purpose of providing system reliability and improve circuit performance. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Precision (CenturyLink) on 7<sup>th</sup> Road at Michigan Road, in North Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Precision (CenturyLink) on 7<sup>th</sup> Road at Michigan Road, in North Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented Indiana Department of Transportation Change Order No. 001 for Contract No. B-40720, DES 1600931, Bridge 73, King Road over the Yellow River, explaining Milestone submitted a request to use an Alternate Curing Method for Structural Concrete. There are no additional costs for the change in concrete mix design and no additional time will be added. **Mike Burroughs moved, second by Stan Klotz, to approve the Indiana Department of Transportation Change Order No. 001 for Bridge 73, King Road over the Yellow River. Motion carried 3-0.**

Superintendent Peters provided updates on the following bridge projects: Bridge 87, 11<sup>th</sup> Road; Bridge 120, Upas Road; Bridge 9, Queen Road; Bridge 11, Union Road; Bridge 232, Randolph Street; and, Bridge 231, Center Street. Discussion was held concerning a Bridge 120, Upas Road, property owner leasing their property to a solar farm.

Superintendent Peters explained Milestone has begun work on the Community Crossings and additional paving projects and provided a progress update on the Road Program.

**MARSHALL COUNTY ECONOMIC DEVELOPMENT**

Marshall County Economic Development Corporation President/CEO Laura Walls provided an update as follows: The READI grant application has been submitted; Marshall County units have submitted 15 projects. Two construction projects are underway by PIDCO and Renewal by Anderson. Unemployment data has been received and Marshall County is doing well with the rate below the Indiana and national average. She further explained there are 25,000 jobs open

today in healthcare and manufacturing sectors. She noted MCEDC has seen a significant decline in leads over the last two months.

#### **MARSHALL COUNTY HISTORICAL SOCIETY**

Museum Director Sandy Garrison and Marshall County Historical Society Board President Mike Miley presented a Memorandum of Understanding between Marshall County and the Marshall County Historical Society, Inc. explaining the MOU has been updated to reflect current practices and the relationship between the county and Historical Society to fund part-time employees.

**Mike Burroughs moved, second by Stan Klotz, to approve the Memorandum of Understanding between Marshall County and the Marshall County Historical Society, Inc. Motion carried 3-0.**

#### **SUPERIOR COURT 3 PROBLEM SOLVING COURT**

Superior Court 3 Problem Solving Court Coordinator Christie Johnson requested permission to apply for the Indiana Office Court Services (IOCS) Problem Solving Grant. Coordinator Johnson explained on July 1<sup>st</sup> the State awarded Marshall County \$8,000 for public defender fees for drug court clients. She further explained it is a state grant and the term begins July 1, 2022. Funds must be spent by June 30, 2023. **Mike Burroughs moved, second by Stan Klotz, to approve the request to apply for the IOCS Problem Solving Grant in the sum of \$8,000 for public defender fees for drug court clients. Motion carried 3-0.**

#### **COMMUNITY CORRECTIONS**

Community Corrections Director Ward Byers requested permission to donate the 2018 US Cargo Trailer to David's Courage, a 503c non-profit, explaining the trailer is a fixed asset of Community Corrections and was purchased by Community Corrections, Drug Free Community, and the Sheriff's Department. Attorney Clevenger will prepare an Agreement between Marshall County and David's Courage. **Mike Burroughs moved, second by Stan Klotz, to support the donation of the 2018 US Cargo Trailer to David's Courage subject to the agreement prepared by Attorney Clevenger. Motion carried 3-0.**

#### **PROBATION DEPARTMENT**

Chief Probation Officer Jim Bendy requested permission to apply for the Justice Partners Addictions Response Grant explaining this is the fourth fiscal year portion with a grant period from November 1, 2022 through October 31, 2023. The federal grant funds sought will include \$39,000 for wages and benefits for a Pretrial Services Probation Officer and part-time Recovery Services Specialist, \$1,000 for training, \$4,000 for screening and assessment tools, \$8,000 for community outreach, \$1,000 for travel and \$7,000 for resource pamphlets for the total grant request of \$60,000. Chief Officer Bendy further explained notification has been received from the State allowing the carryover of unspent dollars from prior grant periods. **Stan Klotz moved, second by Mike Burroughs, to approve the request to apply for the Justice Partners Addictions Response Grant in the sum of \$60,000. Motion carried 3-0.**

#### **SHERIFF DEPARTMENT**

Sheriff Matt Hassel presented Addendum No. 1 to the Master Agreement between Marshall County Board of Commissioners and Ritter Strategic Services dated August 1, 2022. Sheriff Hassel explained the schedule is from September 1, 2022 through February 28, 2023 at an hour rate of \$150 per hour for estimated hours not to exceed 354 hours. The project is for the following purpose: Task 1, Standard Operating Policy and Procedure Review (80 hours); Task 2,

Training Program (24 hours); and Radio System Comprehensive Needs Analysis (250 hours). Sheriff Hassel explained that if the request is approved, he will present an additional appropriation to Council for these services to be paid from the LIT Special Purpose Fund.

**Stan Klotz moved, second by Mike Burroughs, to approve Addendum No. 1 to the Master Agreement with Ritter Strategic Services for an hourly rate of \$150 and hours not to exceed 354 upon the condition that the report be shared between the Sheriff and Board of Commissioners. Motion carried 3-0.**

Sheriff Hassel presented a Memorandum of Understanding with Mid America Health to provide portable dental services at the Marshall County Jail for the initial period of September 1, 2022 through December 31, 2022. Services will be billed at a flat rate of \$2,350 per treatment day.

**Mike Burroughs moved, second by Stan Klotz, to approve the Memorandum of Understanding with Mid America Health to provide portable dental services at the Jail for the initial period of September 1, 2022 through December 31, 2022 at the flat rate of \$2,350 per treatment day pending insurance review by the county consultant. Motion carried 3-0.**

Sheriff Hassel explained the current rate for a Sheriff Sale is \$180, with \$100 paid to SRI and \$80 to the General Fund to offset pension costs. The Sheriff has been notified SRI is increasing their rate to \$180. The Sheriff requested an increase in the amount charged from \$180 to \$300 as allowed under I.C. 32-29-7-3(j). Discussion was held concerning the need for a public hearing and amended ordinance to increase the rate. **Mike Burroughs moved, second by Stan Klotz, to support an increase in the fee schedule from \$180 to \$300 pursuant to I.C. 32-29-7-3(j). Motion carried 3-0.**

Sheriff Hassel presented two quotes to replace a vehicle: Auto Park for a new Dodge Durango Pursuit Vehicle in the sum of \$37,653 and Oliver Ford for a new Explorer in the sum of \$42,451. **Mike Burroughs moved, second by Stan Klotz, to approve, on the Sheriff's recommendation, to purchase the Ford F150 from Oliver Ford in the sum of \$42,451, based on cab-style and comfort preference of patrol officers. Motion carried 3-0.**

Sheriff Hassel explained two employees are currently at the academy and will be graduating in December. One officer has been offered a job with the DNR and another has applied to a local department. Sheriff Hassel requested the benefit package be considered to help retain and attract quality candidates.

#### **HEALTH DEPARTMENT**

Health Administrator Faith Freed presented a request to apply for the Local Health Department Trust 2023 Grant in the sum of \$20,976.70, which supports a portion of the wages and social security for the health educator and emergency preparedness coordinator.

**Mike Burroughs moved, second by Stan Klotz, to approve the request to apply for the Local Health Department Trust Grant in the sum of \$20,976.70. Motion carried 3-0.**

Administrator Freed requested permission to apply for the Local Health Maintenance 2023 Grant in the sum of \$33,139, which supports a portion of wages and social security for the food inspector and health educator. **Mike Burroughs moved, second by Stan Klotz, to approve the request to apply for the Local Health Maintenance Grant in the sum of \$33,139. Motion carried 3-0.**

## **ATTORNEY REPORT**

### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: The County was required to purchase additional right-of-way from five landowners along 11<sup>th</sup> Road on each side of the road and each side of the river. We have agreements with three of the five landowners. Negotiations continue with the remaining two landowners.

Olive Trail Farms, LLC is one of the parcels in which negotiations continue. Patty Wright will be meeting in an executive session following today's meeting. We are waiting to hear from the remaining landowners' attorney on the final parcel.

Highway Bridge 120, Upas Road: Highway Superintendent Peters has received paperwork for the acquisition of right-of-way for three of the four parcels. We are sorting out the paperwork and have requested a status on the fourth parcel. Attorney Clevenger is under the impression that the County will not need to file condemnation proceedings for the right-of-way needed to reconstruct this bridge.

Regional Sewer District: IDEM reported to us last week that the Marshall County petition is still being reviewed by IDEM's legal department.

### **New Business:**

Museum – MOU with Marshall County: The changes to the MOU with the Historical Society regarding payment by the Historical Society of part-time staff has been reviewed and it appears the suggested and agreed upon changes have been completed. The MOU was approved earlier in the meeting.

Historical Society Atomic Carrots Contract: Museum Director Garrison requested review of a proposed contract the Historical Society proposes for new banners and exhibit with a new vendor. Changes were made to that proposed agreement per Attorney Clevenger's suggestions. No county dollars are part of the agreement.

Sheriff – MOU with Mid American Health: This item was addressed previously in the meeting.

Sheriff – Ritter Service Addendum 1: This item was addressed previously in the meeting.

### Jail

Helbling: The estate of Tiffany Helbling filed suit against the Sheriff's Department, the Sheriff, and several staff members. Ms. Helbling died in the jail on May 23, 2021. GIE hired Betty Knight's law firm to represent the County. Attorney Lisa Baron investigated Ms. Helbling's death in anticipation of a lawsuit.

Peterson: The Jail had an inmate death last Thursday, September 1, 2022. The inmate apparently hung himself. The Indiana State Police were promptly notified and are investigating. Also, per our agreement with GIE, our insurance carrier was notified. An attorney will be assigned to conduct a separate investigation.

King Road Kayak Launch Study: An Agreement between USI Consultants, Inc. and Marshall County Board of Commissioners was presented for consideration to conduct a Kayak Launch Study on King Road in the sum of \$4,000. **Mike Burroughs moved, second by Stan Klotz, to approve the Agreement between USI Consultants, Inc., and Marshall County Board of Commissioners to design a kayak launch at King Road Bridge, in an amount not to exceed \$4,000. Motion carried 3-0.**

#### AUDITOR REPORT

August 15, 2022, Minutes: Mike Burroughs moved, second by Stan Klotz, to approve the August 15, 2022, minutes as presented. Motion carried 3-0.

September claims: Stan Klotz moved, second by Mike Burroughs, to approve the September claims as presented. Motion carried 3-0.

#### PUBLIC COMMENT

No public comment was heard.

#### COMMISSIONER ITEMS

Midwest Maintenance Change Request #9: Stan Klotz moved, second by Mike Burroughs, to approve Change Order # 9 from Midwest Maintenance in the sum of \$23,932.75 for limestone railing and tuckpointing. Motion carried 3-0.

2023 Holiday Schedule and Employee Benefit Time: President Overmyer and Human Resource Administrator Ann Anglin explained the employee benefit time will be changing in January, 2023 to change the personal time and sick time to family time off and will be adding an additional two days of family time. Vacation time and Family time will be as follows:

After 90 days	5 days' vacation and 10 days family time
After 1 year	5 days' vacation and 10 days family time
Years 2-9	10 days' vacation and 10 days family time
Years 10-14	15 days' vacation and 10 days family time
Years 15+	20 days' vacation and 10 days family time

It was explained for employees with existing sick days, those days will be frozen and can be used as needed and the Sick Bank will continue allowing contributions by family time to join. The 2023 Holiday Schedule will not include the primary or general election. **Stan Klotz moved, second by Mike Burroughs, to approve the 2023 Holiday Schedule, with the following 11 Holidays, as follows: January 2<sup>nd</sup> New Year's; January 16<sup>th</sup> Martin Luther King; April 7<sup>th</sup> Good Friday; May 29<sup>th</sup> Memorial Day; July 4<sup>th</sup> Independence Day; September 4<sup>th</sup> Labor Day; November 10<sup>th</sup> Veteran's Day; November 23<sup>rd</sup> Thanksgiving Day; November 24<sup>th</sup> Lincoln's Birthday; December 22<sup>nd</sup> Washington's Birthday; and December 25<sup>th</sup> Christmas. Motion carried 3-0.**

An amendment to the Personnel Policies Handbook will be presented at a later date.

**ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:58 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor

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Stan Klotz, Member

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
SEPTEMBER 19, 2022**

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 19, 2022. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Member; County Attorney James Clevenger; and County Auditor, Julie A. Fox. Mike Burroughs, Vice President was not present. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a request from Flock Group, Inc. on W. 1<sup>st</sup> Road, between N. Ule Trail and County Line Road, in Polk Township, to install a pole with attached license plate reader camera. Solar panels will power the camera so no further infrastructure such as power is required. **Stan Klotz moved, second by Kevin Overmyer, to approve the request from Flock Group, Inc. on W. 1<sup>st</sup> Road, between N. Ule Trail and County Line Road, in Polk Township, to install a pole with attached license plate reader camera.** Following discussion of whether or not this license plate reader was included in the Prosecutors original request, Stan Klotz rescinded the motion and requested Superintendent Peters get clarification from the Prosecutor.

Superintendent Peters provided updates on the following bridge projects: Bridge 73, King Road; Bridge 87, 11<sup>th</sup> Road; Bridge 120, Upas Road; Bridge 9, Queen Road; Bridge 1, Ule Trail; Bridge 11, Union Road; Bridge 232, Randolph Street and Bridge 231, Center Street.

Superintendent Peters provided a Community Crossing, additional paving projects and Road Program update.

**EMA**

EMA Director Clyde Avery presented the EMA Director's Quarterly Report (July 5, 2022 through September 18, 2022). Explaining the All Hazard Mitigation Plan Grant Agreement has been received, the Professional Services Agreement with BOLDplanning has been executed and the timeline to complete the update is one-year.

Director Avery requested permission to apply for the 2022 EMPG Salary Reimbursement Grant though the Indiana Department of Homeland Security, explaining the grant will reimburse the County for up to 50% of the EMA Director's salary for 2022, not to exceed \$30,000.

**Stan Klotz moved, second by Kevin Overmyer, to approve the request to apply for the 2022 EMPG Salary Reimbursement Grant in a sum not to exceed \$30,000. Motion carried 2-0.**

Director Avery presented Resolution 2022-17 Cyber Incident Annex, explaining insurance carriers require the County to have a Cyber Incident Plan and by having a plan in place would allow eligibility for grant dollars. **Stan Klotz moved, second by Kevin Overmyer, to approve Resolution 2022-17 Cyber Incident Annex. Motion carried 2-0.**

Director Avery explained several years ago there was funding for a district taskforce and a 27' trailer was purchased with grant funds. The funding has now ended, and Elkhart County has agreed to maintain the trailer and equipment. Director Avery requested approval to transfer the trailer title from Marshall County to Elkhart County. **Stan Klotz moved, second by Kevin Overmyer, to approve the 27' trailer title be transferred to Elkhart County in "as is" condition. Motion carried 2-0.**

#### **ANNETTE HAINING**

Marshall County Tobacco Coordinator Annette Haining explained seven local high schools have entered into an agreement with Remedy Live to collect student data related to mental and social conditions. The agreement includes a three-year contract for a 24/7 hotline. Ms. Haining is looking for financial assistance and/or grant funding.

Ms. Haining discussed other projects she is currently involved with including Say Boo to Drugs. Further explaining she is hopeful to utilize the trailer the Commissioners are transferring to David's Courage at the Falloween Festival.

The Commissioners suggested Ms. Haining speak with Health Department Officer Byron Holm and Administrator Faith Freed concerning possible funding available through the Opioid Settlement.

#### **PLAN COMMISSION**

Plan Commission Director Ty Adley presented 22-PC-04 Valdez, Zonia & Arturo, requesting a zoning change from C-1 to T-1 to allow the rebuilding of apartments located at 101 S. Michigan Street, LaPaz, in North Township and provided a PowerPoint presentation.

**Stan Klotz moved, second by Kevin Overmyer, to open the public hearing on 22-PC-04 Valdez, Zonia & Arturo. Motion carried 2-0.**

No public comment was heard.

**Stan Klotz moved, second by Kevin Overmyer, to close the public hearing on 22-PC-04 Valdez, Zonia & Arturo. Motion carried 2-0.**

**Stan Klotz moved, second by Kevin Overmyer, to approve Ordinance 2022-06(4): Amending the Zoning Map (Ord. 2007-10) of Marshall County, to Change the Zoning Classification of Parcel #50-52-95-202-211-000-010 from C-1 to T-1 for 22-PC-04 Valdez, Zonia & Arturo on first reading. Motion carried 2-0.**

**Stan Klotz moved, second by Kevin Overmyer, to suspend the rules and pass Ordinance 2022-06(4): Amending the Zoning Map (Ord. 2007-10) of Marshall County, to Change the Zoning Classification of Parcel #50-52-95-202-211-000-010 from C-1 to T-1 on second and third reading. Motion carried 2-0.**

#### **SHERIFF DEPARTMENT**

Sheriff Matt Hassel and Chief Jailer Beau Holcomb explained in late August 2020 there were three critical errors with the Stellar Financial onsite server. The backup failure resulted in a discrepancy in the Commissary Fund which was noted by State Board of Accounts. It was

explained that significant gains have been made in reconciling the funds and all inmate fund discrepancies have been solved. Immediate changes were made in 2020 to the backup and reporting process.

## **ATTORNEY REPORT**

### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: A motion was filed last week requesting the court to appoint appraisers to determine the fair market value for Parcel 1 (Olsen). The landowners were requesting far more for the thin strip along 11<sup>th</sup> Road than our appraisers set for the right-of-way and more than the amount the County was willing to compromise.

Attorney Clevenger is optimistic that we may have a settlement on Parcel 3 (Olive Trail Farms). If so, we only need to have the court assign appraisers for Parcel 1.

Bridge 120, Upas Road: USI has obtained agreements for the acquisition of the right-of-way with the landowners. However, two of the landowners have leases with Tamarack Solar, which requires the solar company to release its interest. We have a telephonic meeting later today to hopefully obtain the release as it relates to the easement for the bridge project.

Regional Sewer District: IDEM has been in touch with the Auditor's Office to arrange a public hearing.

Sheriff's Sale Program and Service Fee: Ordinance 2022-14 is ready for Commissioner consideration on first reading. This is the Ordinance amendment that increases the Sheriff Sale fees in foreclosure matters from \$180 per case to \$300 per case.

SRI is increasing its fee for this service from \$100 to \$180. Rather than keep the Marshall County Sheriff fee the same (\$80), the amendment increases the Sheriff's portion of the fee to \$120 for a total of \$300. The \$300 fee is the amount authorized by State statute.

**Stan Klotz moved, second by Kevin Overmyer, to approve Ordinance 2022-14: An Ordinance Amending Marshall County Ordinance 2008-06 An Ordinance to Establish the Sheriff's Sale Program and Service Fee on first reading. Motion carried 2-0.**

A public hearing will be scheduled for the second reading.

### **New Business:**

Jail – Peterson inmate death: Sheriff Hassel, Officer Holcomb and Attorney Clevenger are meeting this week with attorney Joe Smith and Betty Knight at the Jail as part of GIE's investigation of this matter. This investigation will include the report from the Indiana State Police when that investigation is completed.

## **AUDITOR REPORT**

September 6, 2022, Minutes: **Stan Klotz moved, second by Kevin Overmyer, to approve the September 6, 2022, minutes as presented. Motion carried 2-0.**

September 6, 2022, Executive Session Minutes: Stan Klotz moved, second by Kevin Overmyer, to approve the September 6, 2022, Executive Session minutes as presented. Motion carried 2-0.

September claims: Stan Klotz moved, second by Kevin Overmyer, to approve the September claims as presented. Motion carried 2-0.

### **PUBLIC COMMENT**

Clerk Deb VanDeMark explained that the Plymouth City Council is revising District 2 to District 1, which affects five addresses including the jail and Centennial Crossings has been annexed into Center 4. If the County changes the district including Centennial Crossings, it will change the County Council map from District 3 to District 4. If the County elects to do nothing, Centennial Crossings will be considered Center 5 and require an additional ballot style. City of Plymouth Attorney Sean Surrisi explained the County deadline to submit changes to the Indiana Election Division is December 31<sup>st</sup>.

### **COMMISSIONER ITEMS**

Ordinance 2022-11: An Ordinance Establishing a Marshall County Tourism Commission:

Sean Surrisi, Rich West and Ginny Munroe provided Ordinance 2022-11 requesting a change to the Marshall County Tourism Commission Board. It was explained that legislation changed in 2018 removing the political party affiliation and residence requirements. Discussion was held concerning the collection and distribution of innkeeper tax dollars. The City of Plymouth, Town of Culver and Swan Lake are the largest contributors of this funding and would like funding allocated accordingly.

Marshall County Convention and Visitors Bureau Board President Mark Vanderwheel requested a public workshop with the current Tourism Board and interested individuals from Culver and Plymouth to discuss the proposed Ordinance. He further stated the Tourism funding includes more than lodging; it also includes food and beverage.

Mid America Health, Inc. Memorandum of Understanding (MOU): Attorney Clevenger has reviewed the information provided by the County Insurance Consultant Mike Miley and the Sheriff may proceed with the MOU.

### **ADJOURNMENT**

With no further business to come before the board, **Stan Klotz moved, second by Kevin Overmyer, to adjourn the meeting at 11:22 am. Motion carried 2-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor \_\_\_\_\_ Stan Klotz, Member \_\_\_\_\_

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
OCTOBER 3, 2022**

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 3, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; and Stan Klotz, Member; County Attorney James Clevenger; and County Auditor Payroll Deputy, Jennifer Daake. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from Precision Utilities on 6B Road, between Underwood Road and W. County Line Road, in Polk Township for the purpose of providing CenturyLink service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Precision Utilities on 6B Road, between Underwood Road and W. County Line Road, in Polk Township for the purpose of providing CenturyLink service to a customer. Motion carried 3-0.**

Superintendent Peters presented a request from Fourway Computer Products, Inc. to place a utility pole on 8<sup>th</sup> Road, between Fir Road and Ironwood Road, in Bourbon Township for the purpose of placing a fiber connection. **Stan Klotz moved, second by Mike Burroughs, to approve the request from Fourway Computer Products, Inc. to place a utility pole on 8<sup>th</sup> Road, between Fir Road and Ironwood Road, in Bourbon Township for the purpose of placing a fiber connection. Motion carried 3-0.**

Superintendent Peters presented a request from Fourway Computer Products, Inc. to place a utility pole on 11B Road, between Elm Road and State Road 331, in Bourbon Township for the purpose of placing a fiber connection. **Stan Klotz moved, second by Mike Burroughs, to approve the request from Fourway Computer Products, Inc. to place a utility pole on 11B Road, between Elm Road and State Road 331, in Bourbon Township for the purpose of placing a fiber connection. Motion carried 3-0.**

Superintendent Peters presented a request from Fourway Computer Products, Inc. to place a fiber splice cabinet on Michigan Road, between 6<sup>th</sup> Road and 6A Road, in North Township for the purpose of connecting fibers. **Mike Burroughs moved, second by Stan Klotz, to approve the request from Fourway Computer Products, Inc. to place a fiber splice cabinet on Michigan Road, between 6<sup>th</sup> Road and 6A Road, in North Township for the purpose of connecting fibers. Motion carried 3-0.**

Superintendent Peters presented Supplement No. 2 for Marshall County Small Structure No. 1004, Elm Road over Sarah Hershberger Ditch. This supplement is to the Engineering Agreement based on the need to complete a second appraisal for P2-Hochstetler due to the anticipated compensation for this parcel exceeding \$25,000. **Stan Klotz moved, second by Mike Burroughs, to approve United Consulting Supplement No. 2 Bridge 1004, Elm Road. Motion carried 3-0**

Superintendent Peters provided updates on the following bridge projects: Bridge 73, King Road; Bridge 87, 11<sup>th</sup> Road; Bridge 120, Upas Road; Bridge 9, Queen Road; Bridge 1, Ule Trail; Bridge 11, Union Road; Bridge 232, Randolph Street; and Bridge 231, Center Street.

Superintendent Peters stated the Community Crossing and additional paving projects are complete and provided a Road Program update.

### **PLAN COMMISSION**

Plan Commission Director Ty Adley requested the creation of a US 31 Study Committee for the region between US 30 and State Road 10. Director Adley explained the prior study was completed in 2014. The committee would put a study together and report to the Commissioners for submission to the US 31 Coalition and/or INDOT. Discussion was held on who shall serve on the committee. **Stan Klotz moved, second by Mike Burroughs, to approve the request to form a US 31 Study Committee for the US 31 Corridor, from US 30 to State Road 10. Motion carried 3-0.**

Commissioner Burroughs explained a meeting will be held on October 10<sup>th</sup> at 1:00 p.m. to discuss the US 30 Corridor. **Mike Burroughs moved, second by Stan Klotz, to approve the formation of the US 30 Corridor Committee, from Kosciusko County line to Starke County line. Motion carried 3-0.**

Attorney Clevenger reminded the Board that meeting dates will need to be published.

### **MARSHALL STARKE DEVELOPMENT CENTER**

Marshall Starke Development Center (MSDC) President and Chief Executive Officer Rick Thompson explained the Marshall-Starke Development Board met and reviewed the estimates for security systems. The Board selected the quote from Vermillion Systems in the sum of \$62,267.60. **Stan Klotz moved, second by Mike Burroughs, to accept the quote from Vermillion Systems to secure Marshall-Starke Development Center in the sum of \$62,267.60 upon Council approval of funding. Motion carried 3-0.**

### **RECORDER**

Recorder Janet Howard presented a Media Conversion Agreement with Fidlar Technologies to scan 218 books into Laredo in the sum of \$72,844.99. She explained the invoice will be paid from the Recorders Perpetuation Fund and Fidlar will require 24-hour on-site access for scanning for five days. **Stan Klotz moved, second by Kevin Overmyer, to approve the Media Conversion Agreement with Fidlar Technologies in the sum of \$72,844.99. Motion carried 3-0.**

### **ATTORNEY REPORT**

#### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: A motion was filed two weeks ago requesting the court to appoint appraisers to determine the FMV for Parcel 1 (Olsen). Judge Palmer has been on vacation and the Pro-Tem Judges delayed acting on the motion until September 30<sup>th</sup>. Attorney Clevenger should be receiving the appropriation order and order appointing appraisers today. Paperwork was revised on a couple of the other landowner cases.

Bridge 120, Upas Road: USI has obtained agreements for the acquisition of the right-of-way with the landowners. In the telephone conference with Tamark Solar it was confirmed that we were not entering into any agreements, let alone one that included terms revising our Zoning Ordinance or permit requirements. As Tamark Solar's counsel indicated, we received the quitclaim deed/release and USI is completing the processing of the landowner acquisition claims. We will have everything in place for the letting of the project in February, 2023.

Regional Sewer District: IDEM scheduled a public comment hearing for October 19, 2022 at 6:00 p.m. in the Commissioner's meeting room. The purpose of the hearing is to receive comments concerning the proposed regional sewer district.

Sheriff's Sale Program and Service Fee: Public hearing is scheduled for the October 17<sup>th</sup> meeting. The proposed Ordinance Amendment will raise the Sheriff Sale fees from \$180 to \$300 per case. These fees are typically paid by mortgage companies in foreclosure cases. SRI increased its fee to \$180 which necessitated an increase. The \$300 is the maximum allowable by State statute.

**New Business:**

Tax Sale 2022: Tax Sale Day is Thursday, October 13<sup>th</sup> at 10:00 a.m. The application for the Order has been filed. Delinquent real estate taxpayers have until October 5<sup>th</sup>, 2022 to file an objection. (Unable to pay is not a valid objection.) The Judge is scheduled to issue the Order for Sale on October 7, 2022.

As a board member of the Marshall-Starke Development Center, Attorney Clevenger expressed appreciation for the Commissioners support. Marshall-Starke does not have the funding for a security system project.

**AUDITOR REPORT**

September 19, 2022, Minutes: Stan Klotz moved, second by Kevin Overmyer, to approve the September 19, 2022, minutes as presented. Motion carried 2-0-1, with Mike Burroughs abstaining.

October claims: Stan Klotz moved, second by Mike Burroughs, to approve the October claims as presented. Motion carried 3-0.

**PUBLIC COMMENT**

No public comments were heard.

**COMMISSIONER ITEMS**

Personnel Policy: Human Resources Administrator Ann Anglin explained an upcoming change to the Personnel Policy to be effective January 1, 2023. New hire full-time employees shall earn four personal days at the end of ninety-days of employment and full-time employees shall earn four personal days on each yearly anniversary date of hire. Currently employees are earning two days.

The second change will be to the vacation policy. Full-time employees shall accrue vacation time based on each employee's anniversary date of hire as follows:

Eligible Service	Vacation Time Earned
After 90-days	5 days
2-5 continuous years	10 days
6-9 continuous years	15 days
10+ continuous years	20 days

Discussion was held concerning employees hired in 2022. Waggoner, Irwin, Scheele is preparing the amendment and it will be presented at an upcoming meeting.

**Vehicle Purchase:** Commissioner Klotz presented two estimates for a vehicle for the Surveyor. The first estimate is from Auto Park for a 2023 1500 SSV Crew Cab 4x4 (\$37,904) with undercoating (\$495) in the total sum of \$38,399. The second estimate is from Oliver Ford for a 2023 F150 4x4 Supercrew in the sum of \$43,994. Commissioner Klotz stated funding is available in the 2022 Cum Cap Development Fund budget. **Stan Klotz moved, second by Mike Burroughs, to move forward with the purchase of a 2023 1500 SSV Crew Cab from Auto Park in the total sum of \$38,399. Motion carried 3-0.**

**Coroner:** Coroner John Grolich presented a maintenance contract with Stryker for the power lift in the total sum of \$6,512.70, explaining \$2,170.90 is due per year for three years. The price is set to increase by 6% effective October 1<sup>st</sup> and the contract is dated September 30<sup>th</sup>. Coroner Grolich further explained funding has been requested in the 2023 budget, but he will need to request an additional appropriation from Council for the first-year payment in 2022.

**Mike Burroughs moved, second by Stan Klotz, to approve the Maintenance Agreement with Stryker in the sum of \$6,512.70. Motion carried 3-0.**

The Commissioners congratulated John on receiving the AIC (Association of Indiana Counties) 2022 Outstanding County Coroner Award. Further recognizing Assessor Debbie Dunning for receiving the AIC 2022 Outstanding Assessor Award.

Discussion was held concerning Work Session notices.

Commissioner Klotz stated a meeting was held with State representatives concerning the LIT Special Purpose funding. Representative Mishler is working on draft legislation to establish the maximum LIT rate and continuation language to include operations. Commissioner Klotz requested other board members reach out to the representatives.

A recess was taken from 9:30 a.m. to 9:40 a.m.

**Neighborhood Center:** Director Christine Garner presented two estimates from Polar King for an outdoor walk-in cooler/freezer. The first estimate is for a standard refrigerator in the sum of \$53,013.15, which has coils hanging from the ceiling, so you lose the top shelf storage. The second estimate is for a ProCube Unit in the sum of \$59,949.75, the coils are on the outside of the unit allowing for more storage space. The unit would be available for delivery in six to 12 weeks. **Stan Klotz moved, second by Mike Burroughs, to support the quote for the ProCube Unit in the sum of \$59,949.75 upon Council approval of the funding. Motion carried 3-0.**

**ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:50 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST:

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Julie A. Fox, Auditor

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Stan Klotz, Member

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
OCTOBER 17, 2022**

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, October 17, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; and Stan Klotz, Member; County Attorney James Clevenger was absent; and County Auditor Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**BAKER TILLY**

Baker Tilly Partner Paige Sansone presented the Financial Plan for Selected Funds (Cum Bridge, Cum Cap Development, Local Road & Streets, Highway Restricted, and Highway) 2020-2026. Explaining the effect of circuit breakers to the tax levy and the net assessed values to property tax rates. Ms. Sansone provided charts and graphs of the Actual and Budgeted Cash Flows, Comparison of Actual and Projected Operating Receipts and Disbursements, Actual and Projected Ending Cash Balances for each fund explaining the County has operated very conservatively and has substantial reserves. **Stan Klotz moved, second by Mike Burroughs, to approve the Baker Tilly Management Representation Letter for the twelve months ending December 31, 2022, 2023, 2024, 2025, and 2026. Motion carried 3-0.**

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road surface and right of way cut request from Northern Indiana Public Service Company (NIPSCO) on Michigan Road, between Hoham Drive and 4B Road, in Center/North Townships for the purpose of replacing aging infrastructure and improve system reliability within the area. **Stan Klotz moved, second by Mike Burroughs, to approve the road surface and right of way cut request from NIPSCO on Michigan Road, between Hoham Drive and 4B Road, in Center/North Townships for the purpose of replacing aging infrastructure and improve system reliability within the area.**  
**Motion carried 3-0.**

Superintendent Peters presented road bore and right of way cut request from BSM Groups on behalf of QC Communications for Mediacom at 2930 Sycamore Lane, Bremen in German Township for the purpose of installing a new underground cable. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore and right of way cut request from BSM Groups on behalf of QC Communications for Mediacom at 2930 Sycamore Lane, Bremen in German Township for the purpose of installing a new underground cable.**  
**Motion carried 3-0.**

Superintendent Peters provided updates on the following bridge projects: Bridge 1004, Elm Road, planning a second appraisal; Bridge 73, King Road, preparing for pavement; Bridge 87, 11<sup>th</sup> Road, the letting date has been moved back to February, but cannot go into March or would be subject to losing funding and the project possibly being moved back a possible five years; Bridge 120, Upas Road; Bridge 9, Queen Road, a walk through is planned this week; Bridge 1, Ule Trail, the letting date is November 18, 2024, the topographic survey and hydraulic discharge from Indiana Department of Natural Resources (IDNR) has been completed; Bridge 11, Union

Road, all permits have been approved, Stage 3 design should be completed in the upcoming weeks and the letting date is August, 2023; Bridge 232, Randolph Street, Commissioner Burroughs will communicate with USI and the City of Plymouth concerning the cost of the lights; and Bridge 231, Center Street.

Superintendent Peters stated the Community Crossing and additional paving projects are complete and provided a Road Program update. Discussion was held concerning LTAP working on reducing costs for CDL training. Superintendent Peters provided the Commissioners a draft Marshall County Road map color coding the road progress.

### **PRIORITY PROJECTS**

Priority Projects Program Administrator Shannon McLeod explained the Stellar funded Owner-Occupied Housing Rehabilitation Project has been awarded \$500,000 and does not require a local match. An update was provided detailing the 16 households selected with the scope of work and proposed timeline for Round 1 (8 homes) and Round 2 (8 homes). Discussion was held concerning the procedure for hiring and overseeing the contractors, liability insurance, and inspection process.

### **ORDINANCE 2022-14 SHERIFF'S SALE SERVICE FEE**

**Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Ordinance 2022-14: An Ordinance Amending Marshall County Ordinance No. 2008-06 An Ordinance to Establish the Sheriff's Sale Program and Service Fee. Motion carried 3-0.**

No public comment was heard.

**Mike Burroughs moved, second by Stan Klotz, to close the public hearing on Ordinance 2022-14: An Ordinance Amending Marshall County Ordinance No. 2008-06 An Ordinance to Establish the Sheriff's Sale Program and Service Fee. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2022-14: An Ordinance Amending Marshall County Ordinance No. 2008-06 An Ordinance to Establish the Sheriff's Sale Program and Service Fee on first reading. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to suspend the rules and approve Ordinance 2022-14: An Ordinance Amending Marshall County Ordinance No. 2008-06 An Ordinance to Establish the Sheriff's Sale Program and Service Fee on second and third reading. Motion carried 3-0.**

### **LIFELONG LEARNING NETWORK**

Lifelong Learning Network Board Member Greg Hildebrand informed the Commissioners that READI funds were awarded for the Marshall County Career Innovation Center in the sum of \$1,750,000 and requested financial support of \$1,500,000. **Mike Burroughs moved, second by Stan Klotz, to approve the submission of an additional appropriation of \$1,500,000 for Lifelong Learning Network from the ARP funding for consideration and approval at the November 14<sup>th</sup> Council meeting as approved under Resolution 2022-15. Motion carried 3-0.**

## **SHERIFF DEPARTMENT**

Detective 1<sup>st</sup> Sergeant Les McFarland requested permission to apply for the federally funded Domestic Cannabis Eradication & Suppression Grant Program. He explained that by providing past marijuana investigation reports, the County was awarded \$1,500, which can be used for training or K-9s. **Stan Klotz moved, second by Mike Burroughs, to approve the request to apply for the Domestic Cannabis Eradication & Suppression Grant Program.**

**Motion carried 3-0.**

## **PLAN COMMISSION**

Plan Commission Director Ty Adley requested permission to purchase a copier from Adams Remco in the sum of \$5,426.96 as the current lease is about ready to expire. **Mike Burroughs moved, second by Stan Klotz, to approve the copier purchase as requested in the sum of \$5,426.96 upon Council appropriation of funds. Motion carried 3-0.**

## **ATTORNEY REPORT**

President Overmyer presented the Attorney Report on behalf of Attorney Clevenger.

### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: Marshall Circuit Court has entered an appropriation order for both of our condemnation cases, Parcel 1 – Olson and Parcel 3 – Olive Trail Farms, LLC. The Judge appointed the same three appraisers. The appraisers hope to meet Thursday or Friday of this week. Their reports to the court are due November 11, 2022.

Upon receipt of the reports and our payment of the appraisal amount, we can obtain an order from the court that in effect transfers the condemned parcels to the county.

The Hesses have their updated paperwork to review, and we are awaiting signatures.

Bridge 120, Upas Road: We have deeds for all the parcels necessary for the reconstruction of Bridge 120. The claims are being submitted and the deeds are being recorded.

Regional Sewer District: IDEM has scheduled a public comment hearing for October 19, 2022 at 6:00 p.m. in the Commissioners' meeting room. The purpose of the hearing is to receive comments concerning the proposed regional sewer district.

Sheriff's Sale Program and Service Fee: This item was heard earlier in the meeting.

Tax Sale 2022: Tax Sale was held Thursday, October 13<sup>th</sup> at 10:00 a.m. Auditor Fox will provide a report.

Helbling v. Marshall County Jail et al.: Lisa Baron of Betty Knight's office has entered an appearance on behalf of the Marshall County Jail and the separate defendants named in the lawsuit. Attorney Clevenger has been advised that Lisa will be meeting with those named defendants in the upcoming weeks to collect additional information regarding this case and the jailers' interactions with Helbling.

## **AUDITOR REPORT**

October 3, 2022, Minutes: **Stan Klotz moved, second by Mike Burroughs, to approve the October 3, 2022, minutes as presented. Motion carried 3-0.**

October claims: Mike Burroughs moved, second by Stan Klotz, to approve the October claims as presented. Motion carried 3-0.

Tax Sale Report: SRI conducted the Tax Sale on October 13<sup>th</sup> with 23 properties listed and total tax due of \$68,899.07. Fourteen parcels sold in the total sum of \$505,000, with \$38,180.90 applied to taxes. The remaining nine properties are under review.

#### **PUBLIC COMMENT**

No public comments were heard.

#### **COMMISSIONER ITEMS**

Ordinance 2022-10: An Ordinance to Authorize the Use of Credit Cards and Purchasing Cards for Designated Elected Officials and Department Heads of Marshall County: Stan Klotz moved, second by Mike Burroughs, to approve Ordinance 2022-10: An Ordinance to Authorize the Use of Credit Cards and Purchasing Cards for Designated Elected Officials and Department Heads of Marshall County. Motion carried 3-0.

Vehicle Purchase: Commissioner Klotz explained Country Auto will be placing the order for the Surveyor's truck on October 28<sup>th</sup> and is requesting the order be adjusted to order two vehicles with the second truck being used for the Building Inspector. He further explained Country Auto is willing to order the second truck now and receive payment next year. **Stan Klotz moved, second by Mike Burroughs, to proceed with the purchase of a second vehicle. Motion carried 3-0.**

US 30 Planning Committee: Commissioner Burroughs stated the US 30 Committee meeting on November 14<sup>th</sup> will be held in EMA Room 207.

#### **ADJOURNMENT**

With no further business to come before the board, **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 10:45 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST: \_\_\_\_\_  
Julie A. Fox, Auditor \_\_\_\_\_ Stan Klotz, Member

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
NOVEMBER 7, 2022**

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 7, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; and Stan Klotz, Member; County Attorney James Clevenger; and County Auditor Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from CenturyLink on Hillside Drive, between Emerald Court and Diamond Drive, in Center Township for the purpose of providing service to customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink on Hillside Drive, between Emerald Court and Diamond Drive, in Center Township for the purpose of providing service to customer.** Motion carried 3-0.

Superintendent Peters presented road bore request from CenturyLink on Nataka Trail, between 13<sup>th</sup> Road and Nataka Trail, in Center Township for the purpose of providing service to customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from CenturyLink on Nataka Trail, between 13<sup>th</sup> Road and Nataka Trail, in Center Township for the purpose of providing service to customer.** Motion carried 3-0.

Superintendent Peters presented road bore request from CenturyLink on 2B Road, between Birch Road and Beech Road, in German Township for the purpose of providing service to customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from CenturyLink on 2B Road, between Birch Road and Beech Road, in Center Township for the purpose of providing service to customer.** Motion carried 3-0.

Superintendent Peters provided updates on the following bridge projects: Bridge 1004, Elm Road, planning a second appraisal; Bridge 73, King Road, is complete and open; Bridge 87, 11<sup>th</sup> Road, still in the process of settling land purchases; Bridge 120, Upas Road, deeds have been recorded, easements and supporting documentation have all been sent to USI for review and submission to INDOT; Bridge 1, Ule Trail, the letting date is November 18, 2024; Bridge 11, Union Road, all permits have been approved, Stage 3 design should be completed in the upcoming weeks and the letting date is August, 2023; Bridge 232, Randolph Street, the environmental will be submitted soon and the letting date is December, 2024; and Bridge 231, Center Street, is current to date.

Superintendent Peters stated the Community Crossing and additional paving projects are complete and provided a Road Program update. Notice of Funding Availability (NOFA) was opened on November 1<sup>st</sup> and he requested permission to submit the following projects: Bridge #88, 12<sup>th</sup> Road over Yellow River east of Olive; Bridge #108, 7<sup>th</sup> Road over Dausman Ditch east of Jarrah; Linden Road from State Road 10 to 17<sup>th</sup> Road and Linden Road from State Road 110 to State Road 10.

**Mike Burroughs moved, second by Stan Klotz, to allow the submission of all three projects: Bridge 88, Bridge 108, and Linden Road to INDOT for fiscal year 2028. Motion carried 3-0.**

Superintendent Peters stated Notice of Funding Availability (NOFA) opens January 2, 2023 for local bridge projects and INDOT requires an approved Bridge Asset Management Plan. The 2023-1 Community Crossing Matching Grant Call for Projects will begin on Monday, January 3, 2023 and will close Friday, January 27, 2023.

INDOT will be issuing a Notice of Funding Availability (NOFA) on January 2, 2023 for local bridge preventative maintenance type projects. A Preventative Maintenance project aims to prevent, delay, or mitigate deterioration. Treatments may be condition driven or on a fixed cycle but does not include structural or operational improvements of an existing bridge beyond its originally designed strength or capacity. For a Local Public Agency (LPA) to apply for preventative maintenance activities, the LPA must have an INDOT-approved Bridge Asset Management Plan. The Bridge Asset Management Plan must be submitted to INDOT LPA MPO no later than December 16, 2022.

Superintendent Peters presented an Agreement between Marshall County Board of Commissioners and USI Consultants, Inc. for Marshall Countywide Small Structure Inspections for review, in a sum not to exceed \$200,000. There are 485 small structures to be inspected at \$350 each. Funding of the agreement is available in the Rainy Day Fund from the 2018 Flood Recovery account line.

The 2023 Annual Bids will be advertised on November 16<sup>th</sup> and November 23<sup>rd</sup> to be received by December 2<sup>nd</sup> at 3:30 p.m. in the Auditor's Office. The bid opening will be December 5<sup>th</sup> at 10:30 a.m.

#### **HEALTH DEPARTMENT**

Health Department Administrator Faith Freed requested permission to apply for the Emergency Preparedness Grant from the Indiana Department of Health. Administrator Freed explained it is a federal reimbursable grant of \$25,000 to support our Emergency Preparedness Coordinator. This employee helps with various activities designed to enhance state and local preparedness to better respond to public health and healthcare emergencies. These activities include the development of an all-hazards emergency operations plan, training and exercise planning, point of dispensing exercises, and information technology management. **Mike Burroughs moved, second by Stan Klotz, to allow the Health Department to apply for the Emergency Preparedness Grant in the sum of \$25,000. Motion carried 3-0.**

Administrator Freed requested permission to apply for the WIC Fiscal Year 2023 federal grant in the sum of \$217,837.50 to operate the local area clinic. The fiscal year is October 1, 2022 through September 30, 2023. **Mike Burroughs moved, second by Stan Klotz, to allow the Health Department to apply for the WIC Grant in the sum of \$217,837.50. Motion carried 3-0.**

### **OLDER ADULT SERVICES**

Older Adult Services Director Janis Jeffirs-Holiday presented the quarterly report and third quarter claims. Director Holiday explained Section 5311 funding is being requested in the sum of \$46,432 and PMTF State Operating Match funding in the sum of \$46,433 for a total claim request of \$92,865. There is no local match required for this claim. **Mike Burroughs moved, second by Stan Klotz, to approve the Quarterly Report and claim in the total sum of \$92,865. Motion carried 3-0.**

### **HUMAN RESOURCES**

Human Resources Administrator Ann Anglin presented the Employee Benefits Insurance Monthly Costs for 2023 and explained the vision coverage will change from United Healthcare to Mutual of Omaha. **Mike Burroughs moved, second by Stan Klotz, to approve the Employee Benefits Insurance Monthly Costs for 2023 as presented. Motion carried 3-0.**

Administrator Anglin requested permission to solicit employee contributions to United Way for calendar year 2023. **Stan Klotz moved, second by Mike Burroughs, to allow Human Resources to solicit United Way Contributions for the 2023 Campaign. Motion carried 3-0.**

Commissioners requested a Summary of Benefits be prepared and provided to employees outlining all the benefits available.

### **SHERIFF DEPARTMENT**

Sheriff Matt Hassel requested permission to apply for the Comprehensive Highway Injury Reduction Program (CHIRP), a federally funded reimbursable grant through National Highway Traffic Safety Administration. The grant allows for officers to work additional hours focused on traffic violations, occupant protection laws, and impaired driving enforcement all in an effort to make Marshall County roadways safer. This grant is worked by all agencies in Marshall County and the partnership includes the Bremen, Bourbon, Culver, Plymouth, and Marshall County Police Departments. Marshall County will serve as the host agency and the Auditor's Office is the fiscal agency, responsible to distribute funds received from ICJI to participating departments. The grant period is October 1, 2022 through September 30, 2022. **Mike Burroughs moved, second by Stan Klotz, to allow the Sheriff Department to apply for the Comprehensive Highway Injury Reduction Program (CHIRP) as presented. Motion carried 3-0.**

Sheriff Hassel reported on the audit progress of the \$67,000 surplus in the Inmate Trust Account. The auditors for Stellar have identified \$55,000 is owed to the Commissary account and the transfers have been completed. There is approximately \$13,000 remaining and the accountant believes it may be owed to Stellar and Telemate. All costs associated with the audit are being incurred by Stellar with no cost to the County.

### **MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION**

Marshall County Economic Development Corporation Board Chairman Bill Davis explained Laura Walls has resigned as CEO/President and introduced Greg Hildebrand as the Interim Executive Director. Gratitude was expressed for the financial contribution by the County and appreciation of all units being represented with active volunteer members. Director Hildebrand is looking forward to bringing back the BEAR Program (Business Expansion and Retention Program) following COVID.

## **ATTORNEY REPORT**

### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: The appraisers completed and filed their reports on both the Olson and Olive Trail Farms' right-of-way. Olson was \$4,650 (County last offer was \$3,250 and Olsen last demand was \$7,500) and Olive Trail Farms was \$2,200 (County last offer was \$2,100 and Owners demand no guardrail so wanted more money.)

We need to arrange for payment into the Clerk's Office. Upon payment, we will ask the Court for an Order of Possession and we will have the right-of-way needed for the project. The paperwork is ready. The paperwork and recording of the Hess deed has been completed. Thus, within days the County will have the real estate needed for the reconstruction of the bridge.

Bridge 120, Upas Road: We have completed everything for the bridge reconstruction. We need to copy, scan, and send check copies and deeds to USI for submission to INDOT.

Personnel Ordinance 2022-17: The Ordinance adopts the amended and restated personnel policies of the County as set out in the County Handbook. The Ordinance incorporates by reference, the policies and handbook provided by Waggoner Irwin Scheele and Associates, Inc. The revisions include the changes the Commissioners previously agreed upon concerning modifications of paid time off. The effective date is January 1, 2023.

Opioid Litigation: A note was received from Cohen & Malad that the State has received the first settlement distribution from the settling distributors and manufacturer. The turnaround time for distribution to local governments is advertised as a few weeks.

A national news report that CVS and Walgreens reached a global settlement with local governments for \$5 billion each. Walmart is considering a \$3 billion global settlement. Attorney Clevenger is trying to verify if this is part of the Multi-District Litigation of which Marshall County is a part. If so, Marshall County will be receiving additional settlement proceeds. Unless the State of Indiana joined the Multi-District Litigation, the State should not be involved in distributing those proceeds.

### **New Business:**

Extension Contractual Services Agreement: The 2023 agreement is exactly like the 2022 agreement, except the amount increased from \$117,940 to \$123,840. Approval should include authorization for one signature. **Mike Burroughs moved, second by Stan Klotz, to approve the 2023 Extension Contractual Services Agreement between Purdue University and Marshall County in the sum of \$123,840 and authorize the Board President to sign.**  
**Motion carried 3-0.**

## **AUDITOR REPORT**

October 17, 2022, Minutes: **Stan Klotz moved, second by Mike Burroughs, to approve the October 17, 2022, minutes as presented.** Motion carried 3-0.

November claims: **Stan Klotz moved, second by Mike Burroughs, to approve the November claims as presented.** Motion carried 3-0.

## **PUBLIC COMMENT**

No public comments were heard.

## **COMMISSIONER ITEMS**

**2023 Sick Bank Recommendations:** The Sick Bank Board submitted the 2023 Sick Bank recommendations as follows: All newly joining eligible employees to follow the established guidelines and each existing employee to donate one day to remain as a member of the Sick Bank. **Mike Burroughs moved, second by Stan Klotz, to accept the Sick Bank Board recommendation, having all newly joining employees follow the established guidelines by donating two days to become a member and existing employees to donate one day to remain a member. Motion carried 3-0.**

**Veterans Day:** Association of Indiana Counties (AIC) has asked counties across the state to participate in the Operation Green Light for Veterans, a program designed to raise awareness of the challenges veterans face and resources available to assist them. The lights at the Courthouse have been changed and will illuminate green this week to honor our veterans.

**Honoring World War II Veteran Jim Dewitt:** Jim Dewitt, 101, of Culver recently passed and the Commissioners recognized his service to our country. Jim was serving in the US Navy and stationed at Pearl Harbor the morning it was attacked, December 7, 1941.

**DOT Stop Urgent Care:** The Commissioners explained that effective today, employees requiring medical attention for Workers Compensation, drug testing, and INDOT CDL services will be sent to DOT Stop Urgent Care. The center is open 24/7, appointments are preferred, and forms can be obtained from the Human Resources Administrator.

## **ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:22 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST:

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Julie A. Fox, Auditor

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Stan Klotz, Member

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
DECEMBER 5, 2022**

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 5, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney James Clevenger; and County Auditor Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a road bore request from CenturyLink on Oriole Lane, between Cardinal Circle and Robin Lane, in Center Township for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink on Oriole Lane, between Cardinal Circle and Robin Lane, in Center Township for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a road surface cut, road bore, and right-of-way cut request from NIPSCO on 17<sup>th</sup> Road, between State Road 17 and 18609 17<sup>th</sup> Road, in Union Township for the purpose of installing a new gas main. **Stan Klotz moved, second by Mike Burroughs, to approve the road surface cut, road bore, and right-of-way cut request from NIPSCO on 17<sup>th</sup> Road, between State Road 17 and 18609 17<sup>th</sup> Road, in Union Township for the purpose of installing a new gas main. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from NIPSCO on N. Sycamore Road, between US 6 and W. 1<sup>st</sup> Road, in Polk Township for the purpose of replacing aging infrastructure and to improve system reliability. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from NIPSCO on N. Sycamore Road, between US 6 and W. 1<sup>st</sup> Road, in Polk Township for the purpose of replacing aging infrastructure and to improve system reliability. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from Frontier on Birch Road, between 15B Road and State Road 10, in Bourbon Township for the purpose of a telecom service drop. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from Frontier on Birch Road, between 15B Road and State Road 10, in Bourbon Township for the purpose of a telecom service drop. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Haskins Underground, Inc. on West Shore Drive in North Township for the purpose of a new sewer lateral at 4536 West Shore Drive. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Haskins Underground, Inc. on West Shore Drive in North Township for the purpose of a new sewer lateral at 4536 West Shore Drive. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from NIPSCO in various locations within Marshall County in German Township for the purpose of replacing aging infrastructure and to improve system reliability. **Stan Klotz moved, second by Mike Burroughs, to approve the right-of-way cut request from NIPSCO in various locations within Marshall County in German Township for the purpose of replacing aging infrastructure and to improve system reliability. Motion carried 3-0.**

Superintendent Peters presented a road surface cut request from Farmer's Drainage, LLC on Elm Road, between 5<sup>th</sup> Road and 6<sup>th</sup> Road, in German Township for the purpose of replacing a drainage outlet. **Stan Klotz moved, second by Mike Burroughs, to approve the road surface cut request from Farmer's Drainage, LLC on Elm Road, between 5<sup>th</sup> Road and 6<sup>th</sup> Road, in German Township for the purpose of replacing a drainage outlet. Motion carried 3-0.**

Superintendent Peters provided updates on the following bridge projects: Bridge 87, 11<sup>th</sup> Road, land purchase information was sent to USI and will be sent to INDOT for review; Bridge 120, Upas Road, certifications clear letter has been received and final tracing has been submitted; Bridge 1, Ule Trail, is current and Stage 1 Submission is due March 2, 2023; Bridge 11, Union Road, is current; Bridge 232, Randolph Street, working on right of way and lighting; and, Bridge 231, Center Street, during quarterly tracking a FMIS letter was requested and is still not in STIP.

Superintendent Peters stated the Community Crossing and additional paving projects are complete and the close out is being finalized.

Notice of Funding Availability (NOFA) has been submitted for Bridge #88, 12<sup>th</sup> Road over Yellow River east of Olive; Bridge #108, 7<sup>th</sup> Road over Dausman Ditch east of Jarrah Road; and, Linden Road from State Road 10 to 17<sup>th</sup> Road and also Linden Road from State Road 110 to State Road 10.

Superintendent Peters is waiting on estimates to repair the road located at Southpoint Phase IV on Redbud Drive for Del Wenzel.

Superintendent Peters presented Statement of the Basis for Just Compensation for DES #1902809, Bridge 11, for Parcels one (1) and three (3) which were appraised under the State minimum compensation. **Mike Burroughs moved second by Stan Klotz, to allow the State minimum compensation for Parcel 1. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to allow the State minimum compensation for Parcel 3. Motion carried 3-0.**

#### EMA

EMA Director Clyde Avery presented the Quarterly Report (September 18, 2022 – December 4, 2022) stating the 2022 Emergency Management Performance Grant award letter has been received. The grant reimburses the County up to 50% of the EMA Directors salary. Director Avery participated in several meetings, including school safety committee meetings, Amateur Radio Emergency Services, and Lake Latonka Property Owners Association Board. The

National Weather Service requirements have been completed to renew our “StormReady” Community recognition.

### **SOLID WASTE**

Solid Waste Director Marianne Peters presented Ordinance 2022-19: An Ordinance Repealing Ordinance No. 1998-5, Repeal of the Ordinance for Waste Reduction and Recycling.

**Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2022-19: An Ordinance Repealing Ordinance No. 1998-5, Repeal of the Ordinance for Waste Reduction and Recycling on first reading. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to suspend the rules and approve Ordinance 2022-19: An Ordinance Repealing Ordinance No. 1998-5, Repeal of the Ordinance for Waste Reduction and Recycling on second and third reading. Motion carried 3-0.**

### **ATTORNEY REPORT**

#### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: The transfers of the strips of real estate along 11<sup>th</sup> Road condemned by the County are being completed today. The Orders of Possession have been forwarded to USI for completion of the paperwork in order to keep the bid letting date on this project. Attorney Clevenger will verify with USI that the transfers are complete as soon as we verify with the Recorder and Auditor.

Ordinance 2022:17: Stan Klotz moved, second by Mike Burroughs, to suspend the rules and approve Ordinance 2022-17: An Ordinance Restating and Amending the County of Marshall, Indiana Personnel Policies and Handbook on second and third reading.  
**Motion carried 3-0.**

Opioid Litigation: An update was sent to the Commissioners on the expected receipt of the County’s share of the settlement proceeds from the big three distributors and Johnson & Johnson. The Indiana Budget Agency indicated payments to local governments will be made no later than December 9<sup>th</sup>.

Also, Cohen & Malad confirmed that there is a tentative, but not final settlement in the works for the three big pharmacies: CVS in the sum of \$4.9 billion, Walgreens in the sum of \$4.95 billion, and Walmart in the sum of \$3 billion. The payout is over ten years. Indiana’s and the local governments’ share of the global settlement are roughly based on the same formula as the Distributor settlements. Due to the Indiana legislation, the State and the local governments will share the proceeds in the same way as the distributor settlement.

#### **New Business:**

Solid Waste Ordinance 2022-19: This item was addressed previously in the meeting.

Sheriff’s Salary Contract: The Sheriff’s Salary Contract for 2023 is prepared and presented for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Sheriff’s Salary Contract for 2023 in the sum of \$95,285.58. Motion carried 3-0.**

## **AUDITOR REPORT**

November 21, 2022, Minutes: Stan Klotz moved, second by Kevin Overmyer, to approve the November 21, 2022, minutes as presented. Motion carried 2-0-1, with Mike Burroughs abstaining.

December claims: Mike Burroughs moved, second by Stan Klotz, to approve the December claims as presented. Motion carried 3-0.

Auditor Fox reported that the Treasurer has certified the fall collection in the sum of \$27,380,279.59 and Settlement Deputy Kayla Krathwohl will be processing the distribution on December 16<sup>th</sup>.

## **PUBLIC COMMENT**

No public comments were heard.

## **COMMISSIONER ITEMS**

Annual Compliance – Nepotism, Contract Disclosure & Conflict of Interest: Auditor Fox reported all required forms have been returned by Elected Officials. Stan Klotz moved, second by Mike Burroughs, to accept the Annual Compliance - Nepotism, Contract Disclosure and Conflict of Interest Statements. Motion carried 3-0.

IV-D Cost Allocation Plan Professional Services Agreement: Dossett Consulting and Maximus have both provided an IV-D Cost Allocation Plan Professional Services Agreement in the sum of \$4,500 per year for three years. Stan Klotz moved, second by Mike Burroughs, to approve the IV-D Cost Allocation Plan Professional Services Agreement with Dossett Consulting for financial date years ending 2021, 2022, and 2023 for use in 2023, 2024, and 2025 in the sum of \$13,500. Motion carried 3-0.

The Commissioners attended the Association of County Commissioners Conference, and the buzz word is “collaboration”. There were conversations concerning restructuring Health Departments.

Commissioner Klotz stated that he has met with State representatives to discuss education and infrastructure.

A recess was taken at 9:30 a.m. and reconvened at 10:30 a.m.

## **HIGHWAY DEPARTMENT**

2023 Annual Highway Bids: Twenty-one items were advertised for bid. Following Attorney Clevenger opening the bids, Stan Klotz moved, second by Mike Burroughs, to take the 2023 Annual Highway Bids under advisement. Motion carried 3-0.

One bid packet was received after the submission deadline.

**ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:55 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST:

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Julie A. Fox, Auditor

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Stan Klotz, Member

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
DECEMBER 19, 2022**

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 19, 2022. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Vice President; Stan Klotz, Member; County Attorney James Clevenger; and County Auditor Julie A. Fox. The meeting was opened, streamed live at [www.co\\_marshall.in.us](http://www.co_marshall.in.us), the Pledge of Allegiance was given and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Superintendent Jason Peters presented a right-of-way request from BSM Groups on behalf of QC Communications for Mediacom at 1851 Dogwood Road, in German Township for the purpose of installing a new underground cable. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way request from BSM Groups on behalf of QC Communications for Mediacom at 1851 Dogwood Road, in German Township for the purpose of installing a new underground cable. Motion carried 3-0.**

Superintendent Peters presented a road bore request from AEP on Oak Road, between St. Joseph County line and US 6, in North Township for the purpose of installing a new underground fiber optic line. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from AEP on Oak Road, between St. Joseph County line and US 6, in North Township for the purpose of installing a new underground fiber optic line. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from NIPSCO on Michigan Road, on 7B Road, and on Airport Road, between Hoham Drive and Memory Lane, in Center Township for the purpose of improving system reliability. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from NIPSCO on Michigan Road, on 7B Road, and on Airport Road, between Hoham Drive and Memory Lane, in Center Township for the purpose of improving system reliability. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Comcast Cable at 12386 Diamond Drive, in Center Township for the purpose of replacing a damaged CATV cable. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Comcast Cable at 12386 Diamond Drive, in Center Township for the purpose of replacing a damaged CATV cable. Motion carried 3-0.**

Superintendent Peters provided updates on the following bridge projects: Bridge 1004, Elm Road, additional information was provided to prepare the deed and temporary easement grant; Bridge 87, 11<sup>th</sup> Road, the right-of-ways have been secured; Bridge 120, Upas Road, final tracing has been submitted; Bridge 1, Ule Trail, working on the survey; Bridge 11, Union Road, Stage 3 has been submitted ahead of schedule; Bridge 232, Randolph Street, working on right-of-way, lighting plan, and environmental document; and Bridge 231, Center Street, the Notice to Proceed (NTP) has been issued by INDOT and to DLZ.

Community Crossing 2022-2 and additional paving projects are complete and the close out is being finalized.

Community Crossing 2023-1: The call for projects will begin January 3, 2023, with plans to submit projects and additional paving projects. The deadline for submission is January 27, 2023.

Notice of Funding Availability (NOFA) has been submitted for Bridge #88, 12<sup>th</sup> Road over Yellow River east of Olive; Bridge #108, 7<sup>th</sup> Road over Dausman Ditch east of Jarrah Road; and, Linden Road from State Road 10 to 17<sup>th</sup> Road and also Linden Road from State Road 110 to State Road 10 for consideration. Superintendent Peters will be presenting the projects on January 17<sup>th</sup>. The Marshall County Bridge Asset Management Plan has been approved by INDOT.

Superintendent Peters stated the 2023 Annual Bids have been reviewed, are in good order, and requested acceptance of all the timely submitted bids. He further explained one bid was received after the advertised deadline. **Stan Klotz moved, second by Mike Burroughs, to accept the timely submitted 2023 Bids, opened on December 5<sup>th</sup> and excluding the bid submitted late. Motion carried 3-0.**

Superintendent Peters stated the Bomag has been delivered and provided a rough draft of the 2023 Road Program for review.

#### **PLAN COMMISSION**

Director Ty Adley stated notice has been provided for a public hearing on 22-PC-05 MILLER, Kaitlin: A request to vacate the alleyway surrounding lots 5 and 8 in the Addition to Tyner City on Walnut and French Streets, located in Polk Township, Zoned T-1 and provided a PowerPoint presentation. The Technical Review Committee and Plan Commission Board have reviewed and are recommending Commissioner approval of the proposed vacation.

**Mike Burroughs moved, second by Stan Klotz, to open the public hearing on 22-PC-05 MILLER, Kaitlin. Motion carried 3-0.**

No public comment was heard.

**Mike Burroughs moved, second by Stan Klotz, to close the public hearing on 22-PC-05 MILLER, Kaitlin. Motion carried 3-0.**

**Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2022-20: An Ordinance Vacating the Alleyway North and West of Lots 5 and 8 in the Addition to Tyner City, Polk Township, Marshall County, Indiana. Motion carried 3-0.**

**Stan Klotz moved, second by Mike Burroughs, to suspend the rules and approve Ordinance 2022-20: An Ordinance Vacating the Alleyway North and West of Lots 5 and 8 in the Addition to Tyner City, Polk Township, Marshall County, Indiana on second and third reading. Motion carried 3-0.**

Director Adley explained Dan Voreis has resigned his seat on the Plan Commission Board with his term ending December 31, 2023 and requested the appointment of Michelle Mieras to the

Board to fill the unexpired term. Director Adley further explained Ms. Mieras has resigned her seat on the BZA Board, which will require a Council appointment. **Stan Klotz moved, second by Mike Burroughs, to appoint Michelle Mieras to the Marshall County Plan Commission to fill the unexpired term of Dan Voreis, said term to run through December 31, 2023.**  
**Motion carried 3-0.**

#### **ATTORNEY REPORT**

##### **Old Business:**

Highway Bridge 87, 11<sup>th</sup> Road: According to USI, the right-of-way that needed to be acquired was completed in time for the bid letting, so the project should be on time.

Olson case – The attorney for the Olsons filed an exception to the Appraiser Report. The case was on track for a jury trial to determine compensation to the landowners. While discussing a correction on one of the legal descriptions, the attorneys agreed that the attorney fees to litigate would far exceed the possible recovery and an agreement was tentatively reached to split the difference between the appraisal report (\$4,500) and the landowners' appraisal (\$7,500). The Olsons have agreed to resolve the case for \$6,000 for the acquisition of the acreage on both sides of 11<sup>th</sup> Road.

If the County is willing, an additional payment of \$1,500 will need to be paid to the Clerk for eventual transfer to the landowners and a dismissal of the case. A Settlement Agreement and Release have been prepared for the Commissioners to sign.

The owners of Olive Trail Farms, LLC, have not filed an exception. Attorney Clevenger will follow up with the owners to conclude that litigation as well.

**Stan Klotz moved, second by Mike Burroughs, to approve an additional payment of \$1,500 to the Clerk for eventual transfer to the landowner and a dismissal of the case.**

**Motion carried 3-0.**

Opioid Litigation: The Auditor confirmed receipt of Marshall County's portion of the first and second payments of the global settlement with the big three distributors and Johnson & Johnson.

Regional Sewer District: IDEM has approved the petition to establish a regional sewer district that comprises several high-density areas in Marshall County, including the lake area southwest of Plymouth. The district is established subject to a petition for judicial review that is filed within 30 days. A person wanting to challenge the establishment of the district must have standing under I.C. 4-21.5-5-3 and need to show immediate and irreparable harm with no other remedies at law under I.C. 4-21.5-5-2. A petition would need to be filed within 30 days and served on IDEM, the Attorney General, and the County.

##### **New Business:**

No new business to report.

#### **AUDITOR REPORT**

December 5, 2022, Minutes: **Stan Klotz moved, second by Mike Burroughs, to approve the December 5, 2022, minutes as presented. Motion carried 3-0.**

**December claims: Mike Burroughs moved, second by Stan Klotz, to approve the December claims as presented. Motion carried 3-0.**

#### **PUBLIC COMMENT**

Robert Demas, 20993 8<sup>th</sup> Road, Plymouth, provided an update on the shipping container he has placed in his yard for a workshop and requested the County fund the structural engineer fee to allow for a side door.

#### **COMMISSIONER ITEMS**

**Resolution: 2022-25 Recognition for Debbie Dunning:** Resolution in Recognition of Outstanding Accomplishments and Contributions for Debbie Dunning. The Marshall County Commissioners resolved that Debbie Dunning be hereby honored by Marshall County for her twenty (20) years of outstanding service as Marshall County Assessor. By this Resolution, the Commissioners and County recognize and acknowledge her dedication and commitment and the County pays tribute and extends its sincerest gratitude to her for her service to the citizens of Marshall County.

**Resolution: 2022-24 Recognition for Debbie VanDeMark:** Resolution in Recognition of Outstanding Accomplishments and Contributions for Debbie VanDeMark. The Marshall County Commissioners resolved that Debbie VanDeMark be hereby honored by Marshall County for her twenty-three (23) years of outstanding service as Marshall County Treasurer, and to the Courts as the Marshall County Clerk. By this Resolution, the Commissioners and County recognize and acknowledge her dedication and commitment and the County pays tribute and extends its sincerest gratitude to her for her service to the citizens of Marshall County.

**Resolution: 2022-23 Recognition for Julie A. Fox:** Resolution in Recognition of Outstanding Accomplishments and Contributions for Julie A. Fox. The Marshall County Commissioners resolved that Julie A. Fox be hereby honored by Marshall County for her thirty-six (36) years of outstanding service to the Courts, served as the Marshall County Clerk, and as the Marshall County Auditor. By this Resolution, the Commissioners and County recognize and acknowledge her dedication and commitment and the County pays tribute and extends its sincerest gratitude to her for her service to the citizens of Marshall County.

**Mike Burroughs moved, second by Stan Klotz, to approve Resolutions 2022-25, 2022-24 and 2022-23 honoring Debbie Dunning, Debbie VanDeMark and Julie A. Fox. Motion carried 3-0.**

**ADJOURNMENT**

With no further business to come before the board, **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 10:22 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Mike Burroughs, Vice President

ATTEST:

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Julie A. Fox, Auditor

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Stan Klotz, Member