

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
JULY 15, 2024**

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 15, 2024. Present were Commissioners, Stan Klotz, President; Mike Burroughs, Vice President; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier. Kevin Overmyer, Member, was absent.

The meeting was opened, streamed live at <https://www.youtube.com/@MarshallCountyIN>, the Pledge of Allegiance was given, and the business at hand was heard.

**HIGHWAY DEPARTMENT**

Highway Department Superintendent Jason Peters presented a road surface cut, road bore, and right-of-way cut request from NIPSCO at 5509 6<sup>th</sup> Road, between Grape Road and Filbert Road, in German Township for the purpose of installing a gas main extension. **Mike Burroughs moved, second by Stan Klotz, to approve the road surface cut, road bore, and right-of-way cut request from NIPSCO at 5509 6<sup>th</sup> Road, between Grape Road and Filbert Road, in German Township for the purpose of installing a gas main extension. Motion carried 2-0.**

Superintendent Peters presented a right-of-way cut request from Brightspeed on Country Side Drive, between Country Side Drive and State Road 17, in Center Township for the purpose of installing fiber optic cable. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from Brightspeed on Country Side Drive, between Country Side Drive and State Road 17, in Center Township for the purpose of installing fiber optic cable. Motion carried 2-0.**

Superintendent Peters provided an update on the following projects:

Bridge 11, Union Road: No update.

Bridge 1, Ule Road (Local Project): The letting date is November 18, 2024. No update.

Bridge 232, Randolph Street: No update.

Bridge 231, Center Street, Bremen: No update.

Bridge 88, 12<sup>th</sup> Road east of Olive Trail: No update.

Bridge 108, East 7<sup>th</sup> Road: No update.

Mill Pond Dam: The On-call Technical Support Services Agreement between DLZ, Indiana and Marshall County was presented for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Zehner Millpond Dam On-call Technical Support Services Agreement between DLZ, Indiana and Marshall County and to allow the Board President to sign the agreement. Motion carried 2-0.**

Road Work: Chip and seal has been completed on several roads. Crews have been working on posting high water signs, trimming trees, and after storm cleanup.

Additional Funding: At the July 1<sup>st</sup> Commissioner meeting permission was given to allow a request to be made to Council for additional funding to extend road program work, additional chip and seal, and (cold mix) paving in the amount of \$275,000 for stone and \$500,000 for bituminous. At the July 11<sup>th</sup> Council meeting it was explained an additional appropriation of \$2,462,253 was needed to complete

calendar year 2024 work. The council moved to support the Highway Department in the amount of \$600,000 from the General fund and \$600,000 from Rainy Day in the total sum of \$1,200,000. Superintendent Peters explained that given the available funding in the Commissioners budget, Local Road & Street, and MVH only \$942,000 is needed to meet the \$2,462,253 request.

**Mike Burroughs moved, second by Stan Klotz, to support an increase in road funding from \$775,000 to \$1.2 million. Motion carried 2-0.**

**Mike Burroughs moved, second by Stan Klotz, to request support from the ARP Committee for additional funding in an amount not to exceed \$550,000. Motion carried 2-0.**

Energy Efficiency Conservation Block Grant (EECBG): Davis Bacon Act training part 2 is scheduled for Thursday, July 18<sup>th</sup>.

### **DALE BLANCH**

Dale Blanch, 17585 Michigan Road, Argos, expressed concern about a neighbor's fence being in the county right-of-way. He explained Rochester Telephone and Sprint have cable and telephone lines inside the fence, without access to the utilities. Highway Superintendent Jason Peters explained that he provided the landowner permission to move the fence line. The ground is steep, and it is difficult to mow; the livestock keep the grass down and there is room for a car to pull off the side of the road. Discussion was held about establishing the right-of-way and requesting the property owner to move the fence back.

### **BUILDINGS & GROUNDS**

Buildings & Grounds Supervisor John Greer presented a revised agreement from Fabcon for the crack maintenance and repair of the jail in the sum of \$101,363. **Mike Burroughs moved, second by Stan Klotz, to accept the revised agreement from Fabcon in the amount of \$101,363. Motion carried 2-0.**

Supervisor Greer stated that he would like to accept proposals to place metal over the 911 Center windows in the event the caulking does not fix the problem. He also requested permission to request proposals for the new air handling unit over the Sheriff's Department.

Supervisor Greer stated that the sidewalk in front of the Sheriff's Department has been leveled, but because it does not have rebar stabilizing the concrete, the blocks move causing a safety concern. A verbal estimate has been received to repair the sidewalk in the amount of \$23,800.

### **ATTORNEY REPORT**

#### **Old Business**

Jail Repairs: Insurance Consultant Mike Miley indicated to Attorney Clevenger that the terms related to insurance in the FABCON proposal were standard. The completed proposal has been returned to FABCON.

Local Ordinance to adopt State's "contract statute": Ordinance 2024-17: An Ordinance Setting Forth Requirements for County Contracts and the Review and Approval of County Contracts was passed on first reading at the last meeting. The ordinance follows Marshall County procedures and practices. It sets in writing under Executive authority requirements for contracts and the procedure for approval of contracts. **Mike Burroughs moved, second by Stan Klotz, to pass Ordinance 2024-17: An Ordinance Setting Forth Requirements for County Contracts and the Review and Approval of County Contracts on second and third reading. Motion carried 2-0.**

Marshall County Holding Corporation: The annual meeting of the Marshall County Holding Corporation is scheduled today at 11:30 a.m. in the Commissioner's Room.

Health Department / Bowen Center Building Appraisal: Jonathan Landing of JAJ Appraisals has been engaged to provide an appraisal of the Bowen Center building at 900 Illinois Street, Plymouth, for \$1,600. The appraisal will be completed within six weeks.

Roy Reynolds v Marshall County: Historically a local government would have immunity when a tree limb falls on the roadway during a thunderstorm. The law firm representing the Plaintiff is taking cases to limit local government immunity. An inspection of the tree is scheduled so that the Plaintiff can have a tree expert determine if the tree was diseased. If the Plaintiff succeeds, the change in law would put an impossible financial burden on local governments.

#### New Business

New Indiana Code Restrictions: The Indiana Attorney General, Todd Rokita, reached out to all counties in the state concerning the adoption by the Indiana General Assembly of a law that prohibits certain foreign persons or businesses from acquiring or leasing Indiana agricultural land. The Attorney General's office requested that our county officials notify his office if there is a suspected violation of the new law.

### AUDITOR REPORT

July 1, 2024 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the July 1, 2024 minutes as presented. Motion carried 2-0.**

Accounts Payable Claims: **Mike Burroughs moved, second by Stan Klotz, to approve the accounts payable claims as presented. Motion carried 2-0.**

Payroll Claims: **Mike Burroughs moved, second by Stan Klotz, to approve the payroll claims as presented. Motion carried 2-0.**

DLGF Meeting: Auditor Birchmeier reminded the Board that Department of Local Government Finance Commissioner Dan Shackle invited elected officials to meet with him this Friday morning at 9:00 a.m. in the Commissioners Room 203.

### PUBLIC COMMENT

Council President Jesse Bohannon and Member Nicole Cox explained that at the June Council meeting the Plan Commission Director was instructed to receive prior authorization before incurring charges related to legal services and printing and advertising. A request was presented and denied; the charge was incurred after the denial. The Council has requested their attorney to contact the Plan Commission attorney. Attorney Clevenger stated the Plan Commission is a separate body operating under the appointed board and is a statutorily established commission. President Bohannon stated that the Council will not allow departments to spend beyond the approved budget.

### COMMISSIONER ITEMS

Uniform Conflict of Interest Statement: Jason Peters filed a Uniform Conflict of Interest Disclosure Statement. **Mike Burroughs moved, second by Stan Klotz, to accept the Uniform Conflict of Interest Disclosure Statement. Motion carried 2-0.**

**ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:18 a.m. Motion carried 2-0.**

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Stan Klotz, President

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Mike Burroughs, Vice President

ATTEST: \_\_\_\_\_  
Angela C. Birchmeier, Auditor

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Kevin Overmyer, Member