

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
AUGUST 5, 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 8:30 a.m., Monday, August 5, 2024. Present were Commissioners, Stan Klotz, President; Mike Burroughs, Vice President; Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier.

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 right-of-way cut request from CNS Networks on behalf of Brightspeed on Pine Road / Alley, between Pine Road and the Alley, in Center Township, for the purpose of fiber optic placement. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from CNS Networks on behalf of Brightspeed on Pine Road / Alley, between Pine Road and the Alley, in Center Township, for the purpose of fiber optic placement. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Comcast on 6th Road, between Queen Road and Quince Road, in Polk Township, for the purpose of installing cable. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore cut request from Comcast on 6th Road, between Queen Road and Quince Road, in Polk Township, for the purpose of installing cable. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:

Bridge 87, 11th Road: Superintendent Peters submitted INDOT Construction Change Order No. 002 representing an underrun of \$57,062.70 for materials not needed as per planned and because the project was run at the same time as Bridge 120, Upas Road with most of the field office item being used on that project. **Kevin Overmyer moved, second by Mike Burroughs, to approve the INDOT Construction Change Order No. 002 for Contract Number B-44759, Bridge 87 11th Road, as presented. Motion carried 3-0.**

Bridge 11, Union Road: Bridge work is nearly complete. A proposal and Professional Services Contract were presented from E&B Paving, LLC, for paving Union Road, from US 6 to Plymouth-LaPorte Trail, in the sum of \$394,680. Discussion was held concerning the bid process. **Kevin Overmyer moved, second by Mike Burroughs, to table the E&B Paving, LLC, Professional Services Contract until the August 19th meeting. Motion carried 3-0.**

Bridge 1, Ule Road (Local Project): The letting date is November 18, 2024. The Bridge Replacement Plans were presented for approval. **Kevin Overmyer moved, second by Mike Burroughs, to approve the submission of the Bridge Replacement Plans for Bridge No. 1, North Ule Trail over Jesse McKesson Ditch, as presented. Motion carried 3-0.**

Bridge 232, Randolph Street: The letting date is October 9, 2024. Construction is anticipated to begin September, 2025.

Bridge 231, Center Street, Bremen: No update.

Bridge 88, 12th Road east of Olive Trail: The field survey was completed on December 12, 2023. The red flag investigation was approved on April 9, 2024. The field work has been completed for the Waters of the US Report. The Archaeological Field Reconnaissance was completed on May 21, 2024. The utility verification letter was sent on January 12, 2024.

Bridge 108, East 7th Road: A draft agreement has been submitted to INDOT.

Mill Pond Dam: In accordance with our hourly contract with DLZ, Indiana, it is estimated that it will take approximately eight hours to perform the hydraulic calculations to determine if the proposed lining is sufficient and review the geotechnical report prepared by Terracon.

Bridge Maintenance Agreement-Chain of Lakes Services: An Agreement/Contract between the Marshall County Board of Commissioners and Chain of Lakes Services for bridge maintenance work was presented for approval. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Agreement/Contract between the Marshall County Board of Commissioners and Chain of Lakes Services for bridge maintenance as presented. Motion carried 3-0.**

INDOT Detour Reimbursement Agreement: INDOT is preparing a Letter of Understanding for the US 6 detour route on Redwood Road and 2B Road.

Energy Efficiency Conservation Block Grant (EECBG): The Davis Bacon Act training is complete. Request for Quotes have been sent out for Ford Lightening and Chevy Silverado trucks, which are due August 6th. Request for Quotes have also been submitted for electric charging stations, which are due August 9th.

Road Work: Chip and seal has been completed on several roads.

CASA

CASA Executive Director Chastity Keller requested permission to apply for the Matching Grant, with the State portion of \$13,865 and the County match would be \$11,786, and Capacity Building Grant in the amount of \$5,943. Director Keller explained that with the grant funding, the budget will fall short approximately \$30,000 in 2025. **Kevin Overmyer moved, second by Mike Burroughs, to allow CASA to file for the Matching and Capacity Grants for calendar year 2025. Motion carried 3-0.**

HEALTH DEPARTMENT

Health Department Administrator Sandy Dunfee presented the Grant Agreement under Contract No. 84667 between the Indiana Department of Health and the Marshall County Health Department, which enables the State to award a federal grant of \$25,000 for Public Health Emergency Preparedness Cooperative Agreement under CFDA #93.069. The grant term is from July 1, 2024 through June 30, 2025. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Grant Agreement between Indiana Department of Health and the Marshall County Health Department in the amount of \$25,000 as presented. Motion carried 3-0.**

BUILDINGS & GROUNDS

Buildings & Grounds Supervisor John Greer presented an estimate from D.R. Masonry to repair the entrance walkway leading to the northwest corner of the Jail building in the sum of \$23,800.

Kevin Overmyer moved, second by Mike Burroughs, to approve the proposal from D.R. Masonry in the sum of \$23,800 to repair the Jail walkway as presented. Motion carried 3-0.

Supervisor Greer presented an estimate from Herman & Goetz, Inc. to replace a transient voltage surge suppressor in the sum of \$4,601. **Kevin Overmyer moved, second by Mike Burroughs, to approve the proposal from Herman & Goetz, Inc. to replace a transient voltage surge suppressor as presented. Motion carried 3-0.**

OLDER ADULT SERVICES

Older Adult Services Executive Director Janis Holiday presented the Section 5311 Rural Transit Invoice #1085 in the amount of \$67,119 (\$61,059 Section 5311 Federal Funds and \$6,060 State match) for approval. She stated that there were 7,521 trips provided in the second quarter, with 61 in county denials and 128 out of county denials, totaling 61,414 miles. **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2024 Second Quarter Report and claim submission under Invoice 1085 as presented. Motion carried 3-0.**

Director Holiday stated the Senior Expo will be held on October 17th at Plymouth High School.

Director Holiday requested the Commissioners presence on October 30th for the Indiana Department of Transportation Four-Year Compliance Review.

ATTORNEY REPORT

Old Business

Health Department / Bowen Center Building Appraisal: Attorney Clevenger furnished the appraisal report from JAJ Appraisals and Jon Landing. The appraisal is similar to the appraisal that was completed by the Bowen Center. The appraised value of the building far exceeds the purchase price that has been discussed between the Bowen Center and the County on behalf of the Marshall County Health Department. Therefore, there is no need for a second appraisal. **Stan Klotz moved to recommend requesting Council support for funding in the amount of \$450,000 and upon approval proceed with the contract and/or lease.** Discussion was held concerning upgrades, heating, air conditioning, and fresh air returns. Commissioners Overmyer and Burroughs stated that they did not feel comfortable moving forward and preferred to defer the decision to the next Board of Commissioners. **Motion died for a lack of a second.**

Roy Reynolds v Marshall County: An inspection of the tree that remains adjacent to North Michigan Road was completed by a tree expert on July 29th. Lisa Baron reported that the inspector made no comments about the tree inspection.

New Business

Auditor/Clerk Lease Agreement with Pitney Bowes: The proposed new lease agreement with Pitney Bowes for postage machines has been reviewed. Attorney Clevenger had not reviewed all the terms that were referenced in the link. The price of the lease is almost identical to the previous lease, except slightly less. Auditor Birchmeier explained that she needed to verify the new machine had the same reporting capabilities for child support purposes and would present the agreement at the August 19th meeting for consideration.

Highway Contract with Chain of Lakes Services: This item was addressed previously in the meeting.

County Open Burn Ordinance: The Health Department has asked Attorney Clevenger to review and put together an open burn ordinance.

Codification of Ordinances: Attorney Clevenger is in the process of drafting an adopting ordinance.

Marshall County Holding Corporation: The meeting was held and business ratified.

MUSEUM

Museum Executive Director Sandy Garrison and Historical Society Board President Mike Miley requested permission to hold an in-staff service day to be able to tour county and historical information in Bourbon, including the Lemler Museum. Director Garrison explained that volunteers would be onsite to keep the museum open to the public. **Mike Burroughs moved, second by Kevin Overmyer, to approve the staff in-service day as requested. Motion carried 3-0.**

AUDITOR REPORT

July 15, 2024 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the July 15, 2024 minutes as presented. Motion carried 2-0-1, with Kevin Overmyer abstaining.**

Accounts Payable Claims: **Kevin Overmyer moved, second by Mike Burroughs, to approve the accounts payable claims as presented. Motion carried 3-0.**

Payroll Claims: **Mike Burroughs moved, second by Kevin Overmyer, to approve the payroll claims as presented. Motion carried 3-0.**

PUBLIC COMMENT

Marshall County Plan Commission Board President David Hostetler, which is a Commissioner appointed position, expressed concern about the Plan Commission's legal representation and that the County Council is determining the Plan Commission agenda. He requested direction from the Board of Commissioners and expressed a desire to have the attorney be present at the meetings following the Council directive. Commissioners Overmyer and Burroughs supported the Plan Commission having legal representation present at the meeting. Attorney Clevenger stated that pursuant to state statute regarding land use issues, the Plan Commission is entitled to an attorney and a contract is in place with an attorney. Commissioner Klotz stated the funding needed to be appropriated first.

COMMISSIONER ITEMS

Battery Storage Subcommittee Appointment: **Kevin Overmyer moved, second by Mike Burroughs, to appoint Mike Burroughs to the Battery Storage Subcommittee. Motion carried 2-1, with Stan Klotz voting no.**

American Rescue Plan (ARP) Subcommittee Report: Commissioner Klotz stated that an ARP subcommittee meeting was held, and recommendation made to fund the Union Road paving project and the balance to be applied toward election equipment. Discussion was held concerning the need for patrol officer radios.

Innkeepers Semiannual Distribution: Auditor Birchmeier explained that the Innkeepers distribution was not made as part of the June settlement process because the new Tourism board was still in the process of establishing a bank account. The new board has made a request for semiannual distribution. The second draw will be made as part of the December settlement. **Mike Burroughs moved, second by Kevin Overmyer, to ratify the decision to approve the distribution to the Tourism Board in the amount of \$215,381.57. Motion carried 3-0.**

Maintenance Dept Snow Removal Machine: **Kevin Overmyer moved, second by Mike Burroughs, to ratify the decision to purchase and prepay a claim for a snow removal machine from Snow Patrol, LLC, in the sum of \$8,000. Motion carried 3-0.**

ADJOURNMENT

With no further business to come before the board, **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 9:42 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member