

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
AUGUST 19, 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, August 19, 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 provided an update on the following projects:

Bridge 87, 11th Road: The project is near completion and the final paperwork is being prepared.

Bridge 11, Union Road: Bridge work is complete and the final walk through will be on Wednesday.

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, 12th Road east of Olive Trail: No update.

Bridge 108, East 7th Road: A draft agreement has been submitted to INDOT and it is being reviewed by the central office.

Mill Pond Dam: Exploratory work has been completed and is being reviewed by DLZ for recommendations.

INDOT Unofficial Detour Reimbursement Contract: Superintendent Peters presented an Unofficial Detour Reimbursement Contract in the amount of \$40,665.45 for the restoration of the unofficial US 6 detour route on Redwood Road and 2B Road to its pre-designation condition, in lieu of INDOT restoring the unofficial detour route. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Unofficial Detour Reimbursement Contract between Indiana Department of Transportation and Marshall County in the amount of \$40,665.45. Motion carried 3-0.**

Energy Efficiency Conservation Block Grant (EECBG): Martell Electric submitted an estimate to install the charging stations in the amount of \$12,336. Bosak Motors submitted an estimate for a Ford Lightning in the amount of \$62,380.

Road Work: Year to date, 60 miles have been single sealed, and 30 miles have been triple sealed.

In response to Dale Blanch's concern about a neighbor's fence being in the county right-of-way, Harley Ramer, 20639 Michigan Road, Argos, requested a variance to allow a fence in right-of-way or for the county to improve visibility and take care of the growth. The Commissioners explained that a variance would not be allowed and that the fence needed to be moved back to its original location.

E&B Paving, LLC: In order to determine the best course of action, **Kevin Overmyer moved, second by Mike Burroughs, to table the E&B Paving, LLC, paving proposal and invoice payment for Union Road. Motion carried 3-0.**

MACOG

MACOG Director of Sustainability Leah Thill presented the MACOG Regional Brownfields Coalition Memorandum of Agreement. She explained the purpose of the agreement is to formalize Marshall County's participation in MACOG Regional Brownfields Coalition. Plan Commission Director Ty Adley requested members of the public to report any possible contamination or environmental issues affecting redevelopment to his office. **Mike Burroughs moved, second by Kevin Overmyer, to approve the MACOG Regional Brownfields Coalition Memorandum of Agreement between MACOG, Kosciusko County, Marshall County, St. Joseph County, and Tolson Center for Community Excellence. Motion carried 3-0.**

PLAN COMMISSION

Plan Commission Director Ty Adley explained the public hearing for 24-PC-10 Burch needs to be rescheduled. Notification letters sent to the neighboring property owners were returned, and to meet the spirit of the law would like to readvertise the Plan Commission meeting to allow any participants that may have missed the opportunity to speak. **Kevin Overmyer moved, second by Mike Burroughs, to return 24-PC-10 Burch to the Plan Commission for a hearing. Motion carried 3-0.**

Commissioner Overmyer suggested Director Adley, Plan Commission Board President David Hostetler, and Vice President Mike Burroughs meet to discuss the status of future Plan Commission meetings and the possibility of suspending future meetings to avoid a felony citation due to lack of funding appropriation by Council.

BUILDINGS & GROUNDS

Buildings & Grounds Supervisor John Greer presented two estimates for an AAON rooftop unit for the Sheriff's Department. The first estimate from Herman & Goetz, Inc. was presented in the sum of \$144,800 and the second was presented from Ideal Consolidated, Inc. in the sum of \$159,070. Supervisor Greer requested approval of the estimate from Herman & Goetz as the low bidder and stated they will not bill this job until after January 15, 2025. He further explained that funding has been requested in the Sheriff's 2025 budget. **Mike Burroughs moved, second by Kevin Overmyer, to approve the proposal from Herman & Goetz, Inc. in the sum of \$144,800 for the AAON rooftop unit as presented. Motion carried 3-0.**

Supervisor Greer reported the installation of the transient voltage surge suppressor is complete, and work has begun on the sidewalk.

ONE MARSHALL COUNTY

ONE Marshall County President Gary Niedig explained the READI 2.0 grant deadline is approaching. They are aware of projects being submitted by the Town of Culver, City of Plymouth, and Town of Bremen. President Niedig requested the Commissioners support of the local community projects being submitted. **Mike Burroughs moved, second by Kevin Overmyer, to support the projects submitted by the local communities for the READI 2.0 grant. Motion carried 3-0.**

DUSTIN'S PLACE

Dustin's Place Co-Founder/Executive Director Viki Brown explained that Dustin's Place provides no cost, no wait support for grieving children. She explained that one in 10 Indiana children experience the loss of a parent or sibling. Accidental Drug Overdose is the leading cause of death in persons aged 25-49. Dustin's Place is one of three facilities in the state that provides grief counseling to children. They serve seven counties with most children from Marshall, St. Joseph, and Starke Counties. She further explained that they were recently given the opportunity to expand to a larger space, have applied for a matching grant, and have set a goal to raise \$800,000. The Commissioners expressed appreciation for her mission.

ATTORNEY REPORT

Old Business

Highway – Union Road/E&B Paving: This was addressed previously in the meeting.

Tamarack Solar Update: Rick Hall should be updating the Commissioners concerning revisions to the agreements originally proposed to Tamarack/Invenergy. He is in receipt of the proposed changes. The attorney representing many of the farmers with farm leases with Tamarack is monitoring the progress of this project.

Auditor/Clerk Lease Agreement with Pitney Bowes: This item will be addressed under the Commissioner Items later in the meeting.

Sheriff/Pension Board/Appeal: Last fall an attorney for the ex-wife of a former Deputy Sheriff appealed a decision from Superior Court 3 concerning the handling of her share of the Deputy's pension through the Sheriff's Department. The court allowed the wife's attorney to include the Sheriff into the dispute. We objected on behalf of the Sheriff. The court did not rule on our motion to be removed from the case. On August 8th, the Court of Appeals issued its decision affirming the trial court's decision concerning the pension funds without specifically addressing the trial court's failure to approve the Sheriff's motion to be dismissed. The case should have no impact on the Sheriff's Department or the Merit Board.

New Business

Health Department/Burn Ordinance: The Health Department has proposed an Open Burning Ordinance that makes clear landowners may not burn garbage or leaves. Clean wood products may be burned in accordance with provisions set out in the ordinance. Attorney Clevenger indicated the Commissioners may want to schedule a public hearing on this as some of the provisions will be controversial. Discussion was held to delay the ordinance until the next calendar year.

Commissioner Overmyer stated at the Council meeting held August 8th that a motion was made to allow Council member Jim Masterson the opportunity to mediate between the Council, Plan Commission, and Commissioner attorneys and questioned if contact has been made. Attorney Clevenger was not aware of any communication.

AUDITOR REPORT

August 5, 2024 Minutes: Mike Burroughs moved, second by Kevin Overmyer, to approve the August 5, 2024 minutes as presented. Motion carried 3-0.

August 14, 2024 Executive Session Minutes: Kevin Overmyer moved, second by Mike Burroughs, to approve the August 14, 2024 executive session minutes as presented. Motion carried 3-0.

Accounts Payable Claims: **Mike Burroughs moved, second by Kevin Overmyer, 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.**

Prepay Request: **Mike Burroughs moved, second by Kevin Overmyer, to approve the prepayment of the Health Department vehicle to Auto Park. Motion carried 3-0.**

PUBLIC COMMENT

Mike Delp, 3746 West Shore Drive, Bremen, expressed concern about the process of paving Union Road, employees working on Sunday, and safety concerns. He also inquired about the status of paving 4th Road and requested the falloffs be taken care of before the road is chip and sealed.

COMMISSIONER ITEMS

Pitney Bowes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Pitney Bowes Lease Agreement for a postage machine in the Auditor's Office and in the Clerk's Office. Motion carried 3-0.**

Marshall County Economic Development Corporation (MCEDC) Appointment: Loretta Schmitt has resigned from the MCEDC Board. **Kevin Overmyer moved, second by Mike Burroughs, to appoint Eric Holsopple to fill the unexpired term of Loretta Schmitt on the MCEDC Board, said term to end December 31, 2026. Motion carried 3-0.**

Sheriff Dept. / Blueberry Festival Joint Agreement: Sheriff Matt Hassell requested permission to enter into an agreement with the Blueberry Festival to purchase a trailer, which will be set up and used as a command center. The total cost of the trailer is \$10,400 with 50% to be paid by the County from the Sheriff's Commissary Fund. The trailer will be titled to and insured by the County. **Kevin Overmyer moved, second by Mike Burroughs, to support the purchase of a trailer as presented with the understanding that a Memorandum of Understanding between Marshall County and the Blueberry Festival will be presented for approval. Motion carried 3-0.**

WEX Fleet Services: Sheriff Matt Hassel requested permission to change the department's fuel credit card from Super Fleet, which is specific to Speedway, with WEX Fleet Services, which can be used at any participating gas station. **Kevin Overmyer moved, second by Mike Burroughs, to approve the use of WEX Fleet Services credit card for the purchase of the Sheriff's Department fuel. Motion carried 3-0.**

Out of State Travel Request: President Stan Klotz requested permission to travel to Washington DC to attend an insurance conference. He stated that he has submitted an additional appropriation for training and travel/mileage in the combined total of \$1,500. **Mike Burroughs moved, second by Kevin Overmyer, to approve the out of state travel for Commissioner Klotz to attend an insurance conference in Washington DC as presented. Motion carried 3-0.**

Jefferson Street Parking Lot: Discussion was held about the County being out of compliance with the City of Plymouth's zoning ordinance because the Jefferson Street parking lot has not been paved. **Kevin Overmyer moved, second by Mike Burroughs, to request three proposals to pave the Jefferson Street parking lot. Motion carried 3-0.**

ADJOURNMENT

With no further business to come before the board, **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 10:48 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member