

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MEETING MINUTES
JUNE 2, 2025**

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 2, 2025. Present were Commissioners, Stan Klotz, President, Jesse Bohannon, Vice President, and Adam Faulstich, Member; County Attorney Sean Surrisi; as well as County Auditor Angela C. Birchmeier. The meeting was called to order, streamed live at <http://www.youtube.com/@MarshallCountyIN>, the Pledge of Allegiance was said, the Invocation was given by Brandon Ritchie, and the business at hand was heard.

PUBLIC INPUT ON AGENDA ITEMS

No public input concerning agenda items was heard.

ATTORNEY REPORT

Marshall County Holding Corporation: The Marshall County Holding Corporation will conduct its annual meeting on June 16, 2025, at 11:00 a.m., or immediately following the Commissioners' meeting, in the Commissioners' Room. The corporation will hear annual updates regarding the jail bond maintenance, ratify annual bond disclosure documents, and will consider approval of documents related to the proposed sale of an easement and lease assignment regarding the communications tower at the jail.

HIGHWAY DEPARTMENT

Highway Department Superintendent Jason Peters presented a right-of-way cut request from Flock Group, Inc. d/b/a Flock Safety on W. Lincoln Highway, between Pioneer Drive and Windmill Drive, in Center Township, for the purpose of installing a camera on behalf of the Plymouth Police Department. **Adam Faulstich moved, second by Jesse Bohannon, to approve the right-of-way cut request from Flock Group, Inc. d/b/a Flock Safety on W. Lincoln Highway, between Pioneer Drive and Windmill Drive, in Center Township, for the purpose of installing a camera on behalf of the Plymouth Police Department. Motion carried 3-0.**

Superintendent Peters presented the following seven requests from NIPSCO:

1. 7567 7B Road, between Ironwood Road and Hickory Road, in Center Township, for the purpose of retiring a station and replacing with a new station.
2. Michigan Road, between Dewey Street and 18th Road, in West Township, for the purpose of installing Supervisory Control and Data Acquisition (SCADA) emergency monitoring equipment.
3. 4A Road, between Lilac Road and King Road, in North Township, for the purpose of installing SCADA emergency monitoring equipment.
4. 14th Road, between Peach Road and Olive Trail, in West Township, for the purpose of installing SCADA emergency monitoring equipment.
5. 7th Road, between Hickory Road and 15B Road, in West Township, for the purpose of installing SCADA emergency monitoring equipment.
6. Redwood Road, between 16th Road and 15B Road, in West Township, for the purpose of installing SCADA emergency monitoring equipment.

7. 9th Road, between U.S. 30 and King Road, in North Township, for the purpose of installing SCADA emergency monitoring equipment.

Jesse Bohannon moved, second by Adam Faulstich, to approve the seven requests from NIPSCO as presented. Motion carried 3-0.

Superintendent Peters presented a right-of-way cut request from BSM Groups on 7th Road, between Pearl Road and Pine Road, in North Township, for the purpose of installing duct and fiber optic cable. **Jesse Bohannon moved, second by Adam Faulstich, to approve the right-of-way cut request from BSM Groups on 7th Road, between Pearl Road and Pine Road, in North Township, for the purpose of installing duct and fiber optic cable. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:
Bridge 1, Ule Road (Local Project): No updates.

Bridge 232, Randolph Street: A progress report was provided for the work being completed by LaPorte Construction.

Bridge 231, Center Street, Bremen: The letting date is 2027. Indiana Department of Transportation (INDOT) is sending stakeholders invitations for responses regarding the re-evaluation of the “non-select” versus “select” status of the bridge. The responses will then be compiled for evaluation, review, and approval by the State Historic Preservation Office. The geotechnical drilling occurred in May and the evaluation and report are being prepared. Due to the historic process, the project has been pushed out to FY2028 and has a new letting date of August, 2027.

Bridge 88, 12th Road east of Olive Trail: The letting date is January 14, 2029. The Geotechnical Investigation was completed.

Bridge 108, East 7th Road: The letting date is February 12, 2030. Plans have been sent to the Indiana Department of Transportation (INDOT) for review.

Bridge Inspections 2022-2025 Phase II: No updates.

Bridge Inspections 2026-2029: The project has been assigned DES No. 2300183. In the process of preparing fees and contract documents.

Mill Pond Dam Improvements: In process of contacting company to schedule the slip lining for the pipe.

Energy Efficiency Conservation Block Grant (EECBG): The charging stations have been installed, and electricity will be connected to the stations this week.

Horse-Drawn Vehicle License Fees: No updates.

2025 Road Program: A progress report was presented.

Community Crossings 2025-01: Milestone Contractors stating the paving projects will begin in approximately three weeks.

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Equipment: The Total Patcher was demonstrated last week. As promoted, the machine was able to patch potholes in the rain and with holes full of water. Superintendent Peters explained that the leases for the loader and mower will be paid in full this year, leaving \$129,785.91 available in the Cum Cap Development budget in 2026.

Mowing Contract: Superintendent Peters presented a contract for mowing services with Amos Bontrager. **Jesse Bohannon moved, second by Adam Faulstich, to approve the mowing agreement as presented and to allow Superintendent Peters to sign on behalf of the Board of Commissioners. Motion carried 3-0.**

Discussion was held concerning the Total Patcher. Superintendent Peters stated that the zipper machine did not sell at auction, and he is looking for other financing options.

Vialytics Presentation: Slater Rush provided an overview of their fully automated AI road management system. He explained that a smart phone mounted on the vehicle will scan road conditions. The AI analysis will automatically detect and classify defective roads and traffic signs. Utilizing the streamlined platform will help the county stay on top of road conditions, inventory, and budget planning. It will also allow the ability to assign tasks within the team and implement repairs efficiently. The annual subscription cost is \$49,000 with unlimited usage and users. The onboarding and training fees will be waived. The term would be for three years, and the County will own the data. This data can overlay on the County GIS with web feature services.

AUDITOR REPORT

May 19, 2025 Minutes: **Jesse Bohannon moved, second by Adam Faulstich, to approve the May 19, 2025 minutes as presented. Motion carried 3-0.**

Accounts Payable Claims: **Adam Faulstich moved, second by Jesse Bohannon, to approve the accounts payable claims as presented. Motion carried 3-0.**

Payroll Claims: **Jesse Bohannon moved, second by Adam Faulstich, to approve the payroll claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Jail Communications Tower: Attorney Surrisi presented the Purchase and Sale Agreement (New Easement and Lease Assignment) between Marshall County, Marshall County Holding Corporation, and AIO Operating 2, LLC for consideration. He explained the purchase price for the grant of the Easements and assignment of the Existing Agreements shall be an amount equal to \$278,000. EPICS Coordinator John Grolich explained that the proceeds will be used for communication upgrades throughout the County. **Jesse Bohannon moved, second by Adam Faulstich, to approve the Purchase and Sale Agreement between Marshall County, Marshall County Holding Corporation, and AIO Operating 2, LLC, as presented, and to allow the President to sign on behalf of the Board. Motion carried 3-0.**

Marshall County Regional Sewer District: Attorney Surrisi stated that the Commissioners requested that he research several matters regarding the Marshall County Regional Sewer District (“MCRSD”). That request came against the backdrop of many residents within the Proposed Service Area 1 (“PSA 1”) of the district expressing concerns about the district and its economic feasibility.

The first inquiry the Commissioners asked to be addressed was whether they had the authority to remove an appointed member of the MCRSD. The answer to that question is, yes. The Commissioners original petition to the Indiana Department of Environmental Management (“IDEM”) seeking to form the MCRSD addressed vacancies on the MCRSD board utilizing language revealing an intent that the members were to serve at the pleasure of their appointing authority. That language set forth in the Commissioners’ petition was approved by IDEM in its final order establishing the district. To further clarify and definitively reaffirm the Commissioners’ authority to remove members of the MCRSD, that issue is being addressed in the currently proposed Ordinance No. 2025-16.

Next, Attorney Surrisi researched whether the MCRSD could be stopped or otherwise dissolved. The answer to that question is also, yes. IDEM’s final order established the MCRSD as “an independent municipal corporation” and found that it “appear[ed] capable of accomplishing the purposes of the district in an economically feasible manner.” Even though IDEM’s order is final, the Indiana Code provides for a process to reconsider the agency’s action creating the MCRSD. The Commissioners, as the petitioners in the IDEM administrative proceedings that created the MCRSD, retain standing to ask the agency to rehear its decision to establish the district. Indiana Code 4-21.5-3-31(c) allows a party to the original proceedings to petition IDEM “for a rehearing of final order”. IDEM is only authorized to grant such a petition if the petitioning party can demonstrate that “newly discovered material evidence exists” and “the evidence could not, by due diligence, have been discovered and produced at the hearing in the proceeding.” Under Indiana Code 13-26-6-4, if IDEM determines that a “project or operation of the district is not economically feasible, fair, or reasonable” the agency “may declare the district dissolved and enter an order for the distribution of all assets owned by the district after the payment of liabilities.” It would take much effort by the Commissioners and interested individuals to compile sufficient evidence to support a petition for rehearing of IDEM’s order creating the MCRSD. Most of the complaints heard expressed from residents of PSA 1 are matters that with due diligence could have been raised in 2022 when the district was being formed by IDEM. However, it could be seen certain considerations of whether the project is “economically feasible” today, being new evidence. The economy at the international, national, state, and local levels has gone through many changes since the district formed in 2022. We’ve seen high inflation, soaring property taxes and now comprehensive property tax reforms, changing tariffs, etc. Such evidence could be compelling factors in rehearing the decision by the new IDEM administration. Obtaining a reversal from IDEM may be difficult, but it is possible.

Discussion was held. Attorney Surrisi stated that MCRSD has done nothing illegal or irresponsible. Vice President Bohannon stated that it is a conversation between political authority versus legal authority. **Jesse Bohannon moved, to approve Ordinance 2025-16: An Ordinance of the Marshall County Board of Commissioners Regarding Vacancies on the Board of Trustees of the Marshall County Regional Sewer District on all three readings.** Jesse Bohannon withdrew the motion.

Adam Faulstich moved, second by Jesse Bohannon, to approve Ordinance 2025-16: An Ordinance of the Marshall County Board of Commissioners Regarding Vacancies on the Board of Trustees of the Marshall County Regional Sewer District on first reading. Motion carried 3-0.

Jesse Bohanon moved, second by Adam Faulstich, to authorize Attorney Surrisi to send a letter to Tom McFadden inviting him to a Commissioner meeting. Motion carried 3-0.

Kankakee River Basin and Yellow River Basin Development Commission and Technical Advisory Committee: **Adam Faulstich moved, second by Jesse Bohannon, to reappoint Craig Cultice to the Kankakee River Basin and Yellow River Basin Development Commission for a four year term and to reappoint Randy Glinge to the Kankakee River Basin and Yellow River Basin Development Commission Technical Advisory Committee for a four year term, said terms to run from July 1, 2025 through June 30, 2029. Motion carried 3-0.**

Health Department – New Building Moving Dates: The Health Department will be moving to their new location at 990 Illinois Street during the week of June 9th through June 13th. **Adam Faulstich moved, second by Jesse Bohannon, to authorize closing the Health Department from June 9th through June 13th to move to the new building. Motion carried 3-0.**

2026 Budget Recommendation: **Jesse Bohanon moved, second by Adam Faulstich, to recommend Council continue with the previous practice of alternating flat rate and percentage wage increases and to consider a 3% wage increase in 2026. Motion carried 3-0.**

PUBLIC COMMENT

Rhonda Sukich, 17075 Tomahawk Trail, Plymouth, questioned what binds the Regional Sewer District fiscally.

Bill Woodward, 12094 Peach Road, Plymouth, requested the Regional Sewer District to stop spending and questioned who will pay back the debt.

Sheila Gardner, 10660 Nutmeg Road, Plymouth, questioned if there would be a process for other priority service areas to opt out.

Serena Anderson, 17085 Tomahawk Trail, Plymouth, spoke against the sewer district.

Arlene Shabino, 12344 Chippewa Trail, Culver, spoke against the sewer district and is concerned about the timing of the three readings of proposed Ordinance 2025-16.

Chris Nusbaum, Attorney for the Regional Sewer District, stated he is looking forward to reading the letter being sent to Tom McFadden and ordinance in its current draft. He presented a copy of case law, 856 NE. 2d 86, Court of Appeals of Indiana, Pat Fox, in his official capacity as a member of the Town Council of Ingalls, Indiana, et al, Appellants-Defendants v. Tim Green, Appellee-Plaintiff, No. 48A04-0508-CV-493, August 14, 2006, Publication Ordered Oct. 11, 2006. He stated that he believes there is misunderstanding in the way the Sewer District was formed. There are stated term limits for each of the board members, they do not serve at the pleasure of the appointing committees. The members are appointed to serve for a stated term and as such, they cannot be removed.

ADJOURNMENT

With no further business to come before the board **Jesse Bohannon moved, second by Adam Faulstich, to adjourn the meeting at 9:56 a.m. Motion carried 3-0.**

Stan Klotz, President

Jesse Bohannon, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Adam Faulstich, Member