

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MEETING MINUTES  
AUGUST 4, 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, August 4, 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 streamed live at <http://www.youtube.com/@MarshallCountyIN>. The Invocation was given by Brandon Ritchie, the Pledge of Allegiance was said, the meeting was called to order, and the business at hand was heard.

**PUBLIC INPUT ON AGENDA ITEMS**

Charles Rutherford, 12561 Union Road, Culver, presented a petition to have a portion of Union Road in Culver paved or chip and sealed. He explained that the road is currently dirt, and all the residences are located on half of the road. There is excessive wear on that half of the road, as a result there are potholes, large puddles, and excessive dust from the traffic. The nature of having a dirt road leaves rocks in the yard becoming a hazard after the seasonal plowing when it is time to mow.

**HIGHWAY DEPARTMENT**

Highway Department Superintendent Jason Peters presented eight requests from ProSource Utility Group, on behalf of Brightspeed, as follows:

1. A road bore and right-of-way cut on Hillside Drive, between Parkview Drive and Hillside Court, in Center Township, for the purpose of placing conduit.
2. A right-of-way cut on Linwood Drive, between Nutmeg Road and 11<sup>th</sup> Road, in Center Township, for the purpose of placing conduit.
3. A road bore and right-of-way cut on Michigan Road, between Lupine Lane and 11<sup>th</sup> Road in Center Township, for the purpose of placing conduit.
4. A road bore and right-of-way cut on Pretty Lake Trail, between Pretty View Drive and State Road 17, in West Township, for the purpose of placing conduit.
5. A road bore and right-of-way cut on Deer Trail, from Pine Road to Country Lane, in Center Township, for the purpose of placing conduit.
6. A road bore on Castle Drive, between 11<sup>th</sup> Road and Michigan Road, in Center Township, for the purpose of placing conduit.
7. A right-of-way cut from 10805 Nutmeg Meadows to 10809 Nutmeg Meadows, in Center Township, for the purpose of placing conduit.
8. A right-of-way cut on Michigan Road, between 7B Road and Memory Lane, in Center Township, for the purpose of placing conduit.

**Jesse Bohannon moved, second by Adam Faulstich, to approve the eight requests from ProSource Utility Group as presented. Motion carried 3-0.**

Superintendent Peters presented three requests from Northern Indiana Public Service Company as follows:

1. WO #4000052443: A right-of-way cut around Lake Latonka on 12<sup>th</sup> Road and Rose Road, in West Township, for the purpose of replacing aging infrastructure and improving system reliability.
2. WO #4000052438: A right-of-way cut on 9B Road, between Union Road and S. Upas Road, in West Township, for the purpose of replacing aging infrastructure and improving system reliability.
3. WO #4000053177: A right-of-way cut on Quince Road and Pretty Lake Trail, in Center Township, for the purpose of replacing aging infrastructure and improving system reliability.

**Adam Faulstich moved, second by Jesse Bohannon, to approve the three requests from Northern Indiana Public Service Company as presented. Motion carried 3-0.**

Superintendent Peters presented a road surface cut, road bore, and right-of-way cut from BSM Groups on Hawthorn Road, 11A Road, Walnut Street and Lincoln Highway, between Inwood Mobile Home Park and 11A Road, in Center Township, for the purpose of placing fiber optic cable. **Jesse Bohannon moved, second by Adam Faulstich, to approve the road surface cut, road bore, and right-of-way cut from BSM Groups on Hawthorn Road, 11A Road, Walnut Street, and Lincoln Highway, between Inwood Mobile Home Park and 11A Road, in Center Township, for the purpose of placing fiber optic cable. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:

Bridge 1, Ule Road (Local Project): NIPSCO has a tentative start date of August 25, 2025 to relocate utilities and a tentative completion date of September 26, 2025. Originally, the project was to start on October 28, 2024 and be completed by July 13, 2025. The contractor wanted to begin mid-August.

Bridge 232, Randolph Street: LaPorte Construction Change Order No: 001 to Contract No. B-42826 for adjustment to contract dates was submitted for Commissioner approval. A progress report was provided. The new milestone for Preliminary Intermediate Completion date is August 22, 2025, so that the bridge may be open for the Blueberry Festival. After the Blueberry Festival, the bridge will be closed to finish the project. **Jesse Bohannon moved, second by Adam Faulstich, to approve Change Order No: 001, as presented. Motion carried 3-0.**

Bridge 231, Center Street, Bremen: The date of letting is 2027. Indiana Department of Transportation (INDOT) has requested a response from the Commissioners regarding the reclassification from Non-Select to Select Bridge. **Jesse Bohannon moved, second by Adam Faulstich, to approve a response letter to INDOT stating the classification of Bridge 231 as Non-Select is appropriate. Motion carried 3-0.**

Bridge 88, 12<sup>th</sup> Road east of Olive Trail: The date of letting is January 14, 2029. No updates.

Bridge 108, East 7<sup>th</sup> Road: The date of letting is February 12, 2030. No updates

Bridge Inspections 2022-2025 Phase II: No updates.

Bridge Inspections 2026-2029: DES No. 2300183. No updates.

Mill Pond Dam Improvements: No updates.

Energy Efficiency Conservation Block Grant (EECBG): The Quarterly Report has been submitted, and the work has been completed. We are awaiting Martell Electric to provide an itemized invoice and certifications of completion. Upon receipt, the project will be closed and the invoice submitted for final reimbursement.

MOU Culver Academies/Culver Education Foundation (CEF): No updates.

2025 Road Program: A progress report was presented.

Community Crossings 2025-01: Milestone Contractors has completed 3<sup>rd</sup> Road, 16C Road and the paving is complete on 9<sup>th</sup> Road, they still need to complete shoulders and striping. Nutmeg Meadows has not started.

Additional Paving Projects: No updates.

Equipment: Superintendent Peters stated the estimate provided in the amount of \$97,500 was only good until July 31<sup>st</sup>. Council held a special meeting on July 30<sup>th</sup> to consider funding the cost of the Total Patcher in the amount of \$97,500. Council voted in favor of supporting an additional appropriation for the purchase. Resolution 025-8: Written Determination of the Marshall County Board of Commissioners Regarding Purchase of Spray Injection Road Repair System Through Special Purchasing Methods for approval. Attorney Surrisi explained that the Board, as purchasing agent for Marshall County, is utilizing the special purchasing methods set forth in IC 5-22-10 et seq. **Jesse Bohannon moved, second by Adam Faulstich, to ratify the purchase of the Total Patcher in the sum of \$97,500 and approve Resolution 2025-8: Written Determination of the Marshall County Board of Commissioners Regarding Purchase of Spray Injection Road Repair System Through Special Purchasing Methods, as presented. Motion carried 3-0.**

Superintendent Peters stated that he looked at Union Road, Culver and understood the concerns expressed by Charles Rutherford earlier. Consideration of Union Road will be made next year.

### **MARSHALL COUNTY COUNCIL ON AGING**

Marshall County Council on Aging Executive Director Janis Holiday presented the 2<sup>nd</sup> Quarter statistics. The total expenses were \$139,769 and revenues totaled \$12,763. There were 7,282 trips; 60 trips were denied in county and 113 out-of-county. The total trip mileage was 55,180.

Invoice #1277 was presented for Section 5311 Operating Funds \$63,503 (federal) and \$15,000 (state) in the total sum of \$78,503 for approval. **Adam Faulstich moved, second by Jesse Bohannon, to approve Invoice 1277 in the amount of \$78,503, as presented. Motion carried 3-0.**

**Jesse Bohannon moved, second by Adam Faulstich, to accept the 2<sup>nd</sup> Quarter Report, as presented. Motion carried 3-0.**

### **BOWEN HEALTH**

Bowen Health Director of Community Engagement for Marshall County, Zachary Cook and Executive Director of Northwest Indiana, Mark Groeller thanked the Board for their financial support. They explained that they will be opening a facility in Bremen and adding dental services. A financial report was provided, with an outline of the total number of patients and services provided. They employ 98 individuals in Marshall County and in FY2024 served 3,491 patients, provided 56,648 services, and provided skills coaching services to 22,738 individuals.

Discussion was held concerning the possibility of expanding services provided to the Sheriff. Executive Director Groeller stated that he has a meeting already scheduled with the Sheriff.

### **GLOBE LIFE**

Globe Life Field Director, Patti Enfield and Independent Agent, Rebecca Taylor presented a PowerPoint presentation outlining supplemental insurance benefits offered. The benefits include Cancer, Heart Attack & Stroke, and Accidents & Injuries. They explained that there is no cost to the County or taxpayers and would not be payroll deducted. They requested permission to market directly to the employees by working with Human Resources and department heads. The Commissioners will consider the request.

### **MARSHALL COUNTY FIRE**

John Grolich explained that the cost of the drone was presented as \$17,721.99 from DSLR Pros at the prior meetings. He realized that the estimate did not include items requested: thermal imaging, spotlight, loudspeaker, and larger display. He requested approval of the revised estimate in the amount of \$19,000 for each drone. **Jesse Bohannon moved, second by Adam Faulstich, to approve the updated price of \$19,000 each for two drones. Motion carried 3-0.**

Attorney Surrisi advised that he is working with the EMA Director, Insurance Consultant Mike Miley and the departments on a Mutual Aid Agreement.

Plymouth Fire Department Assistant Chief Jesus “Chuy” Garcia presented a request to apply for funding from the Public Safety Program in the amount of \$2,000 for an Extrication Class. He explained that McQueen Services is donating the tools and equipment. **Jesse Bohannon moved, second by Adam Faulstich, to approve the request in the amount of \$2,000 for an Extrication Class, as presented. Motion carried 3-0.**

### **SHERIFF**

Captain Jeff Snyder presented a request to allow an employee to travel out of state to Nashville, Tennessee from November 7<sup>th</sup> through November 9<sup>th</sup> to attend the “Freedom from Within” National Corrections Conference. **Adam Faulstich moved, second by Jesse Bohannon, to approve the out of state travel request, as presented. Motion carried 3-0.**

### **EMA**

EMA Director Jack Garner requested permission to apply for the Emergency Management Performance Grant with the Indiana Department of Homeland Security. He explained that it is a federal grant that reimburses up to 50% of the EMA Director’s 2025 salary, not to exceed \$30,000. **Jesse Bohannon moved, second by Adam Faulstich moved, to approve request to apply for the Emergency Management Performance Grant, as presented. Motion carried 3-0.**

Director Garner stated that there is good news following the wind and tornado event this spring. The President announced that he has approved Indiana's disaster declaration for the March 30 – April 9 severe storms and flooding. Hopefully there will be some reimbursement to Marshall County.

### **ATTORNEY REPORT**

Thomas McFadden Lawsuit: The County Attorney advised that the Marshall County Regional Sewer District ("MCRSD") recently met and authorized their four attorneys to defend Mr. McFadden in the lawsuit. Mr. McFadden's attorneys filed a motion to dismiss the Commissioners' complaint contending that the Commissioners lacked standing to bring a declaratory judgment action and that the only proper action to remove a government office holder is a *quo warranto* action. The County Attorney advised that he had a phone conversation with Mr. McFadden's attorneys and advised them that he did not agree with their legal analysis. He suggested that the Commissioners file an amended complaint reasserting their claim for declaratory judgment claim and adding Bill Woodward, their appointee, to fill Mr. McFadden's seat on the MCRSD board, to also advance a *quo warranto* claim. Mr. McFadden's attorneys were not agreeable to that proposal and refused to withdraw the motion to dismiss.

Accordingly, the County Attorney prepared a brief in response to the motion to dismiss. He noted a case cited by Mr. McFadden in his own motion, *City of Bloomington v. Guenther*, 188 N.E.3d 911 (Ind. Ct. App. 2022), which undermines Mr. McFadden's contention that the Commissioners lack standing. The County Attorney further discussed the *Guenther* case and his view of other legal problems with Mr. McFadden's motion to dismiss, which he views as unreasonable and groundless.

The County Attorney sought the Commissioners approval for him to represent Mr. Woodward and to join him as a plaintiff in the lawsuit through the filing of an amended complaint. Attorney Surrisi presented a Consent for Dual Representation, which outlines the terms of his representation of both the Commissioners and Mr. Woodward in the lawsuit. **Adam Faulstich moved, second by Jesse Bohannon, to approve the filing of an amended complaint for declaratory judgment claim and adding Bill Woodward to advance a quo warranto claim. Motion carried 3-0.**

**Jesse Bohannon moved, second by Adam Faulstich, to approve the Consent to Dual Representation and to allow the President to sign on behalf of the Board. Motion carried 3-0.**

### **COUNCIL**

Council President Tim Harman presented an outline of the funds that have earned interest in the first half of 2025. He requested the Commissioners, along with the Treasurer, hold a Board of Finance meeting to discuss changing which funds receive interest. Additional interest accumulated in the General Fund will help fund the Public Safety Grant.

### **AUDITOR REPORT**

July 21, 2025 Minutes: **Jesse Bohannon moved, second by Adam Faulstich, to approve the July 21, 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.**

### **PUBLIC COMMENT**

Council President Tim Harman suggested holding a joint meeting to provide the Council an opportunity to weigh in as a body, about becoming a joint petitioner to IDEM regarding the Regional Sewer District.

### **COMMISSIONER ITEMS**

**The Auction Lot: Adam Faulstich moved, second by Jesse Bohannon, to approve the Consignment Agreement between the Auction Lot LLC and Marshall County for the sale of an Oder Adult Services vehicle ending August 24, 2025. Motion carried 3-0.**

**Cargo Trailer:** Discussion was held concerning Attorney Surrisi preparing a Memorandum of Understanding for the Cargo Trailer.

**Baby Changing Tables:** Member Faulstich stated the Safety Committee is recommending that baby changing stations be added in the restrooms. **Jesse Bohannon moved, second by Adam Faulstich, to authorize the Buildings & Grounds Supervisor to purchase baby changing tables for the County Building and Courthouse, in an amount not to exceed \$800. Motion carried 3-0.**

**First Aid Kits:** Member Faulstich stated that the Buildings & Grounds Supervisor is reaching out to vendors for estimates.

### **ADJOURNMENT**

With no further business to come before the board, **Jesse Bohannon moved, second by Adam Faulstich, to adjourn the meeting at 10:20 a.m. Motion carried 3-0.**

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Stan Klotz, President

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Jesse Bohannon, Vice President

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

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Adam Faulstich, Member