

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JANUARY 2, 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., Tuesday, January 2, 2024. Present were Commissioners, Stan Klotz, Mike Burroughs, and Kevin Overmyer; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier. The meeting was opened, streamed live at <http://www.youtube.com/@MarshallCountyIN>, the Pledge of Allegiance was given and the business at hand was heard.

REORGANIZATION OF THE BOARD OF COMMISSIONERS

Kevin Overmyer moved, second by Mike Burroughs, to retain Stan Klotz as President and Mike Burroughs as Vice President of the Marshall County Board of Commissioners for 2024. Motion carried 3-0.

DEPARTMENT HEAD APPOINTMENTS

Kevin Overmyer moved, second by Mike Burroughs, to reappoint the following individuals:

Doug Masterson, Buildings & Grounds Supervisor-Courthouse

John Greer, Building & Grounds Supervisor-Jail

Sandy Garrison, Museum Director

Jerry Huss, Weights & Measures Inspector

Jason Peters, Highway Superintendent

Pam Schweizer-Betz, Veterans Service Officer

Jack Garner, EMA Director

Michael Marshall, IT Director

Jennier Daake, Human Resources Administrator

James Clevenger, County Attorney

Motion carried 3-0.

Commissioner Overmyer explained Building Commissioner Steve Howard resigned and an executive session was held December 20th to conduct interviews. Four good applicants were interviewed. **Kevin Overmyer moved, to appoint Chuck Garmon as Building Commissioner effective January 8, 2024, second by Stan Klotz**, who explained Chuck Garmon is Vice President Burroughs son-in-law. Following a legal opinion, this appointment will not violate the nepotism policy, because he will answer to the board and not an individual. A more stringent nepotism policy has been adopted and Mr. Garmon and Commissioner Burroughs will not have any direct contact. **Motion carried 2-0-1, with Mike Burroughs abstaining.**

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters provided an update on the following bridge projects:

11, Union Road: A preconstruction meeting will be held January 30, 2024.

1, Ule Road (Local Project): The letting date is November 18, 2024.

232, Randolph Street: The Construction Stormwater General Permit Application has been approved by Indiana Department of Environmental Management (IDEM).

231, Center Street, Bremen: A red flag investigation has been submitted and we are awaiting a response from the Indiana Department of Transportation (INDOT). DLZ has responded to the

historian's letter. DLZ has reported that the recommendation is for replacement, which is the most feasible and prudent option versus attempting to rehabilitate the bridge. An Alternative Analysis Report was submitted with a Historic Bridge Alternative Report. Utility coordination is ongoing. CXS has been contacted regarding a Preliminary Engineer Agreement. The waters report is complete and ready to submit in a Construction Document. Continue to work on design plans.

Mitigation – Bridge 88, 12th Road, East of Olive Trail: Working on utilities location.

Mill Pond Dam: No updates.

Mitigation – Bridge 81, Hickory Road: No updates.

Mitigation – Bridge 73, King Road: No updates.

7th Road Extension Mitigation: No updates.

Road Work: Crews have been working on patching roads, cutting brush and trees, grading, and adding gravel for winter. Stone is being hauled in for 2024.

2024 Road Program: The draft Road Program for 2024 was presented for review at the last meeting.

Community Crossings Matching Grant 2024-01: The 2024-1 CCMG Call for Projects will begin today and close on January 31st.

PURDUE EXTENSION

Purdue Area 8 Director, Interim Area 10 Director Josh Winrotte and Interim Director Sam Williams discussed Purdue's hiring process and the ability of a 4-H Educator meeting the expectations of the 4-H Council. Director Winrotte requested approval of the Extension Contractual Services Agreement for 2024. He explained under the contract 4-H Youth Development, Leadership and Community Development, Agriculture and Natural Resources, and Health and Human Services would be provided and even though Marshall County has not had a 4-H Educator, the services have still been provided. Commissioner Overmyer stated a meeting has been scheduled with Purdue to address the county's concerns. **Kevin Overmyer moved, second by Mike Burroughs, to table the Extension Contractual Services Agreement until February 5th. Motion carried 3-0.**

Director Winrotte requested the board communicate any concerns with Interim Director Williams.

ATTORNEY REPORT

Old Business:

Keith Junker v Marshall County et al (Junker's neighbors): A reply has not been received from Plaintiff's counsel regarding the County dismissal.

County Tourism Board: The public hearing has been scheduled for the January 16, 2024 Commissioner meeting.

Extension Contract for Services: I.C. 21-46-5-1(b) – Each county council shall annually appropriate the amount of money that the county council considers necessary to pay secretarial and clerical employees, travel expenses of the county cooperative extension service educators, rent, office supplies, equipment, and incidental expenses. Each county council may appropriate additional money for salaries and other personnel costs of the county cooperative extension service educators. Auditor Birchmeier confirmed that \$128,805 has been appropriated for this purpose.

New Business:

MOU St. Joseph Health Systems: The MOU has been prepared between Marshall County and

St. Joseph Health Systems for Tobacco Education Coordinator, Jalysa Gibson. Unrestricted opioid funds in the sum of \$24,756.87 will be used to supplement Gibson's position to that of full-time status. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Memorandum of Understanding between Marshall County and St. Joseph Health Systems as presented. Motion carried 3-0.**

2024 Sheriff Compensation Contract: The contract has been prepared in the amount of \$99,744.84 as provided by the Auditor.

AUDITOR REPORT

December 29, 2023 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the December 29, 2023 minutes as presented. Motion carried 3-0.**

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

PUBLIC COMMENT

President of Marshall County Farm Bureau Steve Neff, 18299 US 6, Walkerton, expressed appreciation for the oversight and expressed concerns about the Extension vacancies statewide.

Janell Prochno-Naylor addressed concerns of Marshall County Citizens regarding imminent domain, farmland preservation, property setbacks, conflict of interest of officials, and effects of solar on wildlife.

Annette Haining, Marshall County Tobacco Education Coordinator, thanked the board for their support in approving the Memorandum of Understanding.

Bryan Johnson, 20707 9th Road, Plymouth, expressed concerns about a conflict of interest.

Charles Dault, 14774 Nutmeg Road, Plymouth, expressed support for placing a hold on solar.

Jeff Gustafson, 18771 4B Road, Walkerton, spoke about the importance of having a 4-H Educator.

COMMISSIONER ITEMS

Appointments: President Klotz addressed Local Planning and Zoning Conflict of Interest and differentiating between direct and indirect financial interest in accordance with I.C. 36-7-4-223. **Mike Burroughs moved, second by Stan Klotz, to approve the following appointments:**

Bourbon Plan Commission: **Patti Kitch for a four-year term, ending December 31, 2026.**

Culver Plan Commission: **Don Fox for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Marshall County Plan Commission: **Kevin Overmyer for a one-year term, beginning January 1, 2024 through December 31, 2024.**

Marshall County Plan Commission: **Matt Miller for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Marshall County Plan Commission: **Michelle Mieras for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Alcoholic Beverage Board: **Joel Fisher for a one-year term, beginning January 1, 2024 through December 31, 2024.**

Marshall County Board of Health: **Dr. Byron Holm for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Marshall County Board of Health: **Dr. Jim White for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Marshall County Board of Health: **Dr. John Larson for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Lake of the Woods Regional Sewer District: **Mary Wood for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Marshall County Drainage Board: **David Stults for a three-year term, beginning January 1, 2024 through December 31, 2026.**

Michiana Area Council of Governments: **Mike Burroughs for a one-year term, beginning January 1, 2024 through December 31, 2024.**

Safety Committee: **Kevin Overmyer for a one-year term, beginning January 1, 2024 through December 31, 2024.**

Central Dispatch: **Stan Klotz for a one-year term, beginning January 1, 2024 through December 31, 2024.**

Unsafe Building: **Stan Klotz for a one-year term, beginning January 1, 2024 through December 31, 2024.**

Unsafe Building: **Kathy Schwenk for a one-year term, beginning January 1, 2024 through December 31, 2024.**

Community Corrections Board: **Jeremy Riffle for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Community Corrections Board: **Tim Harman for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Community Corrections Board: **Sam Schlosser for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Community Corrections Board: **James Brown for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Community Corrections Board: **Francis Ellert for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Community Corrections Board: **Lindie Leary for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Community Corrections Board: **Dave Hinderlider for a four-year term, beginning January 1, 2024 through December 31, 2027.**

Motion carried 3-0.

Sheriff's Salary Contract: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Sheriff's Salary Contract as presented. Motion carried 3-0.**

Sick Bank: **Mike Burroughs moved, second by Kevin Overmyer, to approve the Sick Bank Board recommendations of a one day donation to remain a member, all newly joining employees donate two (2) days, and a maximum of five (5) days donated for employees who opted out or had a lapse in membership. Motion carried 3-0.**

CASA 2024 Grant Agreement: CASA Director Chastity Keller presented the Grant Agreement between the Indiana Office of Court Services and CASA for the calendar year 2024. The total budget for 2024 is \$62,000 with \$4,327 provided by the State Grant and matching county funds of \$3,678. The remaining cash balance in the CASA fund will supplement the grant. Director Keller explained that since COVID there has been less money available with more programs provided. **Mike Burroughs moved, second by Kevin Overmyer, to approve the CASA 2024 Grant Agreement as presented. Motion carried 3-0.**

Jail Repairs: President Klotz explained there are some needed structural repairs at the jail and at the next meeting will discuss specifications for the bid notice.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 9:43 am. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST:

Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JANUARY 16, 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., Tuesday, January 16, 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 Superintendent Jason Peters presented three right-of-way cut requests from Northern Indiana Public Service Company as follows:

- Work Order #53081-912-PRP: Replacement of two utility poles including the overhead equipment and transfer of conductors/wires to the new poles on N. Sage Road and N. Tamarack Road in Polk Township.
- Work Order #53083-912-PRP: Replacement of three utility poles including the overhead equipment and transfer of conductors/wires to the new poles on 7th Road, between Ironwood Road and S. Jarrah Road, in Center Township.
- Work Order #53080-912-PRP: Replacement of three utility poles including the overhead equipment and transfer of conductors/wires to the new poles on 4B Road, Underwood Road, and Taft Street in Polk Township.

Kevin Overmyer moved, second by Mike Burroughs, to approve the three right-of-way cut requests from Northern Indiana Public Service Company as presented. Motion carried 3-0.

Superintendent Peters presented a request from Frontier to remove poles and aerial fiber on 17B Road, between Douglas Road and State Road 331. Following discussion of an ongoing dispute with Frontier, Mike Burroughs moved to deny the request and then rescinded the motion.

Kevin Overmyer moved, second by Mike Burroughs, to table the request from Frontier to remove poles and aerial fiber on 17B Road, between Douglas Road and State Road 331. Motion carried 3-0.

Superintendent Peters provided an update on the following bridge projects:

11, Union Road: A preconstruction meeting is scheduled for Tuesday, January 30th.

1, Ule Road (Local Project): The Letting date is November 18, 2024. In December, an appraisal notice was sent to the landowners and started the environmental permit application.

232, Randolph Street: A request has been made to move the Letting date from December 11, 2024 to October 9, 2024. If approved, this will place Marshall County in a better position to receive a 100% Construction match from INDOT.

231, Center Street, Bremen: No updates.

Bridge 88, 12th Road east of Olive Trail: Work continues on utility locations.

Mill Pond Dam: Tree removal has begun. The Lake Latonka Homeowners Association has agreed that a fence may be removed.

Mitigation – Bridges 81, 73 and 7th Road: No updates.

Road Work: No roads were closed during the snow event. Crews continue to treat snow and ice covered roads.

2024 Road Program: The draft version was submitted for review at the prior meeting.

Community Crossings Matching Grant 2024-01: Superintendent Peters requested permission to apply for the 2024-01 Community Crossings Matching Grant. The submitted projects are estimated to cost \$2,188,309, with the State providing 75% (\$1,641,231.75) and a local match of 25% (\$547,077.25). **Kevin Overmyer moved, second by Mike Burroughs, to allow the Highway Department to apply for Community Crossings Matching Grant 2024-01 as presented. Motion carried 3-0.**

Linden Road, south of State Road 10 and Bridge 108, East of 7th Road: A presentation is scheduled for January 23rd at 8:15 a.m.

MARSHALL COUNTY TOURISM COMMISSION

Ordinance 2024-3: An Ordinance Establishing Marshall County Tourism was advertised for a public hearing. The ordinance has been updated to comply with Indiana statute.

Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing for Ordinance 2024-3. Motion carried 3-0.

Town of Bremen Attorney Anthony Wagner and Director of Operations Keith Fraine expressed concern about representation in the new ordinance and proposed a nine-member board. Each entity would appoint one member, the City of Plymouth appointing two members, and the County Commissioners appointing two members.

Culver & Lake Maxinkuckee Visitor Center Executive Director Amber Cowell requested the ordinance be adopted as presented.

Culver & Lake Maxinkuckee Visitor Center Event Coordinator Andrea Canacci requested the ordinance be adopted as presented. She voiced the need for financial transparency.

Heartland Artists Gallery President Anna Kietzman expressed support of the updated ordinance and requested the arts and cultures have representation on the board.

REES Theatre Board Co-Chair Randy Danielson expressed support of the revised ordinance and fairness to all.

Culver Redevelopment Commission Board Member Marty Oosterbaan requested individuals understanding tourism be appointed to the Tourism Commission, regardless of the number of appointments.

Bob Byers, 412 E. South Street, Bourbon, stated the Innkeepers Tax benefits all the communities.

Culver & Lake Maxinkuckee Visitor Center Board of Directors President Tracy Fox expressed support of the ordinance and stressed the importance of quality and expertise of the Tourism Commission appointments.

Culver & Lake Maxinkuckee Board Member and Culver Community School Superintendent Karen Shuman expressed the need for quality appointments to the Tourism Commission.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing for Ordinance 2024-3. Motion carried 3-0.

Following discussion, **Kevin Overmyer moved, second by Mike Burroughs, to pass Ordinance 2024-3 on First Reading with the adjustment of increasing the five-member board to a seven-member board with interested applicants applying and allowing towns in the county to submit applicants for consideration. Motion carried 3-0.**

COUNTY COUNCIL

County Council President Jesse Bohannon and Vice President Tim Harman presented the Cender Dalton Municipal Advisors Financial Consultant Annual Service Agreement for calendar year 2024. They expressed appreciation for the assistance and input received from Steve Dalton.

Kevin Overmyer moved, second by Mike Burroughs, to approve the Cender Dalton Municipal Advisors Financial Consultant Annual Service Agreement for calendar year 2024 as presented. Motion carried 3-0.

UNITED WAY

United Way Executive Director Linda Yoder and Development Manager Brian Teall provided an update on United Way projects. They requested support of employee contributions through payroll deduction. **Kevin Overmyer moved, second by Mike Burroughs, to allow Brian Teall to talk to department heads about United Way and leave information for employees interested in contributing to United Way through payroll deduction. Motion carried 3-0.**

PLAN COMMISSION

Plan Commission Director Ty Adley provided a PowerPoint presentation on 23-PC-18 Marshall County Plan Commission – Solar Ordinance. He explained the Plan Commission is seeking to amend Section 210 Solar Energy Systems under Article 6 of the Marshall County Zoning Ordinance under Ordinance 2024-5. President Klotz explained the public hearing on this topic will be held February 5th. **Kevin Overmyer moved, second by Mike Burroughs, to pass Ordinance 2024-5 on first reading. Motion carried 2-1, with Stan Klotz voting no.**

ATTORNEY REPORT

Old Business

Keith Junker v Marshall County et al (Junker's neighbors): Attorney Clevenger spoke with the Plaintiff's attorney and was assured that the signed dismissal of the County is on the way. The Plaintiff and the landowner defendants had a preliminary hearing that did not involve the County. Another hearing was scheduled for March and the attorneys for both sides have not done much in preparation for the next hearing which includes approving our dismissal pleading.

County Tourism Board: This item was addressed previously in the meeting.

New Business:

Cender Dalton Contract: This item was addressed previously in the meeting.

Farm Scale Solar Systems: This item was addressed previously in the meeting.

David's Courage Deed: A plot of ground behind the old Shady Rest residence was not originally conveyed to David's Courage. A deed has been prepared. **Kevin Overmyer moved, second by Mike Burroughs, to approve the transfer of property to David's Courage. Motion carried 3-0.**

AUDITOR REPORT

January 2, 2024 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the January 2, 2024 minutes as presented. Motion carried 3-0.**

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

Statement of 2023 Revenues and Expenditures: Auditor Angela Birchmeier stated the 2023 County revenues were \$117,721,306.97 and expenditures were \$122,377,264.43.

PUBLIC COMMENT

Cindy Casper, 13805 Jarrah Road, Plymouth, read a letter written by Rick and Julia Baxter who are not in favor of solar.

Janelle Prochno-Naylor, 16541 Robert Court, Plymouth, expressed concern over the noise level of the solar inverter.

Marshall County Economic Development Corporation President Greg Hildebrand addressed the reason for the battery project location and the existing transmission lines.

Connie Neininger of The Center for Infrastructure & Economic Development, Monticello, IN, provided a written Commentary on Marshall County, Indiana's Proposed Amendments to Ordinance Section 210 Solar Energy Systems. She explained their organization works with local leaders seeking to transition their communities to adapt to and realize benefits from emerging infrastructure and energy technologies. Their goal is to help counties stay centered on their core community identities while enabling sustainable, long-term economic growth that benefits residents and businesses.

Cindy Langdon, 13227 Rose Road, Plymouth, expressed concerns and is not in favor of solar farms.

Trena Roudebush Director of Geenex Solar, LLC, Indianapolis, IN discussed setbacks.

Debbie VanDeMark, 14750 Tulip Road, Culver, is not in favor of the proposed ordinance concerning solar.

COMMISSIONER ITEMS

2024 Attorney Contract: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Duties and Compensation Agreement between Marshall County Attorney and the Board of Commissioners of Marshall County, Indiana as presented. Motion carried 3-0.**

Priority Projects Change Order #1: **Mike Burroughs moved, second by Kevin Overmyer, to approve Brown & Brown General Contractors, Inc., Change Order #1 for the Marshall County Owner Occupied Repair Project for the home on W. Walnut Street, Argos, in the sum of \$2,712 to repair the knob and tube wiring. Motion carried 3-0.**

Joint Work Session Commissioner and Council: A joint work session will be held January 24th at 9:30 a.m. to discuss Highway Department projects and revenue.

Jail Repairs: Building & Grounds Maintenance Supervisor-Jail, John Greer, explained Midwest Maintenance, Inc. provided a free inspection of the jail and provided a written recommendation for repairs. Once the scope of work is completed a bid packet will be prepared.

Supervisor Greer presented two quotes for the replacement of a rooftop unit for the laundry, recreation facility and control room. The first estimate presented was from Herrman & Goetz, Inc. in the amount of \$258,963. The second estimate presented was from Ideal Consolidated, Inc. in the amount of \$239,884. **Mike Burroughs moved, second by Kevin Overmyer, to approve the quote from Ideal Consolidated, Inc. in the amount of \$239,884 and authorized the Board President to sign the Acceptance of Proposal. Motion carried 3-0.**

Ordinance 2024-6: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook: Human Resources Administrator Jennifer Daake explained the change to Section 4.6 Sick Leave Bank policy eliminated the current three member appointed board. The Commissioners will consider employee requests for use of sick leave bank days. **Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2024-6: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook as presented on first reading. Motion carried 3-0.**

Revised 2024 Employee Benefit Insurance Plan/Premium: Human Resources Administrator Jennifer Daake explained the county share of the dental insurance has increased due to the addition of out-of-network coverage. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Revised 2024 Employee Benefit Insurance Plan/Premium as presented. Motion carried 3-0.**

Ordinance 2024-6: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook - Continued: **Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and approve Ordinance 2024-6: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook as presented on second and third reading. Motion carried 3-0.**

Park Board Appointment: **Kevin Overmyer moved, second by Mike Burroughs, to reappoint Greg Hildebrand to the Marshall County Park & Recreation Board for a four year term ending December 31, 2027. Motion carried 3-0.**

US 30 Coalition: **Kevin Overmyer moved, second by Mike Burroughs, to approve the payment of the US 30 Coalition invoice in the amount of \$10,000 as a prepay. Motion carried 3-0.**

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Stan Klotz, to adjourn the meeting at 11:27 am. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
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FEBRUARY 5, 2024**

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HIGHWAY DEPARTMENT

Phillip Goodrich of Comcast (CCI Systems) explained they are placing 200 miles of fiber optic cable to service 1,352 business and home addresses. This project represents a \$5.2 million dollar investment in Marshall County.

Highway Superintendent Jason Peters presented 42 right-of-way cut requests from CCI Systems, Inc. for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within as follows:

26 requests in Polk Township:

- 5076 Spruce Trail, between 5th Road and 6th Road.
- 5285 Spruce Trail, between 5th Road and 6th Road.
- 5024 Redwood Road, between 4B Road and 6th Road.
- 5134 Quince Road, between 4B Road and 6th Road.
- 14620 1st Road, between 1st Road and US 6.
- 16374 W. 2B Road, between Redwood Road and Quince Road.
- 4870 N. Underwood Road, between W. 4B Road and 5th Road.
- 5203 Plymouth-LaPorte Trail, between 5th Road and 6th Road.
- 16188 6th Road, between Queen Road and Quince Road.
- 5024 Redwood Road, between 4B Road and 6th Road.
- 5655 Redwood Road, between 4B Road and 6th Road.
- 2541 Pine Road, between 3rd Road and US 6.
- 2103 Pine Road, between 3rd Road and US 6.
- 14798 6th Road, between Redwood Road and Rose Road.
- 4250 Rose Road, between Woodbine and N. Lake Road.
- 5024 Redwood Road, between 4B Road and 6th Road.
- 5842 Queen Road, between 4B Road and 6th Road.
- 16420 4B Road, between Queen Road and Quince Road.
- 17351 7th Road, between Pear Road and Queen Road
- 17351 7th Road, between Plymouth-Laporte Trail and Queen Road.
- 18226 W. 4th Road, between Sycamore Road and Tamarack Road.
- 18819 5th Road, between Venita Drive and Sage Road.
- 7315 S. County Line Road, between County Line Road and 4B Road.

- 17622 Vine Street, between French Street and Rose Road.
- 14653 3B Road, between Olive Road and Quince Road.

14 requests in North Township:

- 4432 Olive Road, between Pine Road and Michigan Road.
- 3476 Nutmeg Road, between 3rd Road and 4th Road.
- 14620 1st Road, between Oak Road and Pine Road.
- 13360 6C Road, between Olive Road and Pear Road.
- 2076 Oak Road, between US 6 and 3rd Road.
- 14283 3rd Road, between Nutmeg Road and Oak Road.
- 13915 3rd Road, between Nutmeg Road and Oak Road.
- 13541 3rd Road, between Nutmeg Road and Michigan Road.
- 15300 4th Road, between Quince Road and Olive Road.
- 4432 Olive Road, between 4B Road and 4th Road.
- 6256 Oak Road, between 6A Road and 6th Road.
- 13578 6A Road, between Oak Road and Michigan Road.
- 6626 Olive Road, between 6th Road and 7th Road.
- 13578 6A Road, between Oak Road and Michigan Road.

2 requests in Center Township:

- 15010 7th Road, between Olive Road and Pear Road.
- 2391 Lincoln Highway, between Pioneer Drive and Oak Road.

Mike Burroughs moved, second by Kevin Overmyer, to approve the 42 right-of-way cut requests from CCI Systems, Inc. as presented. Motion carried 3-0.

Superintendent Peters provided an update on the following bridge projects:

11, Union Road: The preconstruction meeting was held Tuesday, January 30th. The project will start the week of March 4th, with a closure of 120-days, reopening estimated July 31st.

1, Ule Road (Local Project): The Letting date is November 18, 2024. Once appraisals are completed they will be submitted to Marshall County for approval and the environmental permit application will be submitted.

232, Randolph Street: The LPA-Consulting Contract between Marshall County and USI Consultants, Inc. was submitted for approval. The maximum payable under this contract shall not exceed \$425,000. **Mike Burroughs moved, second by Kevin Overmyer, to approve the LPA-Consulting Contract between Marshall County and USI Consultants, Inc. in an amount not to exceed \$425,000. Motion carried 3-0.**

INDOT Project Coordination Contract for Right-of-Way was submitted for approval. It is an 80% federal project with a maximum amount allocated to the project of \$30,080. **Mike Burroughs moved, second by Kevin Overmyer, to approve the INDOT Project Coordination Contract for Right-of Way in the amount of \$30,080. Motion carried 3-0.**

INDOT Project Coordination Contract for Construction was submitted for approval. It is an 80% federal project with a maximum amount allocated to the project of \$2,727,600.

Kevin Overmyer moved, second by Mike Burroughs, to approve the INDOT Project Coordination Contract for Construction in the amount of \$2,727,600. Motion carried 3-0.

231, Center Street, Bremen: DLZ update:

- 1.) Categorical Exclusion Summary: Red Flag Investigation has been approved and is ready to be incorporated into the Construction Engineering document.
- 2.) Historic Bridge Alternative Report (HBAR) has been submitted.
- 3.) Alternatives Analysis Report was submitted with Historic Bridge Alternatives Report. Approval of this report will be dependent on the HBAR noted above.
- 4.) Utility and Railroad Coordination is on-going, but significant progress is dependent on the development of preliminary plans.
- 5.) Preliminary plan development will ramp up after approval of the HBAR.

Bridge 88, 12th Road east of Olive Trail: Work continues on utility locations.

Mill Pond Dam: Due to winter plowing, work has been on hold.

Mitigation – Bridges 81, 73 and 7th Road: No updates.

Road Work: Patching, brush chopping, ditching, and working on gravel roads.

2024 Road Program: The 2024 Road Program was submitted for approval. It was noted that the plan may change based on funding and schedule. **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2024 Road Program as presented. Motion carried 3-0.**

Community Crossings Matching Grant 2024-01: The grant application has been submitted.

Linden Road, south of State Road 10 and Bridge 108, East of 7th Road: The presentation was held and are waiting on acceptance of projects.

SOLENTIAL ENERGY

Solential Energy Regional Sales Manager Patrick O'Donnell explained they are a firm based in Carmel, Indiana, and analyze utility costs and consumption across county facilities, identifying corrections facilities as major energy consumers. By profiling energy use and costs, they offer insights into the efficiency of County facilities and assess suitability for renewable energy solutions or other improvements.

The Commissioners explained a similar process was completed for the County a few years ago by Telamon.

CLERK

Clerk Jenny Bennitt explained that the grant application submitted to the Indiana Secretary of State for the 2023 Election Security Grant was approved in the sum of \$21,777. She requested approval of the grant agreement. **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2023 HAVA Election Security Sub-Grant Award as presented. Motion carried 3-0.**

Clerk Bennitt explained they have several old election machine cases and poll pad cases they are no longer using and requested permission to transfer the cases to the Sheriff's Department.

Mike Burroughs moved, second by Kevin Overmyer, to approve the transfer of cases from the Clerk's Office to the Sheriff's Department. Motion carried 3-0.

PURDUE EXTENSION

Purdue Extension Area 8 Director and Area 10 Interim Director Josh Winrotte presented the Board with a check in the amount of \$10,000 for a refund of 4-H Educator services not rendered. He explained interviews have been held with two good candidates and hopes to make an offer soon. The Extension Contractual Services Agreement between Purdue University and Marshall County was presented for approval. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Extension Contractual Services Agreement between Purdue University and Marshall County in the amount of \$128,805 for calendar year 2024. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to accept the refund check in the amount of \$10,000. Motion carried 3-0.

PLAN COMMISSION

Plan Commission Director Ty Adley stated a public hearing has been scheduled today. The Plan Commission is seeking to amend Section 210 Solar Energy Systems under Article 6 of the Marshall County Zoning Ordinance under Ordinance 2024-5.

Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing on Ordinance 2024-5: An Ordinance Amending Ordinance Commonly Known as “The Marshall County Zoning Ordinance 2007-10”, as amended. Motion carried 3-0.

Stephen Neff, 18299 US Highway 6, Walkerton, stated that as President of the Marshall County Farm Bureau and representing Farm Bureau’s 2,500 members, they are neither for nor against solar. The members do have energy concerns and request the Commissioners consider a two-year moratorium to conduct a financial impact study.

Joy McCarthy, 20087 State Road 10, Culver, on behalf of We the Farmers spoke in favor of keeping the current ordinance.

Darla McQuin Harrington, 7956 19th Road, Argos, spoke in favor of passing the ordinance.

Ed Reiter, 14218 Tulip Road, Culver, spoke in favor of keeping the current ordinance.

Loren Hayn, 11177 14C Road, Argos, spoke in favor of passing the ordinance.

Daniel Straka of Land and Liberty Coalition, Munster, Indiana, spoke in favor of keeping the current ordinance.

Bonnie Broeker, 18760 12B Road, Culver, spoke in favor of solar farms.

Connie Neininger of The Center for Infrastructure & Economic Development, Monticello, IN, spoke in favor of keeping the current ordinance.

Tim McCarthy, 20087 State Road 10, Culver, spoke in favor of solar farms.

Rachel Connor Executive Director of Hoosiers for Renewables spoke in favor of keeping the current ordinance and presented a petition signed by residents of Argos, Bourbon, Bremen, Culver, LaPaz, Plymouth, and Walkerton.

Marshall County Economic Development Corporation President/CEO Greg Hildebrand spoke in favor of solar and the financial impact.

Marshall County Solid Waste Director Marianne Peters spoke in favor of solar.

Casey Neidlinger, 16682 14B Road, Culver, spoke in opposition to solar.

Brandon Schadek, 19921 9th Road, Plymouth, spoke in opposition to passing the ordinance.

Jenny Fishburn, 15084 Olive Trail, Plymouth, spoke in opposition to solar.

Marshall County Council President Jesse Bohannon stated the Council voted 7-0 to urge the County Commissioners to enact a two-year moratorium on industrial solar within Marshall County.

Janell Prochno-Naylor, 16541 Robert Court, Plymouth, spoke in opposition to solar.

Deb VanDeMark, 14750 Tulip Road, Culver, spoke in favor of a moratorium on solar.

Attorney Jason Kuchmay cited Indiana Code concerning publishing public legal notice, board members voting if a direct or indirect conflict of interest exists, and open door laws. He spoke in favor of a moratorium.

Steve Gorski, 805 Baker Street, Plymouth, spoke in favor of a moratorium on solar.

Paul Levitt, 16181 18th Road, Culver, spoke in opposition to solar.

Marshall County Council Vice President Tim Harman spoke in favor of amending the proposed ordinance with a two-year moratorium.

Marshall County Council Member Nicole Cox spoke in favor of a moratorium on solar.

Beth Pontius, 9858 12B Road, Argos, spoke in opposition to solar.

Joe Allyn, 15321 Thorn Road, Culver, spoke in opposition to solar.

John Neidlinger, 16775 14th Road, Culver, spoke in opposition to solar.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing on Ordinance 2024-5: An Ordinance Amending Ordinance Commonly Known as “The Marshall County Zoning Ordinance 2007-10”, as amended. Motion carried 3-0.

The Commissioners discussed drainage concerns, parent company responsibility, and decommissioning agreements. President Klotz stated that the proposed ordinance does not protect the county or property owners from any and all future potential liability.

Kevin Overmyer moved to approve Ordinance 2024-5: An Ordinance Amending Ordinance Commonly Known as “The Marshall County Zoning Ordinance 2007-10”, as amended on second reading. Motion failed due to a lack of a second.

A recess was taken from 10:25 a.m. to 10:33 am.

Attorney Clevenger explained that if no action is taken within 90 days from the approval on first reading, then the ordinance will go into effect.

ATTORNEY REPORT

Old Business

Keith Junker v Marshall County et al (Junker’s neighbors): A joint motion to dismiss Marshall County was filed. The court ordered all claims against Marshall County dismissed and the caption to be modified to remove Marshall County from the caption on January 29, 2024.

County Tourism Board: The second reading for Ordinance 2024-3 is one of the Commissioner Items for this morning. The ordinance was revised as requested, circulated, and no additional comments were received. If the ordinance is approved, the Commissioners should set a process for taking applications/nominations with eventual appointment of new tourism board members in accordance with the state statute.

New Business:

Insufficient Checks - Treasurer: Ordinance 2024-9 has been drafted amending and restating an older ordinance that would establish penalties for insufficient checks and dishonored checks at the request of the Treasurer. The penalty would increase from \$20 to \$35.

QCC Agreement: Attorney Clevenger proposed that the County attempt to negotiate a revision to the contract that would add “defend” to the hold harmless and indemnity provisions of the contract. The liability lawyers have had disagreements recently about the duty of QCC to also defend cases in which the claims are primarily against QCC/medical in nature. The Sheriff is the one primarily dealing with QCC. The new contract has updated costs and does not have a contract term. The contract calls for automatic renewal on a yearly basis. The renewal increase is based upon the 12-Month Price Index for hospital related services or 0%, whichever is higher.

Jail Repairs: Attorney Clevenger is working on a Request for Proposal form to circulate and publish to firms interested in determining the scope of the project and assisting in the bidding process and the repair oversight.

AUDITOR REPORT

January 16, 2024 Minutes: Mike Burroughs moved, second by Kevin Overmyer, to approve the January 16, 2024 minutes as presented. Motion carried 3-0.

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

PUBLIC COMMENT

Ginny Munroe stated that at the next Commissioner meeting a letter addressed to OCRA will be presented for Commissioner signature. She explained that Marshall County received the CARES-

OCRA MCEDC MicroLoan Program grant, which was closed in 2022. OCRA is now requesting a statement signed by the Board of Commissioners that the funds provided to aid small businesses were not treated as loans, but rather as grants and no interest income was received as a result of disseminating the funds to the small businesses.

COMMISSIONER ITEMS

Revised MOU St. Joseph Health System: **Mike Burroughs moved, second by Kevin Overmyer, to approve the Memorandum of Understanding between Marshall County and Saint Joseph Health System for Tobacco Education Coordinator, Jalysa Gibson as presented. Motion carried 3-0.**

Ordinance 2024-3 – Tourism Commission: **Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2024-3: An Ordinance Establishing a Marshall County Tourism Commission on second reading. Motion carried 3-0.**

Culver Union Township Public Library Appointment: **Kevin Overmyer moved, second by Mike Burroughs, to appoint Janet Shore Fitterling to the Culver-Union Township Public Library Board to fill the unexpired term of Mary Banfield for the term beginning February 1, 2024 and ending on December 31, 2025. Motion carried 3-0.**

2024 Liability Insurance Package: **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2024 liability insurance package with Gibson Insurance. Motion carried 3-0.**

Emergency Management Performance Grant Program: EMA Director Jack Garner explained that Marshall County was awarded \$30,000 for reimbursement of the EMA Director's salary and presented the contract for approval. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Subrecipient Grant Agreement, Federal Fiscal Year 2023, Emergency Management Performance Grant Program Contract in the amount of \$30,000. Motion carried 3-0.**

President Klotz read into the record two letters received concerning solar:
Glen Miller, 17080 9th Road, Plymouth, who expressed support of solar.
Mike Umbaugh, 19700 12th Road, Plymouth, who express support of solar.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 11:03 am. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST:

Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
FEBRUARY 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, February 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 presented ten right-of-way cut requests from CCI Systems, Inc. for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within as follows:

- 20016 W. 4B Road, between Union Road and Thorn Road, in Polk Township.
- 2037 Michigan Road, between 6th Road and 2A Road, in North Township.
- 20955 7th Road, between 1200 E. Road and Union Road, in Polk Township.
- 20027 7th Road, between Union Road and Tamarack Road, in Polk Township.
- 18757 7th Road, between Tamarack Road and Plymouth-LaPorte Trail, in Polk Township.
- 4436 N. Sycamore Road, between Main Street and 4th Road, in Polk Township.
- 4432 Olive Road, between 4B Road and 4th Road, in Polk Township.
- 15300 4th Road, between Quince Road and Olive Road, in Polk Township.
- 17351 7th Road, between Pear Road and Queen Road, in Polk Township.
- 13270 US 6, between Pine Road and Oak Road, in Polk Township.

Mike Burroughs moved, second by Kevin Overmyer, to approve the ten right-of-way cut requests from CCI Systems, Inc. as presented. Motion carried 3-0.

Superintendent Peters provided an update on the following bridge projects:

11, Union Road: The project will start the week of March 4th, with a closure of 120-days, reopening estimated July 31st.

1, Ule Road (Local Project): The letting date is November 18, 2024. Once appraisals are completed they will be submitted to Marshall County for approval and the environmental permit application will be submitted.

232, Randolph Street: The letting date is scheduled for October 2024.

231, Center Street, Bremen: No updates.

Bridge 88, 12th Road east of Olive Trail: Work continues on utility locations. A red flag investigation was submitted February 9th.

Mill Pond Dam: The trees have been removed. The department is coordinating with DLZ for a site check and a review of the completed work.

Mitigation – Bridges 81, 73 and 7th Road: No updates.

Road Work: Patching, brush chopping, ditching, and working on gravel roads.

2024 Road Program: Preparing equipment and stock for the 2024 Road Program work.

Ceres Solutions Cooperative: Superintendent Peters presented an Exclusive Fuel Purchase Agreement for consideration. He explained it is for the purpose of a software upgrade. The initial term is for a period of five years. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Exclusive Fuel Purchase Agreement between Ceres Solutions Cooperative and Marshall County Highway Department as presented. Motion carried 3-0.**

MARSHALL COUNTY COUNCIL ON AGING

Marshall County Council on Aging Executive Director Janis Jeffers Holiday presented the 2023 4th Quarter stats and claim. She reported that there were 7,013 trips for a total of 56,655 miles. An annual total of 29,195 trips for a total of 208,250 miles. The total number of people served was 1,108 for transit; 87 for Meals on Wheels, and 2,204 for Information & Referral/Life Enrichment Center.

Director Holiday presented the Indiana Department of Transportation Quarter 4 Invoice #959 for Section 5311 Operating Funds in the amount of \$77,255, applying a local match of \$77,256 for approval. **Kevin Overmyer moved, second by Mike Burroughs to accept the 2023 4th Quarter Report. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to approve Quarter 4 Invoice #959 as presented and to allow the Board President to sign the claim. Motion carried 3-0.

TREASURER

Treasurer First Deputy Sandra Dodson presented the L & D Mail Masters, Inc. Services Agreement, providing for the annual property tax forms to be printed and mailed. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Services Agreement between L & D Mail Masters, Inc. and the Marshall County Treasurer's Office as presented. Motion carried 3-0.**

First Deputy Dodson presented the Confidentiality Agreement between Marshall County, Indiana and the Indiana Department of Revenue (IDOR) for approval. The Agreement provides designated personnel certain confidential information collected by the IDOR pursuant to the "Innkeepers Tax", "Food and Beverage Tax", or the "Admissions Tax" found at I.C. 6-9-1. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Confidentiality Agreement between Marshall County, Indiana and Indiana Department of Revenue. Motion carried 3-0.**

First Deputy Dodson presented Marshall County Ordinance 2024-9: An Ordinance Amending and Restating Ordinance 1985-6 Establishing Penalties for Insufficient Fund Checks and Dishonored Checks. The ordinance will increase the penalty from \$20 to \$35. **Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2024-9: An Ordinance Amending and Restating Ordinance 1985-6 Establishing Penalties for Insufficient Fund Checks and Dishonored Checks on first reading. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to suspend the rules and pass Ordinance 2024-9: An Ordinance Amending and Restating Ordinance 1985-6 Establishing Penalties for Insufficient Fund Checks and Dishonored Checks on second and third reading. Motion carried 3-0.

First Deputy Dodson requested permission to extend office hours for the 2024 tax collection as follows:

Spring Collection	Fall Collection
Saturday, May 4 th from 9:00 a.m. - noon	Saturday, November 2 nd 9:00 am – noon
Thursday, May 9 th from 8:00 am - 6:00 pm	Thursday, November 7 th from 8:00 am – 6:00 pm
Friday, May 10 th from 8:00 am - 6:00 pm	Tuesday, November 12 th from 8:00 am – 6:00 pm

Mike Burroughs moved, second by Kevin Overmyer, to approve the Treasurer, Auditor, and Assessor Offices extended hours for 2024 Tax Collection as presented. Motion carried 3-0.

CITY OF PLYMOUTH FIRE DEPARTMENT

Plymouth City Attorney Jeff Houin presented an Agreement for Water Line Access, which authorizes the City to install a fire hydrant on the jail property in the vicinity of the existing fire training facility. A separate water meter will be installed to monitor water usage for the fire hydrant and the County will not be charged for any water usage for the fire hydrant. The City agrees that the water usage shall not interfere with the County's water usage, especially the fire suppression system. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Agreement for Water Line Access between the City of Plymouth through its Board of Works and Safety and the Marshall County Board of Commissioners. Motion carried 3-0.**

PLAN COMMISSION

Plan Commission Director Ty Adley provided the 2023 Annual Report of Marshall County Plan Commission and Board of Zoning Appeals. The department experienced an increase in permit numbers and an increase in the valuation of permits. There was a total of 43 cases heard by the BZA.

ATTORNEY REPORT

Old Business

County Tourism Board: The third reading for Ordinance 2024-3 is one of the Commissioner Items for this morning. The ordinance was revised as requested, circulated, and no additional comments were received. If the ordinance is approved, the Commissioners should set a process for taking applications/nominations with eventual appointment of new tourism board members in accordance with the state statute.

QCC Agreement: Attorney Clevenger proposed revisions to the QCC contract for medical services for the jail and is waiting to hear back from QCC.

Jail Repairs: Attorney Clevenger completed a draft for a request for proposal from engineering and architectural firms that might be interested in determining the scope of the jail repair project and assist in the bidding process and repair oversight. **Kevin Overmyer moved, second by Mike Burroughs, to approve Attorney Clevenger sending the Request for Proposals to engineering firms for the jail repair project. Motion carried 3-0.**

Opioid Litigation – Endo International Bankruptcy: The county has received information from the bankruptcy court related to the bankruptcy court's approval of Endo International's bankruptcy plan. Our attorneys at Cohen & Malad recommend that we select the option "abstain from voting"

and to “opt out” of releasing a host of Endo International principals. Our attorney’s recommendation is that is the best protection for the county’s interests. The plan may go forward that would call for periodic payments to Marshall County via the State of Indiana

As indicated previously, settlement money from the pharmacies is still with BrownGreer, the settlement administrator. The first pharmacy funds are expected to be paid to Indiana in the first quarter. It is unknown how long thereafter it will take the Attorney General’s office to distribute funds to the local governments. **Kevin Overmyer moved, second by Mike Burroughs, to approve the recommendation of Cohen & Malad and select the option to “abstain from voting” and to “opt out” of releasing Endo International principals. Motion carried 3-0.**

New Business:

Health Department Lease: The Health Department is requesting the current lease be extended to a month-to-month basis. The cost for month-to-month would be \$16 per square foot or monthly rent of \$3,300. The current rent is \$2,385 per month. Under the month-to-month, the county would need to give the Community Resource Center landlord a 90-day notice. The current term lease has expired. **Mike Burroughs moved, second by Kevin Overmyer, to extend the Health Department lease to a month-to-month. Motion carried 3-0.**

Agreement for Water Line Access: This item was addressed earlier in the meeting.

Treasurer-L&D Mail Masters Agreement: This item was addressed earlier in the meeting.

Building Inspector MOU: Discussion was held concerning the use of a Memorandum of Understanding with the City of Plymouth for mutual reciprocal Building Inspector services. **Kevin Overmyer moved, second by Mike Burroughs, to allow Attorney Clevenger to move forward with the Memorandum of Understanding. Motion carried 3-0.**

PLAN COMMISSION - CONTINUED

Plan Commission Director Ty Adley presented 24-PC-01 Rippy, Adam – 4860 N. Underwood Road. The applicant is seeking to rezone the property from A-1, Agricultural District to A-3, Agricultural Residential. The Plan Commission approved the recommendation 7-0 and the TRC recommended the approval of rezoning from A-1 to A-3. A public hearing has been scheduled today.

Kevin Overmyer moved, second by Mike Burroughs, to open the public hearing on 24-PC-01 - Rippy, Adam. Motion carried 3-0.

No public input was heard.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing on 24-PC-01 – Rippy, Adam. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to approve 24-PC-01 under Ordinance 2024-8: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana to Change the Zoning Classification of Parcel Number 50-41-07-000-238-000-011 Located on the East Side of Underwood Road, Walkerton, Indiana, in Polk

Township, Marshall County, Indiana from A-1, Agricultural to A-3, Agricultural Residential District on first reading. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2024-8: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana to Change the Zoning Classification of Parcel Number 50-41-07-000-238-000-011 Located on the East Side of Underwood Road, Walkerton, Indiana, in Polk Township, Marshall County, Indiana from A-1, Agricultural to A-3, Agricultural Residential District on second and third reading. Motion carried 3-0.

AUDITOR REPORT

TMS/Attendance on Demand: The Attendance on Demand workforce management services previously provided through Midwest Automated Time Systems, Inc. (MATS) will now be provided through the Time Management Systems, Inc. (TMS). **Kevin Overmyer moved, second by Mike Burroughs, to approve the Attendance on Demand Transfer Acknowledgement as presented. Motion carried 3-0.**

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

February 5, 2024 Executive Session Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the February 5, 2024 executive session minutes as presented. Motion carried 3-0.**

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

PUBLIC COMMENT

Marshall County Sheriff Matt Hassel explained that they have some obsolete radio equipment and requested approval to transfer the equipment to the Bremen Dispatch Center. **Mike Burroughs moved, second by Kevin Overmyer, to allow the Sheriff to transfer the obsolete radio equipment to the Bremen Dispatch Center subject to verification of the County asset list. Motion carried 3-0.**

Casey Neidlinger, 16682 14B Road, Culver, questioned how data centers would be beneficial to Marshall County.

Janell Prochno-Naylor, 16541 Robert Court, Plymouth, requested an amendment to the solar ordinance to include property value guarantees.

Deb VanDeMark, 14750 Tulip Road, Culver, spoke in favor of a moratorium on the solar ordinance and property value guarantees.

COMMISSIONER ITEMS

OCRA MCEDC MicroLoan Program Letter: Kevin Overmyer moved, second by Mike Burroughs, to approve the letter being sent to OCRA indicating the grant funds Marshall County received to aid small businesses was not treated or administered as a loan, as indicated on the grant application originally submitted and to allow the President to sign the letter on behalf of the Board. Motion carried 3-0.

Ordinance 2024-3 – Tourism Commission: Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2024-3: An Ordinance Establishing a Marshall County Tourism Commission on third reading. Motion carried 3-0.

Discussion was held to have the Human Resources Administrator prepare a notice for interested applicants to submit a resume to the Auditor's Office by the first day of April.

Solar Discussion: Stan Klotz moved, to place an irreversible moratorium on solar until May 1, 2025, to prepare guidelines to protect landowners and Marshall County. Motion failed due to lack of a second.

Discussion was held concerning a Road Usage Agreement and Decommissioning Process. **Mike Burroughs moved, second by Kevin Overmyer, to allow Attorney Clevenger to move forward with the preparation of a Road Usage Agreement and Decommissioning Process. Motion carried 2-0-1, with Stan Klotz abstaining.**

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:46 am. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MARCH 4, 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, March 4, 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 not present. 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 44 right-of-way cut requests from CCI Systems, Inc. for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within as follows:

- 1) 8422 Redwood Road, between US Highway 30 and 9th Road, in West Township.
- 2) 7915 County Line Road, between Woodbine and N. Lake Drive, in Polk Township.
- 3) 14267 US Highway 6, between Pine Road and Oak Road, in North Township.
- 4) 13270 US Highway 6, between Pine Road and Oak Road, in North Township.
- 5) 13849 W. 1st Road, between Oak Road and N. Main Street, in North Township.
- 6) 18318 1st Road, between Sycamore Road and N. Tamarack Road, in Polk Township.
- 7) 20034 1st Road, between Thorn Road and N. Ule Trail, in Polk Township.
- 8) 69750 N. Quince Road, between Roy Street and US Highway 6, in Polk Township.
- 9) 7988 Queen Road, between Lincoln Highway and Plymouth-LaPorte Trail, in West Township.
- 10) 13414 US Highway 6, between Pine Road and Oak Road, in North Township.
- 11) 19300 Lincoln Highway, between Tulip Road and Union Road, in West Township.
- 12) 14760 Lincoln Highway, between Pioneer Drive and Windmill Court, in Center Township.
- 13) 19404 US Highway 6, between Thorn Road and W. 2A Road, in West Township.
- 14) 20594 1st Road, between Union Road and N. Ule Trail, in Polk Township.
- 15) 8400 Rose Road, between Sycamore Road and Rose Road, in West Township.
- 16) 15455 9th Road, between Pioneer Drive and Quince Road, in West Township.
- 17) 19865 6th Road, between County Line Road and N. Union Road, in Polk Township.
- 18) 20941 1st Road, between County Line Road and N. Ule Trail, in Polk Township.
- 19) 20161 6B Road, between N. Underwood Road and Union Road, in Polk Township.
- 20) 500 N. Ule Trail, between 1st Road and Tyler Road, in Polk Township.
- 21) 8004 Union Road, between US Highway 30 and Old US Highway 30, in West Township.
- 22) 17663 7th Road, between Rose Road and Queen Road, in Polk Township.
- 23) 20630 W. 4B Road, between N. Lake Drive and N. Union Road, in Polk Township.
- 24) 13260 Michigan Road, between US Highway 6 and 3rd Road, in North Township.
- 25) 3350 Nutmeg Road, between 3rd Road and 4th Road, in North Township.
- 26) 3150 Olive Road, between 3rd Road and 3B Road, in North Township.

- 27) 2437 Pine Road, between US Highway 6 and 3rd Road, in North Township.
- 28) 1498 Oak Road, between W. 1A Road and US Highway 6, in North Township.
- 29) 14653 3B Road, between 3B Road and Olive Road, in North Township.
- 30) 14442 1st Road, between Pine Road and Oak Road, in North Township.
- 31) 120 Oak Road, between Tyler Road and 1st Road, in North Township.
- 32) 14084 3rd Road, between Olive Road and Oak Road, in North Township.
- 33) 1371 Pine Road, between 1st Road and US Highway 6, in North Township.
- 34) 13613 2A Road, between US Highway 6 and Michigan Road, in North Township.
- 35) N. Rose Road, between W 4th Road and 4B Road, in Polk Township.
- 36) 17729 Walnut Street, between French Street and Boyce Road, in Polk Township.
- 37) 1681 N. Pine Road, between 1st Road and US Highway 6, in Polk Township.
- 38) 16900 4B Road, between Redwood Road and Queen Road, in Polk Township.
- 39) N. 6B Road, between Union Road and Tamarack Road, in Polk Township.
- 40) 3024 3rd Road, between Olive Road and Oak Road, in North Township.
- 41) 4925 French Street, between 5th Road and Walnut Street, in Polk Township.
- 42) 17622 Vine Street, between French Street and Main Street, in Polk Township.
- 43) 18226 W. 4th Road, between N. Tamarack Road and N. Sycamore Road, in Polk Township.
- 44) 17622 Vine Street, between French Street and Vine Street, in Polk Township.

Mike Burroughs moved, second by Stan Klotz, to approve the 44 right-of-way cut requests from CCI Systems, Inc. as presented. Motion carried 2-0.

Superintendent Peters presented a road surface cut request from Farmer's Drainage on County Line Road, between 3B Road and 2B Road, in German Township, for the purpose of replacing an existing drain tile. **Mike Burroughs moved, second by Stan Klotz, to approve the road surface cut request from Farmer's Drainage on County Line Road, between 3B Road and 2B Road, in German Township, for the purpose of replacing an existing drain tile. Motion carried 2-0.**

Superintendent Peters presented a road bore request from Stone Excavating at 14211 Lawrence Lake Drive, in Center Township, for the purpose of repairing a septic issue. **Mike Burroughs moved, second by Stan Klotz, to approve the road surface cut request from Stone Excavating at 14211 Lawrence Lake Drive, in Center Township, for the purpose of repairing a septic issue. Motion carried 2-0.**

Superintendent Peters presented a road bore and right-of-way cut request from Brightspeed of IN, LLC on 11th Road, between Nutmeg Road and Olive Trail, in Center Township, for the purpose of replacing a copper cable post. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore and right-of-way cut request from Brightspeed of IN, LLC at 14211 Lawrence Lake Drive, in Center Township, for the purpose of replacing a copper cable post. Motion carried 2-0.**

Superintendent Peters presented a right-of-way cut request from Northern Indiana Public Service Company on W. 1st Road, between N. Tamarack Road and N. Redwood Road, in Polk Township for the purpose of replacing a utility pole, overhead equipment, and a switch. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from Northern Indiana Public Service Company on W. 1st Road, between N. Tamarack Road and N. Redwood Road, in Polk Township for the purpose of replacing a utility pole, overhead equipment, and a switch.**

Motion carried 2-0.

Superintendent Peters provided an update on the following bridge projects:

11, Union Road: The project will start the week of March 4th, with a closure of 120-days, reopening estimated July 31st.

1, Ule Road (Local Project): The letting date is November 18, 2024.

232, Randolph Street: The letting date is scheduled for October 2024. Reviewing the utility work plans and will begin working on right-of-way acquisition activities.

231, Center Street, Bremen: The Historic Bridge Alternatives Report (HBAR) has been submitted. The Alternatives Analysis Report approval is dependent on the HBAR noted above. Metric is actively working on Archaeological and Historical Investigations. Utility and Railroad Coordination is ongoing but significant progress is dependent on the development of preliminary plans. Preliminary plan development will ramp up after approval of the HBAR. We are scheduling the arch coring with AES. Once a final det is set, we will make the appropriate notifications.

Bridge 88, 12th Road east of Olive Trail: Work continues on utility locations. A red flag investigation was submitted February 9th.

Mill Pond Dam: The trees have been removed. The department is coordinating with DLZ for a site check and a review of the completed work.

Mitigation – Bridges 81, 73 and 7th Road: No updates.

Road Work: Patching, brush chopping, ditching, and working on gravel roads. An additional appropriation request will be submitted for Stone in the amount of \$200,000 to the Local Road & Street fund.

Equipment: Preparing equipment and planning to start 2024 Road Program work this week. Beginning the process of seeking prices for the next round of truck leases.

PURDUE EXTENSION

Purdue Extension Health and Human Sciences Educator Karen Richey and Ag & Natural Resources Educator Brianna Slonaker presented the Extension Express newsletter. Educator Slonaker stated she is in the process of receiving a drone license and will then hold a drone class on April 10th and 11th. She has also been trained for the Soil Health Program and provided input on the new curriculum. Educator Richey highlighted the ServSafe training and stated she attended the Purdue Council for Agricultural Research, Extension and Teaching (PCARET) legislative luncheon with four Marshall County delegates.

HEALTH DEPARTMENT

Health Department Public Health Administrator Sandy Dunfee presented a request to travel to Philadelphia, PA to attend an Immunization Conference in April, 2024. **Mike Burroughs moved, second by Stan Klotz, to allow Administrator Dunfee to travel to Philadelphia, PA to attend an Immunization Conference as requested. Motion carried 2-0.**

Administrator Dunfee presented the Third Amendment to Lease Agreement by and between 2401 Monroe LLC and Board of Commissioners. The amendment adjusts the term to a period of one month commencing on February 4, 2024 and expiring on March 3, 2024. The monthly installment for GL-30 (\$3,275) and GL-55 (\$250) for the remaining length shall be \$3,525 with a credit of \$225 for self-performing janitorial for a total monthly rent in the sum of \$3,300. **Mike Burroughs moved, second by Stan Klotz, to approve the Third Amendment to Lease Agreement by and between 2401 Monroe LLC and Board of Commissioners for Marshall County, Indiana, as presented and to allow the Board President to sign the agreement. Motion carried 2-0.**

COMMUNITY CORRECTIONS

Community Corrections Director Beau Holcomb requested Commissioner support to apply for the Community Corrections grant funding for fiscal year 2025 from the Indiana Department of Corrections. He explained the funding amount will remain the same as the current year funding. **Mike Burroughs moved, second by Stan Klotz, to support Community Corrections in applying for calendar year 2025 grant funding from the Indiana Department of Corrections. Motion carried 2-0.**

DUSTIN'S PLACE

Dustin's Place President Dianna Weiss requested permission to hold Join the Journey 5k Race on May 4th beginning at 8:00 a.m. in support of grieving children. She provided a map of the run and stated security will be provided by the Sheriff's Department. **Mike Burroughs moved, second by Stan Klotz, to approve the use of county roads to hold Join the Journey 5k Race on May 4th as requested. Motion carried 2-0.**

ATTORNEY REPORT

Old Business

County Tourism Board: The Commissioners are accepting applications/nominations for appointment of new tourism board members in accordance with the state statute until April 1, 2024.

QCC Agreement: Attorney Clevenger proposed two revisions to the QCC agreement with the Marshall County Sheriff/Jail. Attorney Clevenger requested the new agreement add language that would help clarify that providing a defense is part of the indemnity provisions and that QCC increase their insurance policy limits of liability. A response has not been received from the QCC CEO.

Jail Repairs: The Request for Proposals (RFP) are complete except for completing addresses to firms known to have an interest in the project or who may have an interest. The notices will be sent out as well as publishing the notice.

Health Dept CRC Lease Amendment: This item was addressed previously in the meeting.

New Business:

Hyper Wave Consulting LLC – IT Service Agreement: The agreement between the County and Hyper Wave for IT services has been reviewed. The agreement calls for a base fee of \$1,500 per month for 20 hours of services. Additional services are billed at varying rates, depending upon the service. The term is for one year and may be terminated by either party with 30 days' notice.

AUDITOR REPORT

L&D Mail Masters: Auditor Birchmeier requested the L&D Mail Masters postage invoice be processed as a prepayment for the 2023 payable 2024 tax statement mailing. **Mike Burroughs moved, second by Stan Klotz, to approve the L & D Mail Masters postage invoice be processed as a prepayment. Motion carried 2-0.**

February 19, 2024 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the February 19, 2024 minutes as presented. Motion carried 2-0.**

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

PUBLIC COMMENT

Robert Demis, 20993 8th Road, Plymouth, spoke about shipping container compliance with the Plan Commission/BZA.

Katie Lewallen, 1085 E. Shore Drive, Culver, read a prepared statement on behalf of Paul Levett concerning solar.

COMMISSIONER ITEMS

Hyper Wave Consulting LLC IT Services Agreement: **Mike Burroughs moved, second by Stan Klotz, to approve the Hyper Wave Consulting LLC IT Services Agreement as presented and to allow the Board President to sign the agreement. Motion carried 2-0.**

President Klotz suggested having a joint work session in April to discuss a decommissioning agreement and letter of financial responsibility.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:21 a.m. Motion carried 2-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MARCH 18, 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, March 18, 2024. Present were Commissioners, Stan Klotz, President; Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor First Deputy, Tori Stull. Mike Burroughs, Vice President and County Auditor Angela Birchmeier were not present. 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 nine right-of-way cut requests from CCI Systems, Inc. for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within as follows:

- 1) 820 Tamarack Road, between 1st Road and Tyler Road, in Polk Township.
- 2) 20961 S. Lake Drive, between W. County Line Road and N. Underwood Road, in Polk Township.
- 3) 20858 6B Road, between W. County Line Road and N. Underwood Road, in Polk Township.
- 4) N. Sycamore Road, between Sycamore Road and Rose Road, in Polk Township.
- 5) 17908 US 6, between Sycamore Road and Rose Road, in Polk Township.
- 6) 4773 Underwood Road, between S. Lake Drive and 5th Road, in Polk Township.
- 7) 3155 Nutmeg Road, between 3rd Road and 4th Road, in North Township.
- 8) 1195 Pine Road, between 1st Road and US Highway 6, in Polk Township.
- 9) 1393 Queen Road, between W. 1st Road and US Highway 6, in Polk Township.

Kevin Overmyer moved, second by Stan Klotz, to approve the nine right-of-way cut requests from CCI Systems, Inc. as presented. Motion carried 2-0.

Superintendent Peters presented a road surface cut request from Mark Weissert on Gumwood Road, between 12B Road and 14th Road, in Bourbon Township, for the purpose of installing a field tile.

Kevin Overmyer moved, second by Stan Klotz, to approve the road surface cut request from Mark Weissert on Gumwood Road, between 12B Road and 14th Road, in Bourbon Township, for the purpose of replacing a field tile. Motion carried 2-0.

Superintendent Peters provided an update on the following bridge projects:

11, Union Road: No updates.

1, Ule Road (Local Project): The letting date is November 18, 2024. Once the appraisal is complete, Marshall County will review for approval prior to offers being made. The environmental permit application has been submitted.

232, Randolph Street: The letting date is scheduled for October 2024.

231, Center Street, Bremen: No updates.

Bridge 88, 12th Road east of Olive Trail: Utility locations work continues. A red flag investigation was submitted February 9th. There are potential wetland impacts west of the bridge. The wetlands will be delineated in the Spring of 2024.

Mill Pond Dam: DLZ is scheduling a site visit and to review the completed work.

Mitigation – Bridges 81, 73 and 7th Road: No updates.

Road Work: Patching, brush chopping, ditching, and working on gravel roads.

Equipment: Preparing equipment and planning to start 2024 Road Program work this week. Spoke with a few dealerships regarding the next round of truck leases.

NOFA Call for Projects: Bridge 108, East 7th Road has been awarded \$1,476,000 in Federal Highway Administration construction funds. The Linden Road, south of 17th Road to SR 10 Project was not selected to receive Federal Highway Administration funding.

Energy Efficiency and Conservation Block (EECBG) Grant: The Indiana Office of Energy Development (OED) awarded Marshall County up to \$114,333 for two electric pick up trucks and electric upgrade.

Justice Walk: A walk will be held on May 18th beginning at Chief Menominee on Peach Road with three different lengths to choose from, the furthest ending at Menominee Tippecanoe Fishing Area in Rochester.

MUSEUM

Museum Executive Director Sandy Garrison and Marshall County Historical Society Board President Mike Miley presented the quarterly report. They presented the Board with a copy of the Crossroads newsletter, various flyers, and the Brown Bag schedule. Director Garrison stated they have hosted 913 visitors with 2,262 volunteer hours logged year to date, and they continue to work on a five-year comprehensive plan. Kid's Day at the Museum will be held Wednesday, March 20th.

PLAN COMMISSION

Plan Commission Director Ty Adley presented 24-PC-04, seeking to amend the Zoning Ordinance as it pertains to the attendance requirements for the Technical Review Committee meetings. The proposal was initiated to follow current best practices and the logical requirements for applicants' necessity for attendance. Staff currently do not see a reasonable reason to require applicants to leave work in order to attend a meeting where a specific case may only last 15 minutes or less when the application or conditions may be able to more easily address proposals. There may be times when a project of scale will necessitate the attendance of an owner or developer, but the intention is to reduce the unnecessary attendance of an applicant for small projects. The Technical Review Committee recommended approval of the proposed amendment and the Plan Commission recommended approval 6-0.

Kevin Overmyer moved, second by Stan Klotz, to open the public hearing on 24-PC-04. Motion carried 2-0.

No public comment was heard.

Kevin Overmyer moved, second by Stan Klotz, to close the public hearing on 24-PC-04. Motion carried 2-0.

Kevin Overmyer moved, second by Stan Klotz, to approve 24-PC-04 under Ordinance 2024-13 on first reading. Motion carried 2-0.

Kevin Overmyer moved, second by Stan Klotz, to suspend the rules and pass Ordinance 2024-13: An Ordinance Amending Ordinance Commonly Known as “The Marshall County Zoning Ordinance 2007-10”, as amended on second and third reading. Motion carried 2-0.

Attorney Clevenger suggested the Board consider formalizing a process to appoint alternate members.

ATTORNEY REPORT

Old Business

County Tourism Board: The Commissioners are accepting applications/nominations for appointment of new tourism board members in accordance with the state statute until April 1, 2024.

QCC Agreement: Attorney Clevenger proposed two revisions to the QCC agreement with the Marshall County Sheriff/Jail. Attorney Clevenger requested the new agreement add language that would help clarify that providing a defense is part of the indemnity provisions and that QCC increase their insurance policy limits of liability. A response has not been received from the QCC CEO.

Jail Repairs: The Request for Proposals (RFP) was completed. The RFP's have been sent to firms that have provided services to the County in the past, as well as to a firm that has specialized expertise for the kind of repairs the jail may need. A notice was published in the local newspaper. Responses were requested before the Commissioner meeting on April 15th. The received responses should be taken under advisement for review. The Commissioners may want to conduct interviews with one or more of the firms that are interested.

Ordinance Codification: Attorney Clevenger talked at length with the staff attorney for American Legal Publishing. A summary of the discussion concerning the report the company produced concerning the codification has been sent to the attorney. The report covered numerous matters. For instance, the county adopted ordinances that refer to and incorporate state statutes (i.e. building code). In some instances, a state statute and the citation reference to it were changed. We agreed to include the updated state statute citations. The attorney indicated that the codification should be completed within 60 days. Attorney Clevenger confirmed that the County wants digital copies and intends to publish the entire codification on the County website.

Tamarack Solar: Under either the existing County solar energy system regulations or the new Plan Commission large scale solar energy system regulations, a company seeking approval for a project must enter into a Road Use Agreement and a Decommissioning Agreement with the County.

Road Use Agreement: The proposal of Tamarack was more in general and required Marshall County roads and drainage to be in as good condition after construction as before construction began. More details would be completed before the project was finalized. Highway Superintendent Peters is aware of the farmers that are participating in the project and prefers more detail up front concerning the county roads that will be impacted. Attorney Clevenger is expecting Tamarack to need clarification on some of the provisions and will want to negotiate on other provisions.

Decommissioning Agreement: Attorney Clevenger has reviewed the proposed decommissioning agreements from Tamarack and has comments and questions. The agreement has been reviewed with Plan Commission Director Adley and he had several comments. Decommissioning agreements from other counties have been reviewed. Even though the primary responsibility related to decommissioning will fall on the landowners that have solar farm leases, we want to make sure the County is protected.

Therefore, it is recommended that we hire an energy lawyer with expertise in this area to assist us in making sure the County is properly protected. Tamarack is open to the prospect of reimbursing reasonable attorney fees for both the County attorney and an energy lawyer representing the County. Attorney Clevenger requested to be able to compile a list of energy lawyers for the Commissioners to consider that would assist if the County wanted to proceed.

New Business:

Plan Commission Ordinance 2024-13: This item was addressed previously in the meeting.

Leed et al v St. Joseph and Marshall County Dispatch and Dispatchers: Suit was filed in Marshall Circuit Court against both counties, the dispatch office, and the dispatchers that were working on the day the little girl died of drowning just south of the St. Joseph/Marshall County line by the family of the deceased. The original 911 call went to St. Joseph County. GIE assigned Betty Knight's Office to provide defense. The complaint includes a claim for punitive damages that is not covered by our liability policy, so we received the standard letter of reservation from GIE. St. Joseph's insurance carrier hired Peter Agostino in South Bend. Mr. Agostino removed the case from Marshall Circuit to Federal Court in South Bend given some of the claims are based upon federal civil rights violations. As is always the case, GIE requested that County officials not discuss the case except with our lawyers.

AUDITOR REPORT

Claims: **Kevin Overmyer moved, second by Stan Klotz, to approve the claims as presented. Motion carried 2-0.**

PUBLIC COMMENT

No public comment was heard.

COMMISSIONER ITEMS

INDOT 5339 Motor Vehicle(s) Purchase Agreement: **Kevin Overmyer moved, second by Stan Klotz, to approve the INDOT 5339 Motor Vehicle(s) Purchase Agreement with Midwest Transit Equipment, Inc. for two vans for Older Adult Services in the amount of \$136,514.80. Motion carried 2-0.**

ARP Recommendation: President Klotz explained the ARP Subcommittee met and is recommending an additional appropriation be submitted from the ARP fund in the amount of \$20,000 and from the Opioid Unrestricted Fund in the amount of \$25,317.70 to fund CASA this calendar year. Commissioner Overmyer stated that it has been a long term practice to fund CASA from the General Fund and would prefer continuing in that manner. **Kevin Overmyer moved, second by Stan Klotz, to approve the submission of the additional appropriation requests for the ARP and Opioid Unrestricted Funds as presented. Motion carried 2-0.**

First Deputy Auditor Stull explained that monies were appropriated last year in the ARP Fund for the Coroner to purchase a stair chair. Coroner Grolich has recently received an invoice for the battery charger and is requesting the remaining unspent funds from last year be reappropriated. **Kevin Overmyer moved, second by Stan Klotz, to approve the submission of an additional appropriation request in the ARP Fund for account line Coroner Stair Chair in the amount of \$986.66. Motion carried 2-0.**

Buildings & Grounds Supervisor: President Klotz explained Doug Masterson has requested to step down from the Supervisor position and Custodian/Maintenance Billy Schoff has expressed an interest in the supervisor position. **Kevin Overmyer moved, second by Stan Klotz, to appoint Billy Schoff as the Buildings & Grounds Maintenance Supervisor and Doug Masterson remain as Custodian/Maintenance effective today. Motion carried 2-0.**

Health Department Space: President Klotz requested approval to work with Health Department Administrator Dunfee to explore site options, including the Bowen Center.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Stan Klotz, to adjourn the meeting at 10:21 a.m. Motion carried 2-0.**

Stan Klotz, President

Mike Burroughs Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
APRIL 1, 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, April 1, 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 ten right-of-way cut requests from CCI Systems, Inc. for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within as follows:

- 1) 18226 W. 4th Road, between N. Tamarack Road and N. Sycamore Road, in Polk Township.
- 2) 16001 7th Road, between Pear Road and Queen Road, in West Township.
- 3) 16464 North Street, between West Street and Center Street, Polk Township.
- 4) 1006 W. 1st Road, between W. County Line Road and N. Thorn Road, in Polk Township.
- 5) 1178 N. Union Road, between W. 1st Road and W. 1C Road, in Polk Township.
- 6) 17581 W. 2B Road, between N. Sycamore Road and N. Rose Road, in Polk Township.
- 7) 17833 W. 2B Road, between N. Sycamore Road and N. Redwood Road, in Polk Township.
- 8) 861 Taylor Street, between West Street and Center Street, in Polk Township.
- 9) 820 N. Tamarack Road, between Tyler Road and W. 1st Road, in Polk Township.
- 10) 18660 Lincoln Highway, between Tulip Road and Rose Road, in West Township.

Mike Burroughs moved, second by Kevin Overmyer, to approve the ten right-of-way cut requests from CCI Systems, Inc. as presented. Motion carried 3-0.

Superintendent Peters presented a road bore request from Surf Internet on Crest Lane and Olive Trail, in Center Township, for the purpose of providing service to customers. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road bore request from Surf Internet on Crest Lane and Olive Trail, in Center Township, for the purpose of providing service to customers. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Precision Utilities Group on Savanna Lane, between 7B Road and Bluebird Trail, in Center Township, for the purpose of providing service to a customer. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road bore request from Precision Utilities Group on Savanna Lane, between 7B Road and Bluebird Trail, in Center Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters provided an update on the following bridge projects:
11, Union Road: Construction to begin this week with the road closed on April 3rd.

1, Ule Road (Local Project): No updates.

232, Randolph Street: No updates.

231, Center Street, Bremen: Will be requesting the right-of-way funds be extended to FY2025/2026 since the NEPA will not have been approved on or before May 1st. The Historic Bridge Alternatives Report (HBAR) has not been received and we are awaiting a formal response from INDOT.

Bridge 88, 12th Road east of Olive Trail: No updates.

Mill Pond Dam: DLZ is scheduling a site visit to review the work that has been completed and will be working on having a geotechnical study completed on the stability of the road subbase. Once completed, planning can begin for future work to be performed.

Mitigation – 7th Road: An additional appropriation will be submitted. Tree planting at the mitigation site will cost \$21,500 due to not meeting the ratio requirements. Six hundred seedlings will be replanted.

Road Work: Preparing for the 2024 Road Program.

Equipment: No updates.

NOFA Call for Projects – Bridge 108, E. 7th Road: A meeting was held with the LaPorte District to review the project and prepare the Request for Proposals (RFP). RFP will be submitted to INDOT this week.

Energy Efficiency Conservation Block Grant (EECBG): The grant request was approved for two electric pickup trucks and electrical upgrade in the amount of \$149,333.

Community Crossings Grant: Superintendent Peters requested permission to advertise for bids on the project. **Kevin Overmyer moved, second by Mike Burroughs, to allow the Highway Department to advertise for Community Crossing project bids to be opened at the May 6th Commissioner meeting. Motion carried 3-0.**

Bridge Maintenance: The department will be advertising for bids to shimmy and tighten bridge timbers; power wash and clean timber and concrete bridges; and sealing concrete and timber bridges.

BOYS & GIRLS CLUB

Boys & Girls Club CEO Andrew Fitzpatrick and Community Development Director Gwen DeMont-Calvert provided a snapshot of the happenings at the Boys & Girls Plymouth and Bremen Clubs.

ONE MARSHALL COUNTY

On behalf of ONE Marshall County Linda Yoder requested Commissioner representation on the steering committee. **Kevin Overmyer moved, second by Stan Klotz, to appoint Mike Burroughs as the Commissioner representative on the ONE Marshall County Steering Committee. Motion carried 3-0.**

JUSTICE WALK

Harvey Elgersma requested permission to hold the Justice Walk on county roads on May 18th and to place portable toilets in the right-of-way along the route. The walk will begin at Chief Menominee Monument and end at the Menominee Public Fishing Area in Fulton County. **Kevin Overmyer moved, second by Mike Burroughs, to allow use of designated county roads for the Justice Walk and the cooperation of the Highway Department for placing portable toilets. Motion carried 3-0.**

HEALTH DEPARTMENT

Health Department Administrator Sandy Dunfee requested permission to purchase two vehicles with Local Health Maintenance and Local Health Department Trust funds. Estimates were provided by Auto Park for a 2024 Dodge Ram 1500 in the amount of \$40,704.51 and from Oliver Ford for a 2024 Ford Edge SE AWD in the amount of \$36,544.

Mike Burroughs moved, second by Kevin Overmyer, to allow the Health Department to purchase the 2024 Dodge Ram 1500 from Auto Park in the amount of \$40,704.51 and the 2024 Ford Edge from Oliver Ford in the amount of \$36,544. Motion carried 3-0.

President Klotz explained that the Health Department has an interest in purchasing the Bowen Center on Dora Lane and requested permission to allow Administrator Dunfee to present the request to the Health Board. **Mike Burroughs moved, second by Kevin Overmyer, to allow the Health Department to present the request to the Health Board. Motion carried 3-0.**

EMERGENCY MANAGEMENT AGENCY

EMA Director Jack Garner presented the January – March 2024 Quarterly Report highlighting the Incidents/Responses, 2023 Emergency Management Performance Grant (EMPG), Training/Exercise, and Community Outreach.

LEGISLATIVE UPDATE

Indiana Senator Mike Bohacek explained they have completed the legislative session and provided an update on the newly passed laws.

Senator Bohacek explained that he received notice of the Plan Commission executive session open door complaint and response and stated that it could result in legal action. He asked the board to take all actions and recommendations by the Plan Commission Board from December 28th, one meeting forward, and make all actions null and void and then simultaneously pass a one-year solar and battery moratorium in show of a good faith effort. Discussion was held. **Stan Klotz moved to nullify actions of the Plan Commission before December 28, 2023 and place a one year moratorium on solar, battery, and carbon capture.** Attorney Clevenger voiced his concerns. Vice President Burroughs stated he did not foresee a one year moratorium changing what is in place today. The county has already had a moratorium, formed a committee, created, and passed an ordinance that passed 3-0, and passed an amended ordinance. The regulations within the ordinance exceed the State recommendations. **Motion failed due to a lack of a second.**

ATTORNEY REPORT

Old Business

County Tourism Board: The Commissioners are accepting applications/nominations for appointment of new tourism board members in accordance with the state statute until April 1, 2024. An executive session is planned for April 15th at 1:00 p.m. to interview prospective applicants.

QCC Agreement: Attorney Clevenger proposed two revisions to the QCC agreement with the Marshall County Sheriff/Jail. Attorney Clevenger requested the new agreement add language that would help clarify that providing a defense is part of the indemnity provisions and that QCC increase their insurance policy limits of liability. A response has not been received from the QCC CEO.

Jail Repairs: Responses to the County's Request for Proposals (RFP) are due before the Commissioner meeting on April 15, 2024. Maintenance Supervisor John Greer has reported that there has been interest.

Tamarack Solar: Under either the existing County solar energy system regulations or the new Plan Commission large scale solar energy system regulations, a company seeking approval for a project must enter into a Road Use Agreement and a Decommissioning Agreement with the County.

Road Use Agreement – A draft Road Use Agreement has been sent to Tamarack for comment and we have not heard back.

Decommissioning Agreement – Attorney Clevenger recommends hiring an attorney with experience in dealing with solar energy companies and decommissioning agreements. A memo has been sent to each Commissioner with further information and an explanation.

Vice President Burroughs suggested asking Rick Hall of Barnes & Thornburg to draft both agreements then hold a joint meeting to allow the other county representatives to review and provide input.

Mike Burroughs moved, second by Kevin Overmyer, to allow Attorney Clevenger to reach out to Barnes & Thornburg Partner Rick Hall for availability and to prepare an estimate of cost to prepare road usage and decommissioning agreements. Motion carried 2-1, with Stan Klotz voting no due to the costs.

New Business:

FOIA Request: Attorney Clevenger thanked the Commissioners and Auditor for their cooperation in helping set up a response to a recent FOIA request. A response will be completed in the next couple of weeks.

AUDITOR REPORT

March 4, 2024 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the March 4, 2024 minutes as presented. Motion carried 2-0-1, with Kevin Overmyer abstaining.**

March 11, 2024 Executive Session Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the March 11, 2024 executive session minutes as presented. Motion carried 3-0.**

March 18, 2024 Minutes: **Kevin Overmyer moved, second by Stan Klotz, to approve the March 18, 2024 minutes as presented. Motion carried 2-0-1, with Mike Burroughs abstaining.**

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

PUBLIC COMMENT

Coroner John Grolich discussed House Bill 1454 and requested the Commissioners support in presenting a request to Council to implement a safety local income tax for fire and emergency medical services. **Kevin Overmyer moved, second by Mike Burroughs to recommend Council consider a .05 percent income tax to help fire and emergency medical services. Motion carried 2-1, with Stan Klotz voting no.** President Klotz stated he is not opposed to helping but does not like the first option to be implementing a tax.

Brandon Schadek, 19921 9th Road, Plymouth, spoke about the Plan Commission Open Door Law violation and requested the board remove Commissioner Overmyer from the Plan Commission.

Steve Gorski, 805 Baker Street, Plymouth, spoke about the Plan Commission Open Door Law violation and stated the road usage and decommissioning agreements are reasons to reconsider a moratorium on solar.

Cindy Casper, 13805 Jarrah Road, Argos, questioned whether a non-disclosure agreement would be required of ONE Marshall appointments.

Sheila Gardner, 10660 Nutmeg Road, Plymouth, expressed concern about ONE Marshall and potential conflicts of interest and her preference to have a safe rather than pretty community.

Janell Prochno-Naylor, 16541 Robert Court, Plymouth, expressed concerns that petitions were not recognized, property value guarantees, and solar companies being held responsible.

Deb VanDeMark, 14750 Tulip Road, Culver, provided a handout to board members and expressed concerns that today is the last meeting the Commissioners have to approve, amend, or deny the solar ordinance amendment.

Rachel Conners Executive Director of Hoosiers for Renewables submitted a petition with 488 signatures of individuals in support of the solar ordinance.

Paul Levitt, 16161 18th Road, Culver, expressed concerns about property value guarantees, Tamarack Solar providing guidance on agreements and biases of board members.

Nicole Cox, 4111 Olive Road, Plymouth, expressed concerns with large scale solar and requested a one year moratorium.

Daniel Straka Field Representative of Indiana Land & Liberty Coalition expressed support for the ordinance currently in place.

Brian Johnson, 20707 9th Road, Plymouth, spoke about the open door violation and requested a moratorium be placed on solar.

COMMISSIONER ITEMS

Intergovernmental Agreement City of Plymouth – Building Inspection Services: Kevin Overmyer moved, second by Mike Burroughs, to approve the Intergovernmental Agreement between Marshall County and the City of Plymouth for Building Inspection Services. Motion carried 3-0.

XSoft INCama Data Hosting Contract Addendum: IT Director Michael Marshall explained that because of cyber security discussion in the COOP meetings, the department is moving to have data stored on hosting services. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Addendum to Prescribed contract for Computer Software, Services, and Equipment and Exhibit A Work Plan. Motion carried 3-0.**

Resolution 2024-1 In Support of Work Zone Awareness Month: President Klotz read Resolution 2024-1 into the record. The Commissioners join with Benjamin J W Fisher Memorial Foundation, Inc. to support the initiative of expanding Work Zone Awareness to the full month of April to encourage motorists to drive with extra caution in work zones. **Kevin Overmyer moved, second by Mike Burroughs, to approve Resolution 2024-1: A Resolution of the Board of Marshall County Commissioners in Support of Work Zone Awareness Month. Motion carried 3-0.**

Sheriff Vehicles: Mike Burroughs moved, second by Kevin Overmyer, to allow the Sheriff to auction three vehicles by Top Dog this month. Motion carried 3-0.

Courthouse Active Shooter Training: Kevin Overmyer moved, second by Mike Burroughs, to allow training to be held at the Courthouse on September 25, 2024. 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 10:39 a.m. Motion carried 3-0.

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
APRIL 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, April 15, 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.

JAIL REPAIR PROJECT

Attorney Jim Clevenger stated a Request for Proposals was advertised for Professional Consulting Services for the Marshall County Jail Repair and two proposals have been received:

Jones Petrie Rafinski	\$69,525
DLZ Indiana, LLC	\$14,500

Kevin Overmyer moved, second by Mike Burroughs, to take the proposals under advisement and review with the Building Maintenance-Jail Supervisor. Motion carried 3-0.

HIGHWAY DEPARTMENT

Highway Department Superintendent Jason Peters presented eight right-of-way cut requests from CCI Systems, Inc. for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within as follows:

- 1) 1022 N. Union Road, between 1st Road and W. 1C Road, in Polk Township.
- 2) 14556 Lincoln Highway, between Pioneer Drive and Oak Road, in Center Township.
- 3) 2391 Lincoln Highway, between Pioneer Drive and Oak Road, in North Township.
- 4) 7315 County Line Road, between South Lake Drive and Oakhill, in Polk Township.
- 5) 17985 W. 3B Road, between Sycamore Road and N. Tamarack Road, in Polk Township.
- 6) 18318 1st Road, between Sycamore Road and Redwood Road, in Polk Township.
- 7) 19404 US 6, between Thorn Road and W. 2A Road, in Polk Township.
- 8) 4250 Rose Road, between Main Street and 4th Road, in Polk Township.

Kevin Overmyer moved, second by Mike Burroughs, to approve the eight right-of-way cut requests from CCI Systems, Inc. as presented. Motion carried 3-0.

Superintendent Peters presented four road bore requests from Comcast for the purpose of installing conduit and cable as follows:

- 1) 1660 N. Sycamore Road, between W. 1st Road and W. 2B Road, in Polk Township.
- 2) 17566 W. 1st Road, between N. Sycamore Road and N. Redwood Road, in Polk Township.
- 3) 19169 W. 1st Road, between W. County Line Road and N. Sycamore Road, in Polk Township.
- 4) 1098 N. Queen Road, between W. 1st Road and US 6, in Polk Township.

Kevin Overmyer moved, second by Mike Burroughs, to approve the four road bore requests from Comcast for the purpose of installing conduit and cable. Motion carried 3-0.

Superintendent Peters presented a right-of-way cut request from NIPSCO on 20A and Sage Roads, between S. Shore Drive and 20B Road, in Union Township, for the purpose of installing a new gas service. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from NIPSCO on 20A and Sage Roads, between S. Shore Drive and 20B Road, in Union Township, for the purpose of installing a new gas service. Motion carried 3-0.**

Superintendent Peters presented the Unofficial Detour Reimbursement Contract between the Indiana Department of Transportation and Marshall County for approval. The purpose of the contract is to restore the unofficial detour route for the project on SR 331 to its pre-designation condition in an amount not to exceed \$7,603.45. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Unofficial Detour Reimbursement Contract in an amount not to exceed \$7,603.45 as presented. Motion carried 3-0.**

Superintendent Peters provided an update on the following bridge projects:

11, Union Road: Construction has begun.

1, Ule Road (Local Project): No updates.

232, Randolph Street: All right-of-way acquisitions are complete. In the process of reviewing the utility work plans for signature.

231, Center Street, Bremen: No updates.

Bridge 88, 12th Road east of Olive Trail: Stage 1 plans are complete, and work has begun on the environmental.

Mill Pond Dam Improvements: An estimate for the GEO Tech Study has been requested of the contractor. Once the work is completed DLZ will review and plan for additional work.

Mitigation – 7th Road: No updates.

Road Work: Will be patching and preparing roads for chip and seal; grading gravel roads and preparing for dust control; start reclaiming roads this week and running cold patch.

Equipment: No updates.

NOFA Call for Projects – Bridge 108, E. 7th Road: The Request for Proposals (RFP) has been submitted and posted.

Energy Efficiency Conservation Block Grant (EECBG): Marshall County REMC is upgrading the service and depending on the upgrades to service and moving poles, there may be an additional service charge of \$10,000.

Community Crossings Grant: Marshall County was awarded \$1.5 million. On April 22nd the advertisement for bids will be published and then opened at the May 6th Commissioner meeting.

Bridge Maintenance: Superintendent Peters requested permission to advertise for bids to shim and tighten bridge timbers; power wash and clean timber and concrete bridges; and sealing concrete and timber bridges. **Mike Burroughs moved, second by Kevin Overmyer, to allow the Highway Dept. to advertise for bids for timber bridge maintenance. Motion carried 3-0.**

Dept. Schedule: Beginning April 1st, the department began working a ten hour shift Monday through Thursday.

CCMG Matching Funds: Auditor Birchmeier explained that with a \$1.5 million award, the 25% match would be \$375,000. There is \$90,791.70 remaining in the 2024-CCMG fund; \$15,765.10 remaining in the LOIT Special Distribution Fund; and \$333,334 has been appropriated in the MVH budget for a total match on hand of \$439,890.80.

MARSHALL COUNTY HOPE

Saint Joseph Health System Marshall County Tobacco Education Coordinator Annette Haining and Health Department Administrator Sandy Dunfee explained that Project HOPE is changing from not only providing services for substance abuse and addiction but also to include total health services. The consortium is applying for 501(c)(3) status and seeking funding support. Ms. Haining requested consideration of using the Opioid Restricted Funds in the amount of \$115,618.25 to support Project HOPE. Discussion was held concerning the monies being used for opioid remediation as required. **Kevin Overmyer moved, second by Mike Burroughs, to award Project HOPE \$115,618.25 from the Opioid Restricted Fund. Motion carried 3-0.**

BREATHE EASY MARSHALL COUNTY ALLIANCE

Saint Joseph Health System Marshall County Tobacco Education Coordinator Annette Haining and Youth Coordinator Jalysa Gibson provided a program update and list of activities held at the schools and Boys & Girls Club. The Health Department has provided a public service announcement on vaping.

BUILDINGS & GROUNDS

Buildings & Grounds Supervisor Billy Schoff provided a department update stating work has been completed in Superior Court 3, at the morgue and maintenance building. Concrete work will be completed on the courthouse sidewalks, and they are seeking bids for carpet in the Extension Office. Discussion was held about paving the south gravel parking lot.

CULVER YOUTH CLUB

Culver Youth Club Executive Director Brian Carver provided a club update: participation has increased, and he also outlined the many clubs and activities available, educational support, and summer program. Director Carver requested the annual funding support of \$6,000. Auditor Birchmeier explained that a written request will need to be submitted prior to payment of a claim. **Mike Burroughs moved, second by Kevin Overmyer, to approve prepayment of the annual funding support upon receipt of a claim. Motion carried 3-0.**

CLERK

President Klotz explained that Clerk Jenny Bennitt was unable to attend the meeting and is requesting permission to purchase a microfilm machine from Imaging Office Systems, Inc. in the sum of \$10,285 and funding is in place. **Mike Burroughs moved, second by Kevin Overmyer, to approve the purchase of a microfilm machine in the sum of \$10,285. Motion carried 3-0.**

4-H COUNCIL

4-H Council Vice President Terri Barnhart requested the Commissioners support the 4-H Council with the \$10,000 returned by Purdue Extension in February this year. She explained the funding will be used to update the audio/visual equipment at the fairgrounds. **Mike Burroughs moved, second by Kevin Overmyer, to approve a donation in the amount of \$10,000 for audio/visual equipment and to process as a prepayment. Motion carried 3-0.**

SHERIFF

Sheriff Matt Hassel requested permission to apply for the Comprehensive Highway Injury Reduction Program (CHIRP). He explained that this is a federally funded grant through the NHTSA and allows for officers to work additional hours focused on traffic violations, occupant protection, and impaired driving enforcement all in an effort to make Marshall County roadways safer. Multiple agencies participate in the program including the Towns of Bremen, Bourbon, and Culver, and the City of Plymouth. The grant period is from October 1, 2024 through September 30, 2024. **Kevin Overmyer moved, second by Mike Burroughs, to allow the Sheriff to apply for the CHIRP grant as requested. Motion carried 3-0.**

Sheriff Hassel explained the department has applied for and been awarded the COVID19 Detection & Mitigation Grant in the amount of \$86,256.50 for the purchase of two new washing machines and dryers. Sheriff Hassel presented the Grant Agreement between the Indiana Department of Health and Marshall County Sheriff's Department under Contract Number 81719 for approval. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Grant Agreement between Indiana Department of Health and the Marshall County Sheriff's Department in the amount of \$86,256.50 as presented. Motion carried 3-0.**

Sheriff Hassel requested permission to allow four employees to travel out of state to Dallas, Texas from May 5th to May 8th to attend a Central Square training session. **Mike Burroughs moved, second by Kevin Overmyer, to allow four employees to travel out of state to Dallas, Texas from May 5th to May 8th to attend a Central Square training session. Motion carried 3-0.**

Sheriff Hassel requested permission to allow one employee to travel out of state to Addison, Illinois on July 22nd for 911 Operator training. **Mike Burroughs moved, second by Kevin Overmyer, to allow one employee to travel out of state to Addison, Illinois on July 22nd for 911 Operator training. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

County Tourism Board: Interviews of the applicants are scheduled for this afternoon, April 15, 2024 starting at 1:00 p.m.

QCC Agreement: Attorney Clevenger drafted one last email to Ms. Scroggins at QCC. The Commissioners will be notified if that email triggers any response.

Jail Repairs: This item was addressed previously in the meeting.

Tamarack Solar: Barnes & Thornburg, LLC Partner Rick Hall has agreed to assist the County in a Road Use Agreement and a Decommissioning Agreement with Invenergy (Tamarack Solar, LLC). The proposed engagement letter has been submitted for approval of the Commissioners.

Mike Burroughs moved, second by Kevin Overmyer, to approve the Letter of Engagement with Barnes & Thornburg, LLP regarding Solar Energy Matters. Motion carried 2-1, with Stan Klotz voting no due to his concern of knowingly signing something believed to be fraud, believing the process has been flawed and if litigation is involved would jeopardize the bond covering him and he is not willing to take the risk.

Appointment of Alternate Member to the Marshall County BZA: Plan Commission Director Ty Adley is requesting the Commissioners adopt a resolution permitting him to appoint Marshall County Plan Commission members to fill a BZA opening or to identify an individual or individuals who can be appointed in place of an absent BZA member if the situation arises. The County Council appointed a permanent alternate in the event the County Council's appointed BZA member is absent.

AUDITOR REPORT

April 1, 2024 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the April 1, 2024 minutes as presented. Motion carried 3-0.**

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

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

PUBLIC COMMENT

Highway Superintendent Jason Peters clarified that the CCMG-2024 project award was \$2 million with a \$1.5 million award from the state and the local match is \$500,000. Project costs exceeding \$2 million will be paid in full by the County. An additional \$60,109.20 will need to be allocated for the county match of \$500,000.

COMMISSIONER ITEMS

Human Resources – Sick Bank Request: Human Resources Administrator Jennifer Daake requested approval of an employee's sick bank time request. **Mike Burroughs moved, second by Kevin Overmyer, to approve an employee's sick bank time request. Motion carried 3-0.**

Public Safety Local Income Tax: **Mike Burroughs moved, second by Kevin Overmyer, to appoint Stan Klotz to serve as the Commissioner representative on a committee to consider a public safety local income tax. 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 10:41 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MAY 6, 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, May 6, 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

Bid Opening - Community Crossing 2024-01: Three bids were received and opened for the following 17 projects: Nataka Trail (13th Road to Cul-De-Sac), W. Nataka Trail (Nataka Trail to Olive Trail), Olive Lane (Olive Road to Olive Road), Olive Lane (S. Olive Road to S. Olive Road), Lawrence Lake Drive (Olive Road to dead end), Easy Street (Union Road to Cul-De-Sac), Sheryl Court (Sunset Drive to Cul-De-Sac), Sunset Drive (Sheryl Court to Martha Court), Robert Court (Martha Court to Sunset Drive), Pine Road (State Road 17 to Deer Trail), Deer Trail (State Road 17 to Cul-De-Sac), Fawn Drive (Pine Road to Deer Trail), Elm Road (US 6 to County Line), 9C Road (Sycamore Road to Union Road), Martha Court (Sunset Court to Robert Court), Rose Road (6th Road to Main Street), and Main Street (Rose Road to French Street). The three bids received were from E& B Paving, LLC in the total sum of \$2,138, 274, Milestone Contractors in the total sum of \$1,901,806.31, and Phend & Brown, Inc. in the total sum of \$2,199,693.70. **Kevin Overmyer moved, second by Mike Burroughs, to take the three bids for the Community Crossings 2024-01 Projects under advisement. Motion carried 3-0.**

Highway Department Superintendent Jason Peters presented four right-of-way cut requests from CCI Systems, Inc. for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within as follows:

- 1) 20898 W US 6: US 6, between County Line Road and Union Road, in Polk Township.
- 2) 19336 6B Road: 6B Road, between Union Road and Tamarack Road, in Polk Township.
- 3) 3476 Nutmeg Road: Nutmeg Road, between 3rd Road and 4th Road, in North Township.
- 4) 16331 7th Road: 7th Road, between Pear Road and Queen Road, in West Township

Mike Burroughs moved, second by Kevin Overmyer, to approve the four right-of-way cut requests from CCI Systems, Inc. as presented. Motion carried 3-0.

Superintendent Peters presented two right-of-way cut requests from Northern Indiana Public Service Company for the purpose of replacing utility poles, including the overhead equipment and transfer of conductors and wires to the new poles as follows:

- 1) On Elm Road: Elm Road, between 10th Road and 11B Road, in Bourbon Township.
- 2) On 7th Road: 7th Road, between Ironwood Road and Filbert Road, in Center and Bourbon Townships.

Mike Burroughs moved, second by Stan Klotz, to approve the two right-of-way cut requests from Northern Indiana Public Service Company as presented. Motion carried 3-0.

Superintendent Peters presented two road bore requests from Precision Utilities Group for the purpose of providing Brightspeed service to customers as follows:

- 1) 3661 4th Road: 4th Road, between Elm Road and State Road 331, in German Township.
- 2) 9140 Suter Road: Suter Road, between 9th Road and 9A Road, in Center Township.

Kevin Overmyer moved, second by Mike Burroughs, to approve the two right-of-way cut requests from Precision Utilities Group as presented. Motion carried 3-0.

Superintendent Peters provided an update on the following projects:

Bridge 11, Union Road: No updates.

Bridge 1, Ule Road (Local Project): The letting date is November 18, 2024. Currently working on the bridge design, development, and Waters of U.S. Report.

Bridge 232, Randolph Street: Reviewing utility work plans.

Bridge 231, Center Street, Bremen: Coring of the arch is scheduled for the week of May 13th. INDOT Cultural Resource Office (CRO) is recommending a consultation meeting to discuss the results from the core drill with the Historic Bridge Preservation Association (HBPA).

Bridge 88, 12th Road east of Olive Trail: Working on project design and plans.

Mill Pond Dam: Terracon has been contacted to do boring work, which is estimated to cost \$10,000.

7th Road Mitigation: No updates.

Bridge 81-Hickory Road Mitigation: In year six of maintenance. The monitoring phase has been completed.

Road Work: Reclaiming has begun.

Community Crossings Grant: Superintendent Peters presented Local Roads and Bridges Matching Grant Agreement between INDOT and Marshall County under contract number 82967 for Community Crossings 2024-1. The contract awards \$1,500,000, representing 75% of the eligible costs of the project. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Local Roads and Bridges Matching Grant Agreement between INDOT and Marshall County under contract number 82967 as presented and to allow the Board President to sign the contract.**

Motion carried 3-0.

Annual Operational Report: Superintendent Peters presented the Annual Operational Report for Local Roads and Streets and Bridges for the year ending December 31, 2023 for approval.

Kevin Overmyer moved, second by Mike Burroughs, to approve the Annual Operational Report for Local Roads and Streets and Bridges for the year ending December 31, 2023, as presented.

Motion carried 3-0.

NOFA Call for Projects: The request for proposals for Bridge 108 has been received. Four firms submitted proposals: VS Engineering, United Consulting, USI, and DLZ. The scoring process will begin and then submitted to INDOT for approval. Upon approval, we can proceed with a contract agreement with the top ranked consulting firm.

Energy Efficiency Conservation Block Grant (EECBG): Superintendent Peters presented a Grant Agreement under Contract #83578 between the Indiana Office of Energy Development and Marshall County. The contract awards \$154,333 for two (2) Ford Lighting Ext. Range and two (2) charging stations. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Grant Agreement under Contract #83578 between the Indiana Office of Energy Development and Marshall County as presented and to allow the Board President to sign the contract. Motion carried 3-0.**

Bridge Maintenance: The Request for Quotes will be posted on May 9th and opened at the May 20th Commissioner meeting.

Detour Routes: State projects that involve a state road closure are approved by the county, which is known as an unofficial detour route. An agreement is executed between the State and County, for the purpose of drivers having road access with the least amount of inconvenience. However, drivers are not following the state detour route and are passing through the barricaded road. Discussion was held on how to remedy this problem, including enforcement by the Sheriff's Department.

Agreement to Replace Milner Tile/Shell-Berger New Arm: Attorney Clevenger explained the Marshall County Drainage Board has agreed to enter into an agreement with the Marshall County Highway Department and two landowners to install, construct, and reconstruct a portion of the Milner tile which will be described as the Shell-Berger New Arm. The agreement calls for the Drainage Board to be responsible for 25% of the costs, the Highway Department to be responsible for 25% of the costs, and each of the two landowners impacted by the new tile to pay 25% of the costs. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Agreement to Replace Milner Tile/Shell-Berger New Arm as presented. Motion carried 3-0.**

COUNCIL ON AGING

Marshall County Council on Aging Executive Director Janis Holiday presented the First Quarter 2024 statistics: 7,692 trips provided for a total of 59,283 miles. 155 requests were denied (64 in county and 91 out of county). Invoice #1006 was presented for approval in the sum of \$87,157, reflecting \$67,157 for Section 5311 Federal Operating Funds and \$20,000 for State Operating Matching Funds. A local match of \$47,158 was applied to the Section 5311 Federal Operating Funds.

Director Holiday requested permission to apply for Section 5311/5339 Rural Public Transit, FTA/INDOT funding. She stated the Section 5311 operating budget for 2025 is \$609,907, with an estimated revenue of \$55,000. The federal share would be \$277,453 and a local match of \$277,454, which includes the state share of \$57,707. The grant application will also include a Section 5339 capital projects request of \$213,981 to purchase a replacement low-floor minivan, and a replacement medium transit bus. The grant is 80% federally funded with a 20% match, with the required matching funds to be secured by Marshall County Council on Aging.

Mike Burroughs moved, second by Kevin Overmyer, to approve the 2024 First Quarter Report. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to approve the claim submission under Invoice 1006 as presented. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to approve Authorizing Resolution 2024-2: Resolution Authorizing the Filing of a CY2025 Application for a Grant under Section 5311/5339 of the Federal Transit Act, as amended and presented. Motion carried 3-0.

MARSHALL COUNTY HOPE

Thomas Kinnaird representing Marshall County HOPE explained the consortium would like to carry forward two pieces of Project Hope to Marshall County HOPE, Peer Recovery Coaches and transportation vouchers. The consortium is a group of 55 participants to identify gaps. Attorney Clevenger recommended a Memorandum of Understanding between Marshall County HOPE and

Marshall County to ensure compliance with use of the restricted opioid funds. Commissioner Overmyer discussed financially supporting the Marshall County Drug Task Force (DTF) to keep drugs off the streets.

MARSHALL-STARKE DEVELOPMENT CENTER

Marshall-Starke Development Center CEO/President Rick Thompson expressed appreciation for the financial support provided through the years. He stated they serve 300 adults and 200 children, have 28 vehicles which provided 150,000 trips and employ 175 full-time employees. They have a focus on employment first vocational goal and growth in the performing arts. Recently, the feature film “I Heard It Through the Blueberry Vine” debuted at the REES Theatre and they have plans to submit it to several film festivals. President Thompson requested continued financial support in calendar year 2025.

ATTORNEY REPORT

Old Business

Tamarack Solar: Barnes & Thornburg Attorney Rick Hall has been working on a draft Road Use Agreement and a draft Decommissioning Agreement with Invenergy (Tamarack Solar, LLC). Attorney Clevenger has requested a telephone conference with Attorney Hall and Highway Superintendent Peters and is waiting to hear back from Attorney Hall concerning the status of other agreements. President Klotz questioned the legality of the Barnes & Thornburg Agreement.

Jail Repairs: A work session is scheduled today to review the responses to the County’s RFP concerning engineers and jail repairs.

Appointment of Alternate Member to the Marshall County BZA: The Plan Commission Director is requesting the Commissioners adopt a resolution permitting the Director to appoint Marshall County Plan Commission members to fill a BZA opening or to identify an individual or individuals who can be appointed in place of an absent BZA member if the situation arises. All the Plan Commission member appointments are done by the Board of County Commissioners except for one appointment by the County Council.

County Tourism Board: Interviews were completed on April 15th. All the applicants would have been good members for the newly created tourism board. However, with the requirement that a majority of the tourism board be engaged in the convention, visitor, or tourism business or be involved in promoting conventions, visitors, or tourism, the Commissioners have restrictions on their appointments. In accordance with the Commissioners’ intentions to make sure small towns have representation, an additional qualification had to be considered.

Appointment of a tourism board member needs to include the initial term to expire 12/31/2024 and an initial term to expire 12/31/2025. Thereafter, appointments will be for two-year terms.

New Business:

Agreement to Replace Milner Tile/Shell-Berger New Arm: This item was discussed earlier in the meeting.

AUDITOR REPORT

April 15, 2024 Minutes: Kevin Overmyer moved, second by Mike Burroughs, to approve the April 15, 2024 minutes as presented. Motion carried 3-0.

April 15, 2024 Executive Session Minutes-Litigation and Security: **Mike Burroughs moved, second by Kevin Overmyer, to approve the April 15, 2024 executive session minutes as presented. Motion carried 3-0.**

April 15, 2024 Executive Session Minutes-Appointment of Public Official: **Mike Burroughs moved, second by Kevin Overmyer, to approve the April 15, 2024 executive session minutes as presented. Motion carried 3-0.**

Payroll Claims: **Kevin Overmyer moved, second by Mike Burroughs, to approve the payroll claims 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.**

Annual Report of the Congressional Township and Common School Fund: The amount held in Trust as of April 30, 2024 in the Congressional Township Fund is \$21,222.93 and the amount in the Common School Fund is \$50,030.48. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Annual Report of the Congressional Township and Common School Fund for the Year Ending April 30, 2024. Motion carried 3-0.**

PUBLIC COMMENT

Prosecuting Attorney Nelson Chipman and Detective Sergeant Jonathan Bryant spoke about the irony of opioid settlements as nothing is settled with the war on opioids. The Drug Task Force (DTF) needs weapons to fight the war effectively. Prosecutor Chipman requested the Commissioners utilize a screening process and allow applicants to make a request and presentation on the need for funding when additional monies are received and available. The DTF needs new equipment and operating costs. Discussion was held concerning funding options as the Opioid Settlement Restricted and Unrestricted Funds have been designated for other uses. **Mike Burroughs moved, second by Kevin Overmyer, to support the purchase of DTF equipment with American Rescue Plan (ARP) funds in an amount not to exceed \$20,000. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, upon recommendation by the ARP Subcommittee and funding approval by County Council to process the DTF equipment invoices as a prepayment. Motion carried 3-0.

COMMISSIONER ITEMS

Prosecutor Copier: **Mike Burroughs moved, second by Kevin Overmyer, to approve the purchase of an Adams Remco copier for the Prosecutor's Child Support Division in the sum of \$4,898.10. Motion carried 3-0.**

BZA Alternate Appointment: Discussion was held concerning the appointment of an alternate appointment and requested Attorney Clevenger prepare an ordinance to designate Terri Barnhart and Michelle Mieras as the alternates.

Marshall County Tourism Appointments: The Commissioners met with eight applicants, six held the requirements necessary and two were unqualified pursuant to state statute. **Kevin Overmyer moved,**

second by Mike Burroughs, to appoint Angel Balsley with the term ending December 31, 2024. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to appoint Brian Teall with the term ending December 31, 2025. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to appoint Mark Damore, Jr. with the term ending December 31, 2024. Motion carried 3-0.

Kevin Overmyer moved, second by Stan Klotz, to appoint Matt Hovermale with the term ending December 31, 2024. Motion carried 2-0-1, with Mike Burroughs abstaining.

Kevin Overmyer moved, second by Mike Burroughs, to appoint Wyatt Stephan with the term ending December 31, 2025. Motion carried 3-0.

The City of Plymouth appointed Tracy Houin with the term ending December 31, 2024 and Jim Hartung with the term ending December 31, 2025. The Commissioners thanked all the applicants for their interest and noted that no one from the previous board applied.

Mike Burroughs moved, second by Kevin Overmyer, to appoint Brian Teall as the Chairman until the Board assembles and organizes. Motion carried 3-0.

Health Dept. Vehicle Purchase: President Klotz stated the Ford Edge ordered for the Health Dept. is ready for delivery and requested the claim be processed as a prepayment. **Mike Burroughs moved, second by Kevin Overmyer, to process the Health Department claim to Oliver Ford for a Ford Edge as a prepayment. Motion carried 3-0.**

Building Inspector Vehicle Purchase: President Klotz stated the Ford Escape previously ordered is no longer available and requested permission to order a Ford Maverick instead. He further stated that the cost of the Maverick is \$29,399 and Oliver Ford has agreed to honor the original trade-in value of \$8,307 for a total cost of \$21,092. **Kevin Overmyer moved, second by Stan Klotz, to approve the cancellation of the Ford Escape and the purchase of a Ford Maverick in the amount of \$21,092. Motion carried 2-0-1, with Mike Burroughs abstaining.**

Disposition of Clerk Election Cases: President Klotz stated the Clerk previously offered election machine cases to the Sheriff and a few cases remain. **Kevin Overmyer moved, second by Mike Burroughs, to dispose of election cases, with no value, at the discretion of the Clerk. Motion carried 3-0.**

2024 Annual Gibson Agreement: **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2024 Insurance Services Agreement between Gibson Insurance Agency, Inc. and Marshall County Board of Commissioners contingent upon review by Attorney Clevenger and to allow the Board President to sign. Motion carried 3-0.**

READI 2.0: President Klotz stated a meeting was held last week in the mayor's office, with the towns and a County Commissioner on how to collaborate between the units. Attorney Clevenger confirmed that he will send a letter to the applicants and newly appointed members to the Tourism Board.

Attorney Clevenger stated that he will reach out to Terri Barnhart and Michelle Mieras prior to preparing the ordinance for the Appointment of Alternate Member to the BZA.

ADJOURNMENT

With no further business to come before the board, **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 9:48 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MAY 20, 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, May 20, 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 CCI Systems, Inc. on County Line Road, between South Lake Drive and Oakhill Drive, in Polk Township, for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from CCI Systems, Inc. on County Line Road, between South Lake Drive and Oakhill Drive, in Polk Township, for the purpose of placing 2" innerduct at a minimum 48" depth to pull cable within. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from Northern Indiana Public Service Company on Michigan Road, between 4th Road and US 6, in North Township, for the purpose of replacing aging infrastructure and improve system reliability. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from Northern Indiana Public Service Company on Michigan Road, between 4th Road and US 6, in North Township, for the purpose of replacing aging infrastructure and improve system reliability. Motion carried 3-0.**

Superintendent Peters presented a road surface cut request from Farmer's Drainage, LLC on Beech Road, between 9B Road and 8th Road, in Bourbon Township, for the purpose of installing a new drainage outlet to replace an existing clay outlet. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road surface cut request from Farmer's Drainage, LLC, on Beech Road, between 9B Road and 8th Road, in Bourbon Township, for the purpose of installing a new drainage outlet to replace an existing clay outlet. Motion carried 3-0.**

Community Crossings Grant: Superintendent Peters stated he has reviewed the three bids received for the Community Crossings Projects and requested the project be awarded to Milestone Contractors in the amount of \$1,901,806.31. **Mike Burroughs moved, second by Kevin Overmyer, to award the Community Crossings Project to Milestone Contractors in the amount of \$1,901,806.31. Motion carried 3-0.**

Bridge - Preventative Maintenance Work Request for Quote: The request for quotes was advertised for preventative maintenance work on county bridges throughout Marshall County. One bid was received from Chain of Lakes. **Mike Burroughs moved, second by Kevin Overmyer, to take the bid under advisement. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:

Bridge 11, Union Road: Construction has begun.

Bridge 1, Ule Road (Local Project): The letting date is November 18, 2024. A Statement of the Basis for Just Compensation was submitted for five parcels, based on the appraisals completed by USI, for a combined total of \$5,775. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way purchases under the Statement of the Basis for Just Compensation for five properties as presented and to allow the Board President to sign. Motion carried 3-0.**

Bridge 232, Randolph Street: No update.

Bridge 231, Center Street, Bremen: No update.

Bridge 88, 12th Road east of Olive Trail: Working on project design and plans.

Mill Pond Dam: Terracon has scheduled to begin core drilling on May 24th.

Road Work: Reclaiming and mowing has begun.

NOFA Call for Projects: The request for proposals for Bridge 108 has been received. Four firms submitted proposals: VS Engineering, United Consulting, USI, and DLZ. The scoring process has begun. Upon completion, will then be submitted to INDOT for approval. Upon approval, we can proceed with a contract agreement with the top ranked consulting firm.

Energy Efficiency Conservation Block Grant (EECBG): Superintendent Peters explained the requirements of the grant, to include mandatory training, quarterly reports and tracking progress.

PLAN COMMISSION

Plan Commission Director Ty Adley presented 24-PC-06, BEMISH, Timothy & Joan of 4115 W. Shore Drive, Bremen. The applicants are requesting to rezone an A-1 (agricultural) parcel to L-1 (Lake Residential). The applicants are preparing for a lot consolidation as part of their estate planning, but to do so the property must be under the same zoning classification. The Plan Commission and TRC recommended approval of the proposed rezoning request.

Kevin Overmyer moved, second by Mike Burroughs, to open the public hearing on 24-PC-06. Motion carried 3-0.

No public comment was heard.

Kevin Overmyer moved, second by Mike Burroughs, to close the public hearing on 24-PC-06. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to approve 24-PC-06 under Ordinance 2024-15: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel #50-42-12-000-120-000-009 located on the South Side of 4th Road Bremen Indiana, in the Northeast Quarter of Section 12, Township 34 North, Range 2 East, in North Township, Marshall County, Indiana, from A-1, Agriculture to L-1, Lake Residential on first reading. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2024-15: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel #50-42-12-000-120-000-009 located on the South Side of 4th Road Bremen Indiana, in the Northeast Quarter of Section 12, Township 34 North, Range 2 East, in North Township, Marshall County, Indiana, from A-1, Agriculture to L-1, Lake Residential on second and third reading. Motion carried 3-0.

PROPEL US 30 WEST

CMD Smith Project Manager Brett Lackey provided a US 30 West ProPEL update. The INDOT study is seeking input on how to ProPEL the US 30 and 31 corridors forward using a collaborative approach to consider environmental, community and economic goals. The study area includes US 30 from Valparaiso to the Indiana/Ohio state line as well as US 31 between Hamilton County and Plymouth covering 180 miles across 12 counties with 29 intersections being reviewed of which 14 are in Marshall County. Mr. Lackey acknowledged the comments submitted by Plan Commission Director Ty Adley outlining the county's preferences and desired interchanges and secondary road concerns. The study will be wrapping up this fall and the recommendations submitted to INDOT for their determination. Information concerning the study may be found at www.ProPELUS30.com/uofa30.

BOWEN CENTER

Bowen Center County Director Lindie Leary provided the 2023 Annual Report: highlighting Marshall County 2023 in review. Marshall County provided \$387,887 in funding; the total free care provided was \$720,774; provided payroll/benefits of \$5,987,317; employed 100; served 4,041 patients; and had 60,848 patient visits. The new building is under construction and plan to move in October, 2024. All services will be provided under one roof and will be offering primary healthcare, LabCorp hours two days per week, crisis stabilization center and crisis response mobile teams.

PRIORITY PROJECT RESOURCES, INC.

Priority Projects Resources, Inc. Project Coordinator Shannon McLeod presented the Notice to Bidders for the Owner Occupied Housing Rehabilitation Project – Round 2 for approval. The project will entail rehabilitation work on four (4) homes scattered throughout Marshall County. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Notice to Bidders for County of Marshall – Owner Occupied Housing Rehabilitation Project – Bid Round 2 as presented. Motion carried 3-0.**

Project Coordinator McLeod presented Brown & Brown General Contractors, Inc. invoice #00005438 for work performed on Homes #1 and #6 in the total sum of \$48,395 for approval. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Brown & Brown General Contractors, Inc. invoice #00005438 in the sum of \$48,395 and to process the claim as a prepayment. Motion carried 3-0.**

SHERIFF DEPARTMENT

Sheriff Matt Hassel explained the Lake Enforcement Grant has been awarded and presented Amendment #3 to Contract #51386 between the Indiana Department of Natural Resources/Division of Law Enforcement and Marshall County Sheriff. The contract has been extended for an additional year, terminating on March 14, 2025. The consideration during this period is \$15,000 with the total remuneration under the Contract is not to exceed \$55,000. **Kevin Overmyer moved, second by Mike Burroughs, to approve Amendment #3 to Contract #51386 in the sum of \$15,000 as presented. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Tamarack Solar: Attorney Clevenger had a productive work session with Barnes & Thornburg Attorney Rick Hall on May 9th concerning a decommissioning agreement with Invenergy (Tamarack Solar, LLC). Attorney Hall will be forwarding the revised draft for the Commissioners review and comment.

Jail Repairs: Originally a follow-up work session with DLZ and JPR Engineers was scheduled to review their responses to the county's RFP. One of the issues with the responses to the county's RFP was questions concerning the original concrete plates and a substance applied to the cracks. The Commissioners are considering obtaining more information from the original supplier prior to further review with DLZ or JPR.

Appointment of Alternate Member to the Marshall County BZA: Plan Commission Director Ty Adley and Attorney Clevenger determined that the Commissioners cannot appoint Terri Barnhart as an alternate to fill in for an absent BZA member since she holds an elected school position at Triton. The Commissioners voiced support for proceeding with Michelle Mieras only as a possible BZA substitute.

County Tourism Board: The newly appointed Tourism Board has scheduled its initial meeting for Thursday, May 23, 2024 at 5:30 p.m. Information has been provided to the board concerning the powers of the commission. Brian Teall is also attempting to gather information from the previous tourism commission. Attorney Clevenger emphasized that the new commission needs to follow the reporting requirements and be more open to the public concerning the collection of revenue and the disbursement of funds.

Project HOPE MOU: An MOU has been drafted, but there are questions that need to be addressed. The CDC reported 2,190 less opioid related deaths in Indiana in 2023 than in 2022, down 17%.

New Business:

Local Ordinance to adopt State's "contract status": Certain contract terms are required in local contracts. Contracts should require county executive review and approval.

AUDITOR REPORT

May 6, 2024 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the May 6, 2024 minutes as presented. Motion carried 3-0.**

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

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

TrueRoll: Auditor Birchmeier explained the agreement with TMA ended earlier this year and she would like to change service providers. She presented an Exclusive Agreement for Homestead Audit and Proactive Monitoring Services between the Marshall County Auditor and the Exemption Project, Inc. (a/k/a TrueRoll) for approval. Kevin Overmyer moved, second by Mike Burroughs, to approve the Exclusive Agreement for Homestead Audit and Proactive Monitoring Services between the Marshall County Auditor and the Exemption Project, Inc. (a/k/a TrueRoll) as presented. Motion carried 3-0.

PUBLIC COMMENT

Janell Prochno Naylor, 16541 Robert Court, Plymouth, addressed concerns of Marshall County Citizens regarding the solar decommissioning agreement and data centers being discussed at the Plan Commission meeting.

Paul Levitt, 16181 18th Road, Culver, spoke about solar, decommissioning agreement, conflict of interest, contract carry-over provisions, and a solar moratorium.

Laura Brockway 641 Blue Ridge Trail, Plymouth, requested a moratorium on solar.

COMMISSIONER ITEMS

Jail Repairs: Commissioner Overmyer spoke to Fabcon, the contractor that originally built the jail walls and they provided a proposal for field inspection of the building condition in the amount of \$1,000. Mike Burroughs moved, second by Kevin Overmyer, to approve the proposal from Fabcon in the amount of \$1,000 and to allow the Board President to sign. Motion carried 3-0.

Plan Commission: Commissioner Overmyer stated that he is experiencing health issues and is stepping down from the Plan Commission. Kevin Overmyer moved, second by Mike Burroughs, to appoint Mike Burroughs to the Plan Commission to fill the unexpired term of Kevin Overmyer through December 31, 2024. Motion carried 3-0.

Opioid Unrestricted Funds: Kevin Overmyer moved, second by Mike Burroughs, to recommend the Opioid Unrestricted Funds receipted today in the amount of \$7,147.96 be appropriated for DTF Confidential Funds. Motion carried 3-0.

Clerk's Office: The Clerk's Office requested the office be closed on Friday, May 24th from 11:00 a.m. to 1:00 p.m. to allow the employees to attend the funeral of an employee's grandchild. Mike Burroughs moved, second by Kevin Overmyer, to support the request to close the Clerk's Office on Friday, May 24th from 11:00 a.m. to 1:00 p.m. to allow staff to attend a funeral. Motion carried 3-0.

A brief discussion was held concerning a moratorium on solar.

ADJOURNMENT

With no further business to come before the board, **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:50 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JUNE 17, 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, June 17, 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 road surface cut and road bore request from NIPSCO at 6069 King Road, between 5B Road and 6B Road, in North Township, for the purpose of installing a main replacement. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road surface cut and road bore request from NIPSCO at 6069 King Road, between 5B Road and 6B Road, in North Township, for the purpose of installing a main replacement. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:

Community Crossings 2024-1: The contractor has completed Elm, Rose, Lawrence Lake area, and Deer Trail. Weather permitting, the project should be completed this week.

Bridge 87, 11th Road: The Indiana Department of Transportation Report of Contract Final Inspection and Recommendation for Acceptance was presented for approval.

Bridge 120, Upas Road: The Indiana Department of Transportation Construction Change Order and Time Extension Summary No. 003 was presented for approval. The current change order amount is -\$43,155 and with the previous approved changes of \$38,221.48 it is resulting in a total change to date amount of -\$4,933.52. The Indiana Department of Transportation Report of Contract Final Inspection and Recommendation for Acceptance was also presented for approval. **Kevin Overmyer moved, second by Mike Burroughs, to approve Bridge 120 Change Order No. 003 for approval.**

Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to approve the Notice to Terminate for Bridge 87 and Bridge 120. Motion carried 3-0.

Bridge 11, Union Road: The superstructure is formed, steel is tied, bents and deck were poured, the end bents will be backfilled and work will begin working on approaches soon.

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

Bridge 232, Randolph Street: The letting date is October 9, 2024. The title sheet has been signed and was submitted on June 12th.

Bridge 231, Center Street, Bremen: No update.

Bridge 88, 12th Road east of Olive Trail: No update.

Mill Pond Dam: Terracon has completed boring and has requested the inspection report to prepare a repair plan.

Road Work: Chip and seal has begun. An additional project may need to be completed on King Road from US 30 to Lincolnway due to the delamination of the pavement. The project estimated cost is \$28,000.

Bridge 108, East 7th Road: The scoping meeting was held on June 13th.

Energy Efficiency Conservation Block Grant (EECBG): Davis Bacon Act training was completed on June 12th. The second part of the training will be scheduled for a future date. This training is a requirement of the grant.

NOFA Call – INDOT Systemic Safety Projects September 3rd to October 11th: All work must be within existing documented right-of-way, require minimal design lead-time, avoid significant environmental impacts/documentation and all inventory field work should be completed. Discussion was held concerning the placement of signs on US 30 to mark Amish School Crossing.

PRIORITY PROJECTS

Architect Brent Martin explained the Notice to Bidders Round 2 for the Owner Occupied Housing Rehabilitation Project was advertised. One bid was received from Brown & Brown General Contractors, Inc. of Wakarusa as follows:

Home	#5 – 11341 Castle Dr Plymouth	#7 - 1009 Lake Ave Plymouth	#8 - 1208 Sycamore Plymouth	#9 101 W. Randolph LaPaz
Base Bid	\$24,850	\$23,175	\$21,320	\$22,900
Alt. 1	\$1,800	\$7,350	\$3,600	\$6,900
Alt. 2	\$8,750	\$6,500	\$6,100	
Alt. 3	\$12,610			
Alt. 4	\$2,400			
Total	\$50,410	\$37,025	\$31,020	\$29,800

Kevin Overmyer moved, second by Mike Burroughs, to take the bid under advisement and allow Priority Projects time to review with a recommendation to be made at the July 1st meeting. Motion carried 3-0.

BREATHE EASY MARSHALL COUNTY

Marshall County Youth Tobacco Education and VOICE Coordinator, Jalya Gibson, and Breathe Easy Marshall County Alliance Tobacco Education Coordinator, Annette Haining, explained that education and prevention are very important. They provided an update on the cargo trailer, their ability to reach fourth grade students in all seven school corporations, along with the importance of community involvement.

FOUNDATION FOR FAIR CONTRACTING

Foundation for Fair Contracting Senior Construction Analyst Marcella Kunstek and Construction Analyst Frank Lucchese provided a PowerPoint presentation regarding Indiana Responsible Bidder Ordinance. They explained what responsible bidding is, provided a model ordinance, outlined bidder submission requirements, and how the County determines responsible and responsive bidders.

HEALTH DEPARTMENT

Health Administrator Sandy Dunfee presented a quote from Lowe's for ten washing machine and dryer units in the total amount of \$14,176.80. She explained that the units would be paid from the School Liaison federal grant and the units would be placed in the school nurse offices. She requested permission to purchase the units and requested prepayment of the claim. **Mike Burroughs moved, second by Kevin Overmyer, to approve the purchase of the washing machine and dryer units as**

presented, to allow the claim to be processed as a prepayment, and delivery of the units is contingent upon each school documentation of the gift. Motion carried 3-0.

ATTORNEY REPORT

Old Business

Jail Repairs: Fabcon has inspected the jail, and we are waiting for a report of the work needed to repair the jail.

Appointment of Alternate Member to the Marshall County BZA: Attorney Clevenger presented Resolution 2024-3: A Resolution of the Marshall County Commissioners Appointment of Plan Commission Member as Substitute Board of Zoning Appeals Member. **Kevin Overmyer moved, second by Mike Burroughs, to approve Resolution 2024-3: A Resolution of the Marshall County Commissioners Appointment of Plan Commission Member as Substitute Board of Zoning Appeals member. Motion carried 3-0.**

Project HOPE MOU: Attorney Clevenger is unsure of the status of the MOU with Project HOPE.

Local Ordinance to adopt State's "contract statute": A draft of the ordinance related to county contracts and approval thereof has been emailed to the Commissioners. The ordinance cannot be adopted until after July 1, 2024, which is the effective date of the Indiana Code provisions that are the basis for the ordinance.

Economic Development Revenue Bonds, Series 2000 (Culver Educational Foundation Project): The Auditor received a letter from Randy Rompolo of Barnes & Thornburg indicating that Culver Educational Foundation is going to redeem the outstanding bonds. A year ago, the trust indenture was amended as was required by Federal Regulation. No formal action of the County is required relating to the redemption of the bonds.

Opioid Litigation/Kroger Pharmacy Settlement: A notice has been received that the Kroger Company has reached a national opioid settlement which includes Indiana and Marshall County. Marshall County will need to "opt-in" by August 12, 2024. Attorney Clevenger does not expect that the County will receive much in the way of settlement proceeds, but they will be distributed with the same restricted and unrestricted requirements that were established by the Indiana State statute.

Kevin Overmyer moved, second by Mike Burroughs, to opt-in to the Kroger Company opioid settlement and allow Attorney Clevenger to complete the documentation. Motion carried 3-0.

New Business:

Marshall County Holding Corporation: The annual meeting of the Marshall County Holding Corporation is scheduled for Monday, July 15, 2024, at 11:30 a.m. in the Commissioner's Room.

County Council: Attorney Clevenger was made aware of the action taken by the County Council at their meeting on June 13th concerning the Plan Commission and BZA additional appropriation request. The unprecedented action was not taken due to a lack of funds. Applicants are paying fees for services and the County needs to provide the services. Attorney Clevenger will investigate the matter.

PLAN COMMISSION

Plan Commission Director Ty Adley presented 24-PC-09 Bachtel, Kenneth and Michelle, 10647 Hawthorn Road, Plymouth. The applicant is seeking to rezone their property from C-2 Highway Commercial District to A-1 Agricultural Zoning District because they do not have commercial intentions with the property. The Comprehensive Plan does designate the intersection of Hawthorn and

US 30 as Corridor Commercial, but currently the future of access between US 30 and the crossroads is under review by the INDOT Propel study. The rezoning of the property would be considered a downzoning from a more intense district to a lesser intense district. Based on the information provided and reviewed by the Technical Review Committee, Staff, and Planning Commission all recommend approval of the proposed rezoning from C-2 to A-1.

Kevin Overmyer moved, second by Mike Burroughs, to open the Public Hearing on 24-PC-09, Bachtel, Kenneth and Michelle. Motion carried 3-0.

No public comment was heard.

Kevin Overmyer moved, second by Mike Burroughs, to close the Public Hearing on 24-PC-09, Bachtel, Kenneth and Michelle. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to approve 24-PC-09, Bachtel, Kenneth and Michelle, under Ordinance 2024-16: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Number 50-33-08-000-012-000-018 Located on the West Side of Hawthorn Road, Plymouth, Indiana, in Center Township, Marshall County, Indiana from C-1, General Commercial District to A-1, Agricultural District on first reading. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass 24-PC-09, Bachtel, Kenneth and Michelle, under Ordinance 2024-16: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Number 50-33-08-000-012-000-018 Located on the West Side of Hawthorn Road, Plymouth, Indiana, in Center Township, Marshall County, Indiana from C-1, General Commercial District to A-1, Agricultural District on second and third reading. Motion carried 3-0.

AUDITOR REPORT

June 3, 2024 Minutes: Kevin Overmyer moved, second by Stan Klotz, to approve the June 3, 2024 minutes as presented. Motion carried 2-0-1, with Mike Burroughs 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

No public comments were heard.

COMMISSIONER ITEMS

Older Adult Services Claim: Mike Burroughs moved, second by Kevin Overmyer, to approve the submission of Invoice #1046 by Older Adult Services to INDOT for the purchase of two bus replacements in the total sum of \$109,176. Motion carried 3-0.

Unsafe Building Appointment: Notification was received that Kathy Schwenk, who served as the social advocate, resigned her position on the Unsafe Building Board. Kevin Overmyer moved,

second by Mike Burroughs, to appoint Christine Garner to the Unsafe Building Board to fill the unexpired term of Kathy Schwenk through December 31, 2024. Motion carried 3-0.

AT&T Tower Upgrade: AT&T will be upgrading a tower at the jail. Discussion was held that if an additional tower is placed then the lease agreement will need to be updated to reflect the additional tower.

Health Department Building Purchase: President Klotz stated that he received financial support from the County Council to proceed with the purchase of a building for the Health Department.

Kevin Overmyer moved, second by Mike Burroughs, to allow Attorney Clevenger to review the appraisal submitted by the Bowen Center and to contact two appraisers to appraise the building. 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 10:44 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JULY 1, 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, July 1, 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 request from Frontier to remove pole aerial fiber along 17B Road, between Douglas Road and State Road 331, in Tippecanoe Township. **Mike Burroughs moved, second by Kevin Overmyer, to approve the request from Frontier to remove pole aerial fiber along 17B Road, between Douglas Road and State Road 331, in Tippecanoe Township. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:

Community Crossings 2024-1: The contractor has completed the surfacing and is finishing the paint striping and shoulders.

Bridge 11, Union Road: The bridge deck has been poured, the end bents have been backfilled, and approaches are being worked on.

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

Bridge 232, Randolph Street: The Final Tracing was submitted on June 7, 2024. Expect to hold a pre-construction meeting in mid-December. To avoid potential risk, a request is being sent to the area engineer to review and approve the road closure being pushed back until after Labor Day 2025. The increased cost is now estimated to be \$4,160,660.70 and is an 80/20 split.

Bridge 231, Center Street, Bremen: The Historic Bridge Alternatives Report (HBAR) has been submitted and reviewed by INDOT. The INDOT Cultural Resource Office is recommending a consulting party meeting to discuss the HBPA before approval. To support the original HBAR, AES has been engaged to core through the existing arch and produce a technical report of the building materials. The results show the arch is constructed of stone. With these results, the consulting party meeting is being scheduled. The final Alternatives Analysis Report approval is dependent on the consulting party meeting and the final approval of the HBAR. Utility and railroad coordination is ongoing, but significant progress is dependent on development of the preliminary plans. Preliminary plan development will ramp up after approval of the HBAR.

Bridge 88, 12th Road east of Olive Trail: Archeological field work has been completed. Waters of the US (WOTUS) field work has been scheduled to be completed in July.

Bridge 108, East 7th Road: The scoping meeting was held on June 27th. United Consulting is working on the Engineers Report and will draft an agreement to be reviewed and then submitted to INDOT for approval. Once approved, the LPA Consulting Contract will be submitted to INDOT for review and approval.

Bridge Maintenance: Attorney Clevenger explained the Highway Department advertised a Request for Proposals for bridge maintenance. One response was received from Chain of Lakes Services, which is a business owned by Superintendent Peters' sons. Superintendent Peters has filed a nepotism disclosure form, and the Commissioners are the contracting authority. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Nepotism Disclosure filed by Superintendent Peters. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to accept the bid from Chain of Lakes Services to perform preventative maintenance on various bridges. Motion carried 3-0.

Road Work: Chip and seal have been completed on a number of roads. The plan for 12th Road, from State Road 17 to County Line, has been changed to be triple sealed.

Additional Funding: Superintendent Peters requested support to request additional funding from Council to extend road program work, additional chip and seal, and (cold mix) paving. The estimate for stone is \$275,000 and \$500,000 for bituminous. **Mike Burroughs moved, second by Kevin Overmyer, to support a request to Council for additional funding. Motion carried 3-0.**

Mowing and Spraying: The contractor has completed the second round of mowing. Next week spraying brush areas will begin.

Energy Efficiency Conservation Block Grant (EECBG): Davis Bacon Act training part 2 has been rescheduled for a later date. There will be discussion with MACOG this week about ordering the vehicles.

Mill Pond Dam: DLZ Indiana, LLC, P.E Vice President Laurie Johnson explained that Terracon has completed the core samples and have completed an inspection required by the Department of Natural Resources. An On-Call Agreement with DLZ Indiana has been submitted to the Highway Department for review.

PURDUE EXTENSION

Ag & Natural Resources Educator Brianna Slonaker and 4-H Youth Development Educator Jayne Deaton presented the Extension Express Newsletter highlighting activities, trainings, and meetings held in the last quarter. Educator Deaton explained that the new sound system is being installed and emergency systems tested at the fairgrounds.

EMERGENCY MANAGEMENT AGENCY

EMA Director Jack Garner presented the EMA Director's Quarterly Report (April 1 – June 30, 2024). He highlighted 11 incidents/responses and participation in five training/exercise activities. Director Garner assisted the Sheriff's Department in applying for the State Homeland Security Program (SHSP) grant. They are seeking \$130,000 worth of radio improvements. He has begun working on updating the Marshall County Comprehensive Emergency Management Plan with the first draft of the base plan being completed.

PRIORITY PROJECTS

Architect Brent Martin, SRKM Architecture, explained that Round 1 of the Owner Occupied Housing Projects have been completed. There may be enough grant dollars remaining to perform work on three or four more homes after Round 2 is completed. He asked if the Commissioners were willing to proceed with the additional homes and contribute additional funding if the bids exceed the grant award. **Kevin Overmyer moved, second by Mike Burroughs, to support an additional four projects in Round 3 of the Owner Occupied Housing Project. Motion carried 3-0.**

The Owner Occupied Housing Rehabilitation Project Round 2 bid was opened at the July 1st meeting from Brown & Brown General Contractors, Inc. of Wakarusa. The bid documents have been reviewed by SRKM Architecture, finding the documents to be in order, recommends acceptance of the following bids and award the projects to Brown & Brown General Contractors as follows:

Home #5: 11341 Castle Drive, Plymouth	\$24,850
Home #7: 1009 Lake Avenue, Plymouth	\$23,175
Home #8: 1208 Sycamore Street, Plymouth	\$21,320
Home #9: 101 W. Randolph Street, LaPaz	\$22,900

In the total sum of \$92,245.

Mike Burroughs moved, second by Kevin Overmyer, to approve the Brown & Brown Construction bid for Round 2, homes 5, 7, 8 and 9 in the total sum of \$92,245. Motion carried 3-0.

ATTORNEY REPORT

Old Business

Jail Repairs: This item is under the Commissioner items on today's agenda.

Local Ordinance to adopt State's "contract statute": Ordinance 2024-17 was presented for consideration. **Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2024-17: An Ordinance Setting Forth Requirements for County Contracts and the Review and Approval of County Contracts on first reading. Motion carried 3-0.**

Marshall County Holding Corporation: The annual meeting of the Marshall County Holding Corporation is scheduled for Monday, July 15, 2024, at 11:30 a.m. in the Commissioner's Room.

Health Department / Bowen Center Building Appraisal: Jonathan Landing of JAJ Appraisals proposed an engagement to provide an appraisal of the building for \$1,600. He has done numerous commercial building appraisals in the area and was recommended by three area residential appraisers. Attorney Clevenger does not believe it is necessary for a second appraiser as he is aware of the Bowen Center appraisal and the purchase price proposed is well below that appraisal. **Mike Burroughs moved, second by Kevin Overmyer, to approve the JAJ Commercial Appraisals Contract for Real Estate Appraisal Services for the medical office building located at 990 Illinois Street, Plymouth in the total fee amount of \$1,600 and to allow the Board President to sign the contract. Motion carried 3-0.**

AUDITOR REPORT

June 17, 2024 Minutes: Kevin Overmyer moved, second by Mike Burroughs, to approve the June 17, 2024 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: Kevin Overmyer moved, second by Mike Burroughs, to approve the payroll claims as presented. Motion carried 3-0.

PUBLIC COMMENT

No public comments were heard.

COMMISSIONER ITEMS

Building & Grounds-Jail Inspection: Jail Supervisor John Greer explained that an estimate was received from Fabcon to repair the jail in the amount of \$55,106; however, it did not include caulking of the windows and doors. The additional caulking work is estimated to be \$46,257 for a total project cost of \$101,363. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Fabcon Agreement in the amount of \$55,106. Motion carried 3-0.**

Supervisor Greer will present another estimate at the July 15th meeting for the additional caulking. He further stated that the three rooftop air conditioning units are onsite to be installed later this year.

Sheriff Department Telephones: Sheriff Matt Hassel, Communication Supervisor Zach McGuigan, and Hyper Wave President Dan Sammurtano explained the current backup system for the telephone system and requested permission to purchase four cell phones from FirstNet. **Kevin Overmyer moved, second by Mike Burroughs, to allow the Sheriff's Department to purchase four new cell phones for the dispatch center. 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 9:38 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST:

Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**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 6th 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 6th 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, 12th Road east of Olive Trail: No update.

Bridge 108, East 7th 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 1st 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 11th 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 18th.

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.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**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

**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

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
SEPTEMBER 3, 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., Tuesday, September 3, 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 road bore request from Precision Utilities Group on 7th Road, between Hickory Road and Filbert Road, in German Township for the purpose of providing service to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from Precision Utilities Group on 7th Road, between Hickory Road and Filbert Road, in German Township for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:

Bridge 87, 11th Road: No update.

Bridge 11, Union Road: Completed the final walk through and as a result have a very small punch list.

Bridge 1, Ule Road (Local Project): The letting date is November 18, 2024. Working with NIPSCO on relocating a gas line and completing the Final Work Plan Request (FWPR) for submission.

Bridge 232, Randolph Street: No update.

Bridge 231, Center Street, Bremen: (1) Historic Bridge Alternatives Report (HBAR) has been submitted and reviewed by INDOT. The INDOT Cultural Resource Offices is recommending a consulting party meeting to discuss the HPBA before it is approved. (2) To support the original HBAR, we engaged AES to core through the existing arch and produce a technical report of the building materials. The results showed the arch is constructed of stone. (3) INDOT required us to use our Section 106 subconsultant to develop a draft letter that included correspondence to date regarding the public outreach. They will use this letter to set the consulting parties meeting. (4) This draft letter has been submitted to INDOT. We expect the consulting parties meeting to be scheduled within the next month. (5) The final Alternatives Analysis Report approval is dependent on the consulting parties meeting and the final approval of the HBAR noted above. (6) Utility and Railroad Coordination is on-going but significant progress is dependent on the development of preliminary plans. (7) Preliminary plan development will ramp up after approval of the HBAR.

Bridge 88, 12th Road east of Olive Trail: Minor Project Programmic Agreement (MPPA) is in progress with a plan to have it submitted by August 30, 2024.

Bridge 108, East 7th Road: An LPA Consulting Contract between Marshall County Commissioners and United Consulting for Bridge 108 Rehabilitation was presented for approval. **Mike Burroughs moved second by Kevin Overmyer, to approve the LPA Consulting Contract between Marshall County Commissioners and United Consulting for Bridge 108 Rehabilitation. Motion carried 3-0.**

Mill Pond Dam Improvements: (1) DLZ performed hydraulic calculations to determine if performing a smooth-walled pipelining of the current primary spillway culvert would be hydraulically adequate. The results indicated that the proposal meets the requirements. (2) The geotechnical data from Terracon Consultants, Inc. was submitted for our review and consideration for development of preliminary recommendations. (3) A preliminary report detailing the results of the calculations and geotechnical data, noted above, is currently in final internal quality review.

Energy Efficiency Conservation Block Grant (EECBG): Two proposals were received for Electric Vehicle Charging Equipment. The first from Martell Electric in the amount of \$14,336 and the second from Herrman & Goetz in the amount of \$16,828.46. **Kevin Overmyer moved, second by Mike Burroughs, to accept the proposal from Martell Electric in the amount of \$14,336 as presented and to allow the Board President to sign the acceptance. Motion carried 3-0.**

Two estimates were received for a Ford Lightning Pro 4x4 Pickup and 80 amp Charge Station. The first from Bosak Motors in the amount of \$62,380; and the second from Oliver Ford in the amount of \$64,037. Discussion was held that service for the vehicle may be obtained at any Ford dealership. **Mike Burroughs moved, second by Kevin Overmyer, to accept the estimate from Bosak Motors in the amount of \$62,380. Motion carried 3-0.**

Road Work: An update was given on the roadwork completed.

Howard County Vietnam Veterans Organization: Asphalt Materials, Inc. (AMI) has requested assistance from Marshall County to fog seal a section of road near the Howard County Vietnam Veterans Organization in Kokomo. Each September, a reunion is held and is one of the largest gatherings for veterans in the country. In exchange for Marshall County Highway Department applying the fog seal, AMI will donate any remaining material to the county. **Kevin Overmyer moved, second by Mike Burroughs, to allow the Highway Department to apply the fog seal in Howard County and to accept the remaining material donation. Motion carried 3-0.**

Jefferson Street Parking Lot: The Commissioners requested the Highway Department to seek three sealed bids for the paving of the Jefferson Street Parking Lot with the bids to be opened at the next meeting.

LTAP Presentation: Superintendent Peters will be attending and making two presentations at the Local Technical Assistance Program (LTAP) Snolympics in Tippecanoe County.

E&B Paving, LLC: To allow time for further investigation, **Mike Burroughs moved, second by Kevin Overmyer, to table the E&B Paving, LLC, paving proposal and invoice payment for Union Road. Motion carried 3-0.**

BUILDINGS & GROUNDS

Building & Grounds Maintenance Supervisor Billy Schoff presented a department update. The Courthouse east side sidewalk and lighting updates at the museum are finished. They have repaired and replaced the pump motor for the water tower at the Annex. The generator is set at the Maintenance Building. The lights in the Highway wash bay have been replaced and will have the garage bay and outside truck bay lighting finished by the end of the month. The flooring has been replaced in the Extension Office.

RECORDER

Recorder Janet Howard presented the Media Conversion Agreement between Fidler Technologies and Marshall County for the scanning of the remaining books. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Media Conversion Agreement between Fidler Technologies and Marshall County as presented. Motion carried 3-0.**

TAMARACK SOLAR PROJECT

Invenergy Project Developer Ethan Sternberg presented a PowerPoint presentation on the Tamarack Solar Project. He explained Marshall County was selected because of the access to the grid, it is a consistent solar resource, the demand for electricity, and interested landowners. The project will provide 150MW powering 29,000 homes, utilize advanced solar technology, connect to the Burr Oak Substation. Twelve families have signed leases for approximately 1,435 acres within the fence. Invenergy has invested \$1.45 million to date. The project details are based on the Marshall County solar ordinance. He stated there will be an average of 175 construction jobs at peak construction. Invenergy's \$250 million capital investment will contribute over \$40 million in property tax payments and \$60 million in payments to participating landowners. Invenergy will not seek a tax abatement.

Brianna Schroeder of Janzen Schroeder Ag Law explained that she is an attorney representing farmers' property rights. A recent study by the Indiana Legislature showed over 300,000 acres of Indiana prime farmland has been lost over the last decade with the number one reason being due to urban/suburban sprawl. A solar project acts as a conservation reserve program, by allowing the land to rest. Once the project is complete, the landowner may return to farming or some other form of development.

BARNES & THORNBURG

Barnes & Thornburg, LLP, Partner Rick Hall explained that they are representing the county in negotiating agreements for decommissioning and road usage as required by the county zoning ordinance. He explained that decommissioning is the process of removing all personal property and equipment from a site, following six months of not producing electricity, and restoring the site within one year to its original condition. In the event of a natural event causing damage and cessation of production for one year, the site will need to be restored within one year. The agreement provides for a third party security or rated surety bond. The road usage agreement contains the process for evaluating road conditions before and after the project is completed. The agreement calls for securing a third party by a rated company. The agreements will need to be approved by the Commissioners to be able to proceed with the planning process.

HUMAN RESOURCES

Human Resources Administrator Jennifer Daake requested approval of two sick bank requests, one for 22 days and one for 30 days. **Kevin Overmyer moved, second by Mike Burroughs, to approve both employee's sick bank time requests as presented. Motion carried 3-0.**

Administrator Daake presented a proposal from SBS Portals / Information & Records Associates for an On-Demand County Human Resources Solution Portal. The monthly fee is \$400 and a one-time setup fee of \$2,000. **Mike Burroughs moved, second by Kevin Overmyer, to approve the agreement with SBS Portals as presented. Motion carried 3-0.**

SHERIFF

Sheriff Matt Hassel presented an Agreement between Central Square Technologies, LLC, and Marshall County Sheriff's Office. He and IT Director Michael Marshall explained that four additional functions will be added. Foremost, all data will be secured in the cloud, which is the safest place to store and back up data. Contains Citizens Reporting, which allows citizens access to report their criminal complaints directly to the CentralSquare software which expedites the reporting. The County will have access to our backed-up data. Eliminates the need to use VPNs for our Mobile Data Terminal. The initial cost is \$25,000 and is available in the Sheriff's current budget. In 2025, the cost will be \$123,364.14 and when the project is fully completed, the cost will increase to \$168,075 in 2026. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Agreement between Central Square Technologies LLC and the Marshall County Sheriff's Office as presented. Motion carried 3-0.**

MARSHALL COUNTY COMMUNITY FOUNDATION

Marshall County Community Foundation (MCCF) Executive Director Linda Yoder and Shawn Peterson Community Redevelopment Partners provided information about the Lilly Endowment Giving Indiana Funds for Tomorrow (GIFT) VIII Community Leadership Phase 2 Implementation Grant. In April 2023, MCCF submitted a concept paper for the Community Leadership Phase 2 Implementation grant and was invited to submit a final proposal, which is due September 6th. The request is for \$5 million to establish a countywide Community Development Corporation (CDC) and a Community Development Loan Fund (CDLF). The CDC is a 501(c)(3) nonprofit organization dedicated to developing affordable housing across Marshall County. The CDLF is a flexible loan fund established to catalyze new housing development in Marshall County. It will provide short-term, low-cost flexible financing to cities/towns, the CDC, or other nonprofit developers.

The second request is for the South Bend-Elkhart Regional Housing Collaborative for \$20 million to establish a regional land bank and a housing trust fund to improve regional housing issues. Establishing a Land Bank, an entity typically created by municipalities that acquire and manage vacant, abandoned, and tax-delinquent properties to return to productive use, and a Housing Trust Fund, funds established by municipal bodies to allocate public funding to help preserve, produce, and increase access to affordable housing and will be managed by MACOG.

It was explained that these projects are independent and complimentary to the READI 2.0 grant. Director Yoder requested a letter of support for both the local and the regional grant applications. **Kevin Overmyer moved, second by Mike Burroughs, to approve signing a letter of support for both the local and regional GIFT VIII initiatives, pending attorney review of the letters. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

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

Tamarack Solar Project Update: This item was addressed previously in the meeting.

Human Resources/SBS Portal Agreement: This item was addressed previously in the meeting.

Northern Indiana Regional Development Authority: **Mike Burroughs moved, second by Kevin Overmyer, to approve and ratify the signing of a letter of support to the Northern Indiana Regional Development Authority for a housing project in Plymouth, and multiple projects in Bremen and Culver. Motion carried 3-0.**

Plan Commission / BZA Appropriations: Attorney Clevenger met with Council Member Jim Masterson and Council Attorney Marcel Lebbin and he understands that the Plan Director is returning to the Council with a work-around plan.

New Business

Ordinance 2024-19: Enacting the Code of Ordinances for Marshall County: This ordinance approves of the codification of the county ordinances and includes approval of revisions, amendments, and restatements that were made in compiling the existing ordinances.

AUDITOR REPORT

August 19, 2024 Executive Session - Employee Benefits Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the August 19, 2024 executive session minutes as presented. Motion carried 3-0.**

August 19, 2024 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the August 19, 2024 minutes 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.**

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

Schneider Training: Auditor Birchmeier presented a Professional Services Agreement between Schneider Geospatial, LLC and Marshall County for eight (8) hours of remote training. The cost is \$1,264 and would be paid from the Auditor's Ineligible Deduction fund. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Professional Services Agreement with Schneider Geospatial, LLC, as presented and to allow the Board President to sign on behalf of the Board. Motion carried 3-0.**

PUBLIC COMMENT

Benjamin Sharkey, 325 W. Walnut Street, Argos, spoke about the complexities of solar.

Council President Jesse Bohannon and Council Attorney Marcel Lebbin requested that the decommissioning and road usage agreements be shared prior to a vote. It is also their preference to receive a letter of credit in lieu of a bond.

Paul Levitt, 16161 18th Road, Culver, expressed respect for the farmers, but has concern about Invenenergy being a limited liability company (LLC). He requested protection of all property owners and to increase the property setbacks to 400' before any agreements are signed.

Ed Reiter, 14218 Tulip Road, Culver, spoke about farmland lost for food production, and stated that utilizing 1,435 acres for the Tamarack Solar Project would be more beneficial than producing corn for ethanol.

John Singleton, 12700 Upas Road, Plymouth, spoke in support of the solar project.

Bill Githens, 210 Winfield Street, Culver, spoke regarding the decommissioning agreement, stating as a retired bank president, the letter of credit is much more enforceable than a bond. A bank cannot refuse a letter of credit, and a bond has stipulations.

COMMISSIONER ITEMS

Ordinance 2024-19: Enacting Code of Ordinances: Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2024-19: An Ordinance Enacting a Code of Ordinances for Marshall County, Indiana Revising, Amending, Restating, Codifying and Compiling Certain Existing General Ordinances of the Political Subdivision Dealing with Subjects Embraced in Such Code of Ordinances and Declaring an Emergency on first reading. Motion carried 3-0.

AT&T Tower Upgrade - Jail: John Grolich explained that an AT&T representative contacted him about updating the equipment on the cell tower at the Sheriff's Department. There would be no cost to the county. Kevin Overmyer moved, second by Mike Burroughs, to allow the Board President to sign a Consent Letter for the AT&T Equipment Modification of Cellular Equipment located at 1400 Pioneer Drive, Plymouth. Motion carried 3-0.

Vehicle Prepayment Request: Kevin Overmyer moved, second by Stan Klotz, to approve the prepayment of a claim to Oliver Ford in the amount of \$21,092 for the purchase of the Building Commission vehicle. Motion carried 2-0-1, with Mike Burroughs abstaining.

Plan Commission: Mike Burroughs moved to not allow the submission of any new applications to the Plan Commission and BZA for the remainder of this calendar year. Discussion was held and Commissioner Overmyer requested time to consider the motion. Mike Burroughs withdrew the motion.

ADJOURNMENT

With no further business to come before the board, **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 10:23 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
SEPTEMBER 16, 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, September 16, 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: No update.

Bridge 11, Union Road: No update.

Bridge 1, Ule Road (Local Project): The letting date is November 18, 2024. Owners of Parcels 2, 3, and 5 have signed agreements. The owner of Parcel 4 is prepared and scheduled to sign. The owner of Parcel 1 did not accept the offer and has not replied with a counteroffer.

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: The LPA Consulting Contract between Marshall County Commissioners and United Consulting for Bridge 108 Rehabilitation was presented for approval at the prior meeting and the contract had been sent for electronic signatures on September 9th.

Bridge Inspections 2022-2025 Phase II: INDOT issued a purchase order in the amount of \$75,752 and the Notice to Proceed has been sent to USI Consultants.

Mill Pond Dam Improvements: No update.

Energy Efficiency Conservation Block Grant (EECBG): Estimates have been requested for a Chevrolet Silverado EV.

Road Work: An update was given on the roadwork completed.

Howard County Vietnam Veterans Organization: The department has completed the fog sealing of a section of road near the Howard County Vietnam Veterans Organization in Kokomo.

Equipment Usage Interlocal Agreement: A draft agreement was presented for Interlocal Equipment Usage.

Resolution 2024-5: Adopting the ADA Accessibility Guidelines for Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way. **Kevin Overmyer moved, second by Mike Burroughs, to approve Resolution 2024-5: A Resolution of the Board of Commissioners of Marshall County, Indiana Adopting the Americans with Disabilities Act (ADA) Accessibility Guidelines for Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way pending attorney review. Motion carried 3-0.**

Resolution 2024-6: Adopting the ADA Coordinator and Procedures: **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2024-6: A Resolution of the Board of Commissioners of Marshall County, Indiana Adopting the Americans with Disabilities Act (ADA) ADA Coordinator and Procedures pending Attorney review. Motion carried 3-0.**

BARNES & THORNBURG

Barnes & Thornburg, LLP, Associate Hannah Clendening presented Resolution 2024-4: A Resolution of the Board of Commissioners of Marshall County, Indiana, Approving an Economic Development Agreement, A Road Use Agreement and a Decommissioning Agreement with Tamarack Solar Energy, LLC, and Certain Other Matters in Connection Therewith for consideration. Ms. Clendening explained there are a few details in the Road Use Agreement to be finalized with the Highway Department. President Klotz verified the resolution only pertains to one solar project and not battery storage. He then questioned The Marshall County Zoning Ordinance Developmental Standards, Section 6, Line Q, Energy Storage Insulations and whether this project would be impacted. Ms. Clendening stated this project is complying with the County ordinance. **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2024-4: A Resolution of the Board of Commissioners of Marshall County, Indiana, Approving an Economic Development Agreement, A Road Use Agreement and a Decommissioning Agreement with Tamarack Solar Energy, LLC, and Certain Other Matters in Connection Therewith as presented. Motion carried 2-1, with Stan Klotz voting no.**

ATTORNEY REPORT

Old Business

Highway – Union Road/E&B Paving: Discussions with E&B Paving representatives continue.

Tamarack Solar Project Update: This item was addressed previously in the meeting.

Ordinance 2024-19: Enacting the Code of Ordinances for Marshall County: This ordinance approves of the codification of the county ordinances and includes approval of revisions, amendments, and restatements that were made in compiling the existing ordinances. The ordinance was approved on first reading at the prior meeting.

New Business

Tax Sale 2024: The Tax Sale has been set for October 17, 2024 commencing at 10:00 a.m. It will be conducted by SRI. The Treasurer and the Auditor will be making application for Judgment on September 30, 2024.

AUDITOR REPORT

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

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

September 5, 2024 Executive Session Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the September 5, 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: **Kevin Overmyer moved, second by Mike Burroughs, to approve the payroll claims as presented. Motion carried 3-0.**

PUBLIC COMMENT

John Grolich President of the Marshall County Firefighters Association requested the Commissioners implement a burn ban. EMA Director Jack Garner outlined the four options to consider under a burn ban as open burn, debris burn, campfires, and fireworks. **Kevin Overmyer moved, second by Mike Burroughs, to declare, effective immediately, the following activities be prohibited in Marshall County: Open burning of any kind using conventional fuel such as wood, or other combustible material and the burning of debris, such as timber or vegetation, including such debris that results from building construction activities until further notice. Motion carried 3-0.**

The Commissioners discussed the maintenance needed for the coroner's vehicle and requested the Coroner seek estimates for a new vehicle.

Leonard & Sharon Mrozinski, 4057 Olive Road, Plymouth, presented a petition containing 31 signatures with a request to post a reduced speed limit and the addition of a 4-way stop sign at Olive Road and 4th Road.

Council President Jesse Bohannon and Vice President Tim Harman provided an update on the LIT Public Safety Committee. The committee is proposing the creation of a 50% matching grant for fire and EMS training and equipment. They requested the Commissioners' support by creating agreements or memorandum of understanding for the funding between the County and units. Discussion was held concerning funding the grant from the Council's Special Project account line in the General Fund.

Deb VanDeMark, 14750 Tulip Road, Culver, requested an extension to the battery storage moratorium.

Katie Lewallen, 1100 E. Shore Drive, Culver, requested an extension to the battery storage moratorium.

COMMISSIONER ITEMS

Ordinance 2024-19 Enacting Code of Ordinances: **Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2024-19: An Ordinance Enacting a Code of Ordinances for Marshall County, Indiana Revising, Amending, Restating, Codifying and Compiling Certain Existing General Ordinances of the Political Subdivision Dealing with Subjects Embraced in Such Code of Ordinances and Declaring an Emergency on second and third reading. Motion carried 3-0.**

2025 Commissioner Meeting Schedule: **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2025 Commissioner Meeting Schedule. Motion carried 3-0.**

2025 Payroll Schedule: **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2025 Payroll Schedule. Motion carried 3-0.**

2025 Holiday Schedule: **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2025 Holiday Schedule. Motion carried 3-0.**

Hyper Wave Consulting Revised Security Camera Estimate: Auditor Birchmeier explained the Commissioners approved the replacement of security cameras in the County Building and Courthouse. Additional cameras have been added to the estimate and a revised estimate has been submitted. **Mike Burroughs moved, second by Kevin Overmyer, to approve the revised estimate for security cameras as presented. Motion carried 3-0.**

Jefferson Street Parking Lot: Attorney Clevenger stated three bids have been received for the paving of the Jefferson Street Parking Lot, as follows:

1 st Brooks Construction Company, Inc.	\$48,140
Rieth-Riley Construction Co., Inc.	\$92,229
Milestone Contractors, L.P.	\$53,500

Mike Burroughs moved, second by Kevin Overmyer, to take the bids under advisement to allow Buildings & Grounds Supervisor Billy Schoff time to review. Motion carried 3-0.

Battery Energy Storage Systems: **Mike Burroughs moved, second by Stan Klotz, to extend the moratorium on battery energy storage systems through December 31, 2024. Motion carried 2-0-1, with Kevin Overmyer abstaining.**

Rosetta Award: President Klotz stated that Marshall County was selected to receive the Rosetta Award for our focus on employee healthcare. The Commissioners thanked Ryan Colvin and Melinda Lemler of Gibson Insurance for their hard work in implementing the plan for Marshall County.

ADJOURNMENT

With no further business to come before the board, **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:46 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 2, 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, December 2, 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 three aerial placements from Brightspeed on S. Lake Drive and N. Underwood Road, N. Lake Drive and 4B Road, and N. Lake Drive and Breezy Point Lane in Polk Township, for the purpose of installing aerial fiber optic cable.

Mike Burroughs moved, second by Kevin Overmyer, to approve the three aerial placement requests from Brightspeed on S. Lake Drive and N. Underwood Road, N. Lake Drive and 4B Road, and N. Lake Drive and Breezy Point Lane, in Polk Township for the purpose of installing aerial fiber optic cable. Motion carried 3-0.

Superintendent Peters presented two right-of-way cut requests from Northern Indiana Public Service Company as follows:

- WO #53164-912: N. Redwood Road, between W. 1st Road and Tyler Road, in Polk Township, for the purpose of replacing aging infrastructure and improving system reliability.
- 18710 Tamarack Road, between Lincoln Street and Tamarack Road, in Union Township, for the purpose of installing a gas main to a new business.

Kevin Overmyer moved, second by Mike Burroughs, to approve two right-of-way cut requests from Northern Indiana Public Service Company as presented. Motion carried 3-0.

Superintendent Peters provided an update on the following projects:

Bridge 1, Ule Road (Local Project): The letting date will be January or February 2025.

Bridge 232, Randolph Street: We were informed that the State will be contributing approximately 96% of the costs for bridge construction. INDOT issued Purchase Order #0020137990 for Construction Inspection in the amount of \$340,000.

Bridge 231, Center Street, Bremen: The required INDOT/Federal Highway Administration (FHWA) consulting parties meeting is scheduled for Thursday, December 12th at 1:00 p.m. at the Bremen Public Library. A remote option is available via Microsoft Teams. The final Alternatives Analysis Report approval is dependent on the consulting parties meeting and the final approval of the Historic Bridge Alternative Report (HBAR).

Bridge 88, 12th Road east of Olive Trail: The Minor Projects Programmatic Agreement (MPPA) verification was submitted to the Cultural Resources Office on August 9, 2024.

Bridge 108, East 7th Road: The scope meeting was held November 26th, with INDOT and United Consulting.

Bridge Inspections 2022-2025 Phase II: Four signs have been updated due to the changing requirements for emergency vehicles.

Mill Pond Dam Improvements: The Indiana Department of Natural Resources (IDNR) permit for the pipelining was submitted in early November. The approximate permit review and approval timeline is 90 days.

Call for Projects (NOFA) – HSIP Countywide Striping Initiative: The county has been awarded a total of \$450,000 for the HSIP Countywide Striping Initiative in three phases, Construction Engineering (\$54,000), Construction (\$360,000) and Construction Engineering (\$36,000). The project has been assigned DES #2401543.

Call for Projects (NOFA) – Linden Road: No update.

Call for Projects (NOFA) – Michigan Road Bridge #2540: No update.

Call for Projects (NOFA) – Safety Guardrail Installation: A financial commitment letter was presented for the project. The total cost is estimated to be \$518,000, with a ten percent local match of \$51,800.

Call for Projects (NOFA) Safety Grant – Digital Speed Limit Trailer: A financial commitment letter was presented for the project. The total cost is estimated to be \$70,000, with a ten percent local match of \$7,000.

Kevin Overmyer moved, second by Mike Burroughs, to approve the request to apply for the Highway Safety Improvement Program (HSIP) grants for the Guardrail Installation and Digital Speed Limit Trailer projects and to allow the Board President to sign the financial commitment letters. Motion carried 3-0.

Energy Efficiency Conservation Block Grant (EECBG): Martell has signed the contract.

Annual Bid: The bids will be opened today at 10:30 a.m.

HUMAN RESOURCES

Human Resources Administrator Jennifer Daake presented an updated Personnel Policies Handbook for approval under Ordinance 2024-25. She explained the changes will be effective January 1, 2025 and the following sections were changed: Section 3.2 Work Hours: Hours were added for each department, Section 3.18 Overtime and Compensatory Time: Excluded positions were included, Section 5.19 Whistleblower and Section 5.7.9 Social Media Accounts of Public Officials: Policies have been added. **Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2024-25: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook, as presented on first reading. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2024-25: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook, on second and third reading. Motion carried 3-0.

COMMUNITY CORRECTIONS

Community Corrections Director Beau Holcomb presented a request to apply for the Psychostimulant Support grant provided by the Department of Health and Human Services Administration (HRSA) through Beacon Health. He explained funds will be used to provide incentives such as gift cards and ride vouchers to participants. **Mike Burroughs moved, second by Kevin Overmyer, to allow Community Corrections to apply for the Psychostimulant Support Grant and enter into a Memorandum of Understanding with Beacon Health System, Memorial Hospital-South Bend as presented. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Highway-Bridge 1: The paperwork for acquisition of Parcel 1 is complete. Payment has been made to the owners of Parcel 2 – 5. The Auditor's Office has not received the deeds for recording.

Plan Commission: An Intergovernmental Agreement between the City of Plymouth and Marshall County has been prepared for Planning Services while the Marshall County Plan Commission hires a replacement for Ty Adley. The County will pay the City \$875 per month during the term of the agreement. Discussion was held concerning the amount of the payment.

An Extension/Employment Agreement has been prepared for the Marshall County Plan Commission Director for Ty Adley's attendance at three night meetings in December, 2024 of the Plan Commission and BZA. Services include preparation and participation for those meetings. The total fee for all three meetings is \$1,500. The agreement shall be treated as an independent contract with no other benefits. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Extension/Employment Agreement for Marshall County Plan Commission Director as presented. Motion carried 3-0.**

Food Bank Sub-Recipient Agreements: The Sub-Recipient Agreements for American Rescue Plan (ARPA) Funds for the six county food banks have been prepared. The agreements need to be completed with an amount of ARP funds to be inserted and a form for supporting information concerning the acquisition of food and food storage equipment. The six food banks are Argos UMC Shepherd's Food Pantry, Bourbon Helping Hands, Bread of Life Community Food Pantry, Culver Community Food Pantry, Grace Food Pantry of Bremen, and Marshall County Neighborhood Center. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Sub-Recipient Agreement for ARP Funds between Marshall County and the six food banks in the amount of \$12,500 each as presented. Motion carried 3-0.**

Public Safety Matching Grant Funds Program: Sub-Recipient Agreements have been prepared for the Town of Argos, Town of Bourbon, Tippecanoe Township, and Polk Township for their Fire and EMS Departments. The final dollar amounts need to be inserted and the forms and supporting information of expenditures added. **Kevin Overmyer moved, second by Mike Burroughs, to approve the four Sub-Recipient Agreements for ARP Funds between Marshall County and the Town of Argos, Town of Bourbon, and Tippecanoe Township in the amount of \$50,000 each and Polk Township in the amount of \$24,991.36. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to allow any unspent funds appropriated in account line 7.3-Transfer to Other Unit of Government be applied to Polk Township. Motion carried 3-0.

Lake of the Woods Establishment of Conservancy District: Judge Sarber has scheduled a hearing on the petitions and most matters for Friday, December 13, 2024, at 10 am. The Judge is keeping the Auditor busy with updated reviews of landowners' signatures on petitions and confirmation of ownership and assessed values.

New Business

Park Place Encroachments: A letter has been drafted to the homeowners and will be mailed.

AUDITOR REPORT

November 18, 2024 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the November 18, 2024 minutes as presented. Motion carried 3-0.**

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

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

PUBLIC COMMENT

Travis Dexter, 16705 16C Road, Culver, requested Marshall County be a part of the process for a future Confined Feeding Organization (CFO) Development that has contract agreement relations with commercial entities.

COMMISSIONER ITEMS

EMA Building: **Kevin Overmyer moved, second by Mike Burroughs, to remove the REMC electric to the old EMA Building. Motion carried 3-0.**

Council on Aging: **Mike Burroughs moved, second by Kevin Overmyer, to approve the INDOT Section 5311 Grant Agreement under Contract #88996 and the Section 5339 Grant Agreement under Contract #89053. Motion carried 3-0.**

Ordinance 2024-24: **Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2024-24: Amendment and Restatement of Marshall County On-site Sewage Systems on first reading. Motion carried 3-0.**

MACOG Traffic Counts – 4th Road & Olive Road: Vice President Burroughs provided the MACOG Traffic Count Report reflecting the volume of traffic, speed, and classification of vehicle. It was determined that no action needs to be taken.

A recess was taken from 9:12 a.m. until 10:30 a.m.

2025 Annual Highway Bids: Twenty items were advertised for bid. Following Attorney Clevenger opening the bids, **Mike Burroughs moved, second by Kevin Overmyer, to accept and take the 2025 Annual Highway Bids under advisement. 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 11:03 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

Attest:

Kevin Overmyer, Member

Angela C. Birchmeier, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
OCTOBER 7, 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, October 7, 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 Clerk Denise Campbell presented a road bore request from Miller Pipeline on 3rd Road, between Sea Lane and Channelwood Lane, in German Township, for the purpose of replacing existing gas service for NIPSCO. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road bore request from Miller Pipeline on 3rd Road, Between Sea Lane and Channelwood Lane, in German Township, for the purpose of replace existing gas service for NIPSCO. Motion carried 3-0.**

Clerk Campbell presented a road surface cut request from Farmer's Drainage, LLC, on River Ridge Trail, approximately 300' north of 17B Trail, in Tippecanoe Township, for the purpose of installing a drainage tile. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road surface cut request from Farmer's Drainage, LLC, on River Ridge Trail, approximately 300' north of 17B Trail, in Tippecanoe Township, for the purpose of installing a drainage tile. Motion carried 3-0.**

Clerk Campbell presented a right-of-way cut request from Northern Indiana Public Service Company on Queen Road, between Plymouth-LaPorte Trail and 7th Road, in West Township, for the purpose of replacing two utility poles. **Kevin Overmyer moved, second by Mike Burroughs, to approve the right-of-way cut request from Northern Indiana Public Service Company on Queen Road, between Plymouth-LaPorte Trail and 7th Road, in West Township, for the purpose of replacing two utility poles. Motion carried 3-0.**

Clerk Campbell presented five right-of-way cut requests from Northern Indiana Public Service Company as follows:

- 1) Work Order #53164-912-Packet 5: Replacement of four utility poles on 7th Road, between Queen Road and 7th Road, in Polk Township.
- 2) Work Order #53164-912-Packet 6: Replacement of 36 utility poles on N. Redwood Road, between W. 6th Road and W. 4th Road, in Polk Township.

- 3) Work Order #53164-912-Packet 7: Replacement of 27 utility poles on N. Redwood Road, between W. 3B Road and W. 2B Road, in Polk Township.
- 4) Work Order #53164-912-Packet 8: Replacement of 20 utility poles on N. Redwood Road, between W. 2B Road and W. 1st Road, in Polk Township.
- 5) Work Order #53164-912-Packet 9: Replacement of nine utility poles on W. 1st Road, between N. Sycamore Road and N. Redwood Road, in Polk Township.

Mike Burroughs moved, second by Kevin Overmyer, to approve the five right-of-way cut requests from Northern Indiana Public Service Company as presented. Motion carried 3-0.

Clerk Campbell provided an update on the following projects:

Bridge 87, 11th Road: No update.

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: Indiana Department of Transportation (INDOT) approved the consulting party's invitation letter. The next step is for INDOT and Federal Highway Administration (FHWA) to coordinate an in-person meeting.

Bridge 88, 12th Road east of Olive Trail: No update.

Bridge 108, East 7th Road: No update.

Bridge Inspections 2022-2025 Phase II: The Notice to Proceed was submitted.

Mill Pond Dam Improvements: The required permits needed for the Rose Road Slip lining project will be prepared. Two estimates were requested for the project. Debco Metal Culverts submitted an estimate of \$34,900 and Sakco did not elect to submit an estimate. **Kevin Overmyer moved, second by Mike Burroughs, to accept the estimate from Debco Metal Culverts in the amount of \$34,900. Motion carried 3-0.**

Highway Safety Improvement Program (HSIP) Grant: A request was made to apply for the Federal HSIP grant to install centerline and edge line pavement markings on county roadways. The total project cost is \$500,000 with 90% (\$450,000) in federal funding, the remaining 10% (\$50,000) local match may be appropriated from the Local Road & Street Fund. **Mike Burroughs moved, second by Kevin Overmyer, to allow the Highway Department to apply for the HSIP grant as requested. Motion carried 3-0.**

Energy Efficiency Conservation Block Grant (EECBG): Estimates were requested and received for a Chevrolet Silverado EV. McCormick submitted an estimate of \$69,235 and Gates submitted an estimate of \$59,833.94. The Gates estimate did not meet the required specifications for mile range or extended range, and they could not provide an available timeframe for delivery.

Mike Burroughs moved, second by Kevin Overmyer, to table the request for the Chevy Silverado EV. Motion carried 3-0.

Road Work: An update was given on the roadwork completed.

Equipment Usage Interlocal Agreement: A draft agreement was presented for Interlocal Equipment Usage at the prior meeting.

SHERIFF DEPARTMENT

Sheriff Matt Hassel and Security Officer Duane Culp requested permission to apply for the Court Reform Grant provided through the Indiana Office of Court Services. Judge Sarber will be overseeing the grant application. If successfully awarded, the funding will be utilized to reorient the courthouse entrance, new microphones, and a screen in Superior Court 3. **Kevin Overmyer moved, second by Mike Burroughs, to allow the Sheriff and Superior Court 3 to apply for the Court Reform Grant as requested.**

Motion carried 3-0.

Sheriff Hassel presented the Marshall County Jail Health Care Service Contract with Quality Correctional Care for consideration. The County has been paying the monthly fee and following the 2024 Health Care Service Contract of QCC for inmate health care services as if it were timely signed. Attorney Clevenger was unable to convince QCC to add language in the contract that would make it easier for the County to enforce the indemnity provisions of the contract and to require QCC to maintain higher insurance liability limits. It is expected that the QCC contract for 2025 will require more compensation from the Sheriff and it is doubtful that QCC will increase its insurance limits. Attorney Clevenger recommended the Sheriff and Commissioners complete the 2024 contract.

Kevin Overmyer moved, second by Mike Burroughs, to approve the Marshall County Jail Health Service Contract with Quality Correctional Care for the term ending December 31, 2026. Motion carried 3-0.

Sheriff Hassel stated on August 19th the Commissioners supported the purchase of a trailer to be shared with the Blueberry Festival and they are still working on the Memorandum of Understanding.

Sheriff Hassel explained that the Culver Community School Corporation plans to establish a school corporation police department and is requesting an agreement to extend their police powers outside of the school jurisdiction. The Commissioners requested the agreement be reviewed by our insurance consultant and the item added to the October 21st agenda.

HEALTH DEPARTMENT

Health Department Administrator Sandy Dunfee explained the struggles Marshall County has had with staffing the WIC (Women Infants & Children) Office. Marshall County has been the sponsoring agency for the WIC Office, which is federally funded with the grant expiring on September 30th. Administrator Dunfee introduced Leslie Miller of Memorial Hospital of South Bend and presented the Marshall County WIC Transition Plan, which outlines the transfer of the WIC Program from Marshall County to Memorial Hospital. Memorial Hospital has retained the county WIC Department employees, expanding from 35 hours per week to 40 hours per week. They will be operating under the same name, in the same location and retaining the telephone number. The Health Department will continue their partnership with the new WIC Office.

Administrator Dunfee presented a Memorandum of Understanding between Purdue University Cooperative Extension Service and Health First/Marshall County Health Department for the Matter of Balance Program and for the Dining with Diabetes Program. Both programs involve classes and materials furnished by the Extension Office and paid for by the Marshall County Health Department with funding from the State Health Department. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Purdue University Cooperative Extension Service and Health First/Marshall County Health Department Memorandum of Understanding for the Matter of Balance Program for the term of October 1, 2024 through October 31, 2024. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to approve the Purdue University Cooperative Extension Service and Health First/Marshall County Health Department Memorandum of Understanding for the Dining with Diabetes Program for the term of January 1, 2025 through March 30, 2025. Motion carried 3-0.

Administrator Dunfee stated that the South Bend Medical Foundation is pleased with the response to the blood drive and would like to continue the program into calendar year 2025.

PROBATION DEPARTMENT

Chief Probation Officer Jim Bendy presented the 2025 Pretrial Services Grant Award for the calendar year 2025. The award amount is \$147,158 which may be utilized for personnel costs (salary and benefits) and training for staff and local stakeholders. **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2025 Pretrial Services Grant Award in the amount of \$147,158 as presented. Motion carried 3-0.**

BUILDINGS & GROUNDS

Buildings & Grounds Supervisor Billy Schoff has reviewed the bids for the asphalt paving of the parking lot located at 211 W. Jefferson Street. 1st Brooks Construction Company estimated a cost of \$48,140 with a drywell drainage system and project completion in 2025. Rieth-Riley estimated a cost of \$50,387 with a drywell drainage system and \$41,842 without the drywell drainage system and projection completion in November, 2024. Milestone Contractors estimated a cost of \$53,500 without the drywell drainage system and construction completed in the Spring of 2025. **Mike Burroughs moved, second by Kevin Overmyer, to accept the Rieth-Riley estimate of \$50,387 pending the completion date being on or before November 22, 2024. Motion carried 3-0.**

BUILDINGS & GROUNDS-JAIL

Buildings & Grounds Jail Supervisor John Greer explained that several years ago the ceilings were dropped in the 911 Center and over the lobby to better regulate the temperature. The windows above the drop ceiling are no longer functional. He presented an estimate from K. Graber Construction to install steel siding and trim package over the windows in the amount of \$21,440, explaining the Sheriff does have funding available this year. The estimate provides for 10% down upon signing the proposal, 50% due when materials are delivered and the remaining amount to be paid upon completion of the project. **Kevin Overmyer moved, second by Mike Burroughs, to approve the K. Graber Construction estimate of \$21,440 and following Council approval of a transfer of funds, authorize a prepayment of 10% down and 50% for delivery of the material. Motion carried 3-0.**

EMA

EMA Director Jack Garner presented the Quarterly Report (July 1 – September 30, 2024). He highlighted the incidents/responses, provided grant, training, community outreach, and other various topic updates.

ATTORNEY REPORT

Old Business

Highway – Union Road/E&B Paving: Attorney Clevenger requested approval of a Settlement Agreement with E&B Paving concerning the paving of Union Road. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Settlement Agreement with E&B Paving for the paving of Union Road as presented. Motion carried 3-0.**

Tamarack Solar Project Update: Barnes & Thornburg Representatives Rick Hall and Hannah Clendening have been working with Highway Superintendent Jason Peters to finalize the numbers in the Road Use Agreement. The final figures have been forwarded to counsel for Tamarack Solar.

Tax Sale 2024: Attorney Clevenger thanked the Auditor and Treasurer offices for their assistance in putting together the paperwork to conduct our County Delinquent Real Estate Tax Sale. The Tax Sale date is October 17, 2024 commencing at 10:00 a.m. It will be conducted by SRI. SRI does an excellent job and provides valuable assistance for the tax sale as well as assistance on tax sale matters throughout the year.

Sheriff – QCC Agreement: This item was addressed previously in the meeting.

New Business

Sheriff – Culver Community School: This item was addressed previously in the meeting.

Health – Health First MOUs with Purdue Extension: These items were addressed previously in the meeting.

AUDITOR REPORT

August 27, 2024 Executive Session Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the August 27, 2024 executive session minutes as presented. Motion carried 3-0.**

September 16, 2024 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the September 16, 2024 minutes as presented. Motion carried 3-0.**

September 23, 2024 Executive Session Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the September 23, 2024 executive session minutes as presented. Motion carried 3-0.**

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

Mike Delp, 3746 W. Shore Drive, Bremen questioned the status of paving 4th Road and explained there is a large cottonwood tree in the middle of the right-of-way that needs to be removed. He also questioned why Union Road work was completed on a weekend.

COMMISSIONER ITEMS

American Rescue Plan (ARP) Funding: President Klotz stated that the remaining balance of ARP funds is \$563,578.36 and the subcommittee is recommending that \$263,200 be used for the proposed election machines; \$50,387 be used for the parking lot paving project, and the remainder be used for stone and materials. The needs of the Neighborhood Center and other charitable organizations were discussed. **Kevin Overmyer moved, second by Mike Burroughs, to approve the submission of an additional appropriation of \$263,200 from the ARP fund for the purchase of election equipment. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to allow the board president to sign the contract to purchase the election equipment. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to approve the submission of an additional appropriation of \$50,387 from the ARP fund for Rieth-Riley to pave the Jefferson Street parking lot. Motion carried 3-0.

Burn Ban: **Mike Burroughs moved, second by Kevin Overmyer, to ratify the termination of the burn ban on September 23, 2024. Motion carried 3-0.**

Council on Aging County Planned Pass-through Oversight: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Council on Aging County Planned Pass-through Oversight. 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 10:00 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
OCTOBER 21, 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 9:43 a.m., Monday, October 21, 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 1, Ule Road (Local Project): The letting date is November 18, 2024. Right-of-way easements/purchases have been secured for parcels two, three, four, and five. A letter will be sent to the landowner of parcel one. **Kevin Overmyer moved, second by Mike Burroughs, to approve the acquisition of parcels two, three, four, and five. Motion carried 3-0.**
Bridge 232, Randolph Street: An LPA Award Recommendation Letter was presented for approval for Contract #B-42826, DES #1902820, stating LaPorte Construction Company of LaPorte was the Apparent Low Bid in the amount of \$3,012,528.13, with a Letting Date of October 9, 2024.

USI Consultant Representative John Handke explained that during the biannual inspection of the bridge it was discovered that it had deteriorated more rapidly than anticipated since the last inspection and it was recommended that the bridge be closed. **Kevin Overmyer moved, second by Mike Burroughs, to adopt Resolution 2024-9: Resolution Declaring an Emergency Closing of Bridge 232, The Randolph Street Bridge over the Yellow River. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, approving the LPA Award Recommendation Letter for Bridge 232, as presented. Motion carried 3-0.

Bridge 231, Center Street, Bremen: The Quarterly Reports have been completed.

Bridge 88, 12th Road east of Olive Trail: The Quarterly Reports have been completed.

Bridge 108, East 7th Road: The Quarterly Reports have been completed.

Bridge Inspections 2022-2025 Phase II: The inspections have been completed.

Mill Pond Dam Improvements: The required permits are being prepared for the Rose Road Slip lining project.

Highway Safety Improvement Program (HSIP) Grant: The grant application has been submitted.

Call for Projects (NOFA): There will be additional opportunities during the November call for projects. Some projects will be a 90/10 match and will also have an 80/20 project match opportunity.

Energy Efficiency Conservation Block Grant (EECBG): Estimates were requested and received for a Chevrolet Silverado EV. McCormick submitted an estimate of \$69,235 and Gates submitted an estimate of \$59,833.94. The Gates estimate did not meet the required specifications for mile range or

extended range, and they could not provide an available timeframe for delivery. MACOG recommended Marshall County purchases both a Ford and a Chevrolet. **Mike Burroughs moved, second by Kevin Overmyer, to approve the purchase of the 2024 Chevy Silverado EV Crew Cab Work Truck from McCormick Motors, Inc. in the amount of \$69,235, due to Gates being unable to meet the required specifications and to allow the Board President to sign. Motion carried 3-0.**

Road Work: An update was given on the roadwork completed.

Equipment Usage Interlocal Agreement: A draft agreement was presented for Interlocal Equipment Usage at the prior meeting.

PLAN COMMISSION

Plan Commission Director Ty Adley presented a PowerPoint presentation on 24-PC-10 BURCH, JeAnna. The applicant is seeking to rezone a 4.6 acre parcel on Underwood Road, Walkerton, from L-1 (Lake Residential) to A-1 (Agricultural) to be able to raise animals. Many of the properties to the south are zoned A-1, along with one just to the southeast that was recently rezoned. The Technical Review Committee recommended, and the Plan Commission voted to approve the request.

Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing on 24-PC-10 BURCH, JeAnna. Motion carried 3-0.

No public comment was heard.

Kevin Overmyer moved, second by Mike Burroughs, to close the public hearing on 24-PC-10 BURCH, JeAnna. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to approve 24-PC-10 BURCH, JeAnna and pass Ordinance 2024-18: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Number 50-41-07-000-233-000-011 Located on the West Side of Underwood Road, Plymouth, Indiana, in Polk Township, Marshall County, Indiana from L-1 Lake Residential District to A-1, Agricultural District on first reading. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2024-18: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Number 50-41-07-000-233-000-011 Located on the West Side of Underwood Road, Plymouth, Indiana, in Polk Township, Marshall County, Indiana from L-1 Lake Residential District to A-1, Agricultural District on second and third reading. Motion carried 3-0.

MUSEUM

Museum Director Sandy Garrison and Historical Society Board President Mike Miley presented the Quarterly Report and Newsletter, highlighting the Historical House Tour, Latino Fest, and Brown Bag Lunch & Lecture. A short story was shared about skeletal remains found in Grayson Parks barn in the summer of 1855.

HUMAN RESOURCES

Human Resources Administrator Jennifer Daake presented the 2025 Employee Benefit Insurance Plans/Premiums for approval, explaining the employee contributions will not be increasing next year.

Kevin Overmyer moved, second by Mike Burroughs, to approve the 2025 Employee Benefit Insurance Plans/Premiums as presented. Motion carried 3-0.

NEIGHBORHOOD CENTER & BREAD OF LIFE

Neighborhood Center Executive Director Christine Garner and Bread of Life Community Food Pantry Director Terri Brant presented information about each of their organizations and the needs of the community. All pantries in the community are experiencing higher costs and lower donations. The Commissioners discussed using some of the remaining American Rescue Plan funding to help support the local pantries.

HEARTLAND ART CENTER

Heartland Art Center President Anna Kietzman and SRKM Architecture Co-Owner Brent Martin explained the need for a new roof at the Heartland Art Center. They requested the support of the Commissioners to make a financial request from the Council in the amount of \$180,000 towards the cost. Mr. Martin explained this donation will be a portion of the matching funds required by Lily Endowment and READI 2.0. **Mike Burroughs moved, second by Kevin Overmyer, to sign a letter of support for the application by Heartland Art Center for Lily Endowment and READI 2.0 grant funding and to recommend the Council appropriate \$180,000 in support of the project. Motion carried 3-0.**

PURDUE EXTENSION

Purdue Extension Educators Karen Richey and Brianna Slonaker presented the Extension Contractual Services Agreement between Purdue University and Marshall County for the calendar year 2025 in the amount of \$132,680. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Extension Contractual Services Agreement between Purdue University and Marshall County as presented and to allow the President to sign on behalf of the board. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Tamarack Solar Project Update: The final numbers have been inserted into the Road Use Agreement. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Tamarack Solar Energy Agreement for Use, Repair, and Improvement of Marshall County Roads and Repair of Drainage Structures. Motion carried 2-1, with Stan Klotz voting no.**

Tax Sale 2024: The Tax Sale was conducted on October 17, 2024. Auditor Birchmeier reported there were 85 bidders and 28 of the 33 parcels sold.

Sheriff – Culver Schools and Sheriff Agreement to Establish Additional Jurisdiction: Insurance Consultant Mike Miley and Mark Ennis of Bliss McKnight have reviewed the contracts and found them to be generally acceptable. Given the fact that the school corporation officer will be under direction of the Culver School Corporation Police Department, and if the Sheriff is looking for assistance, the insurance representatives suggested a mutual aid agreement between the Sheriff and the school corporation police department setting out the circumstances in which the Culver school police officer can assist the Sheriff.

Blueberry Festival Memorandum of Understanding: The MOU is ready for approval.

New Business

Community Corrections-Alcohol Monitoring Systems: Attorney Clevenger has reviewed the agreement, and comments were referred to Director Holcomb. He is discussing the possible revisions with an AMS company representative.

County Council Litigation Related to Invenergy/Tamarack Decommissioning Agreement: Attorney Clevenger sent the board a memo concerning the memorandum from Lauren White to the Marshall County Council that was read at the County Council meeting on October 10, 2024.

The White memorandum is troubling in many respects. Most troubling is the incorrect factual basis upon which Ms. White bases her opinion concerning Commissioner Overmyer's conflict of interest and Ms. White's reference to the holding in the Perry-Worth case. The holding in the Perry-Worth case is that a Boone County Commissioner does not have a conflict of interest that would preclude him from voting on a rezoning matter.

AUDITOR REPORT

October 7, 2024 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the October 7, 2024 minutes as presented. Motion carried 3-0.**

October 15, 2024 Executive Session Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the October 15, 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: **Kevin Overmyer moved, second by Mike Burroughs, to approve the payroll claims as presented. Motion carried 3-0.**

PUBLIC COMMENT

Sharon Mrozinski, 4057 Olive Road, Plymouth, requested an update to her petition submitted at the September 16th meeting concerning the excessive speeding. The Commissioners discussed having MACOG install counters.

COMMISSIONER ITEMS

Agreement for Joint Ownership of Trailer between Marshall County and the Blueberry Festival: **Mike Burroughs moved, second by Kevin Overmyer, to approve the Agreement for Joint Ownership of Trailer between Marshall County and the Blueberry Festival as presented. 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 11:27 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
NOVEMBER 4, 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, November 4, 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 1, Ule Road (Local Project): The letting date is November 18, 2024. Right-of-way easements/claims have been submitted for payment to the owners of parcels two, three, four, and five. The landowner of parcel one has been contacted and a meeting will be scheduled between the landowner and USI Consultants.

Bridge 232, Randolph Street: The Notice to Proceed was received from INDOT for Construction Engineering and the Purchase Order issued for \$340,000. The local match was originally estimated to be \$670,505; however, the County was awarded funds from the 100% construction bridge fund, which reduced the local match to \$112,405.63. A preconstruction meeting is scheduled for November 12, 2024.

Bridge 231, Center Street, Bremen: The INDOT Cultural Resource Office has recommended a consulting party meeting to discuss the HBPA before it is approved. Potential dates for the consulting parties meeting are submitted to INDOT and Federal Highway. The meeting will be held in Bremen, likely with a remote option. The dates the agencies are considering are in the second half of November. The final Alternatives Analysis Report approval is dependent on the consulting parties meeting and the final approval of the HBAR.

Bridge 88, 12th Road east of Olive Trail: No update.

Bridge 108, East 7th Road: No update.

Bridge Inspections 2022-2025 Phase II: The inspections have been completed. The inspection report is forthcoming for review.

Mill Pond Dam Improvements: The report detailing the results of the hydraulic calculations and geotechnical data was submitted in September. We are currently preparing the permit for the pipe lining. We are awaiting some information from the Dam Division at IDNR and then the permit will be ready to be submitted within a few days.

Call for Projects (NOFA): There will be additional opportunities during the November call for projects. Some projects will be a 90/10 match and will also have an 80/20 project match opportunity. The following projects are proposed for consideration: Linden Road (80/20), Michigan Road Bridge, north of US 6 over the railroad (80/20), and Safety, a digital speed limit trailer and sign (90/10).

Energy Efficiency Conservation Block Grant (EECBG): A contract between Martell Electric and Marshall County Highway Department for the installation of Level 2 Chargers. **Kevin Overmyer moved, second by Mike Burroughs, to approve the contract between Martell Electric and Marshall County Highway Department as presented and to allow the Board President to sign. Motion carried 3-0.**

At the prior meeting a quote was approved for McCormick Motors for a 2024 Chevrolet Silverado EV in the amount of \$69,235. The estimate did not include the needed charger. A revised quote is presented for approval in the total sum of \$70,534, which includes the charger at a cost of \$1,299. **Mike Burroughs moved, second by Kevin Overmyer, to approve the revised agreement with McCormick Motors, Inc. in the amount of \$70,534 and to allow the Board President to sign. Motion carried 3-0.**

Annual Bid: A request was made to advertise annual bids for the week of November 18th and 25th, with bids due in the Auditor's Office by December 2nd at 8:15 a.m. with the bid opening later that morning. Equipment Usage Interlocal Agreement: A draft agreement was presented for Interlocal Equipment Usage at the prior meeting.

WEST TOWNSHIP

West Township Trustee Terry Borggren requested a donation of 35 tons of milling to be used in the Fireman's Memorial Parking Lot. **Kevin Overmyer moved, second by Mike Burroughs, to approve the donation of 35 tons of millings to West Township. Motion carried 3-0.**

SHERIFF

Sheriff Matt Hassel presented an Agreement between Culver Community Schools and Marshall County Sheriff Establishing Additional Jurisdiction for School Corporation Officers for approval. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Agreement between Culver Community Schools and Marshall County Sheriff Establishing Additional Jurisdiction for School Corporation Police Officers as presented and to allow the Board President to sign. Motion carried 3-0.**

Sheriff Hassel presented the Traffic Safety Grant Agreement between the Indiana Criminal Justice Institute (ICJI) and Marshall County Sheriff's Department in the amount of \$29,900, with \$11,000 awarded for Repeat Offenders for Driving While Intoxicated (DUI), \$15,000 awarded for Click It to Live It, and \$3,900 for administrative costs. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Traffic Safety Grant Agreement as presented and to allow the Sheriff, Auditor, and Board President to sign. Motion carried 3-0.**

Sheriff Hassel requested permission to trade in a 2013 cargo van and purchase a 2021 cargo van, at a cost of \$22,725.28, to be paid from the Commissary funds. **Kevin Overmyer moved, second by Mike Burroughs, to allow the Sheriff to trade in a van and purchase a 2021 cargo van as requested. Motion carried 3-0.**

Sheriff Hassel presented two estimates for three vehicles to be purchased in 2025. Estimates were presented from Auto Park and Oliver Ford. The Sheriff explained that the Ford Utility Interceptor has a higher cost at \$44,695, however, it is the preferred vehicle due to performance and interior space. **Mike Burroughs moved, second by Kevin Overmyer, to approve the purchase of three 2025 Ford Utility Interceptor's at the cost of \$44,695 each based on the Sheriff's recommendation as presented. Motion carried 3-0.**

Sheriff Hassel explained that three vehicles will be sold in an auction next Spring, rather than being traded in.

COMMUNITY CORRECTIONS

Community Corrections Director Beau Holcomb explained that the department is currently utilizing Total Court Services for the GPS trackers at a cost of \$4.19 per day. He explained monitoring is the second largest department expense and, to reduce costs, he has explored other opportunities. Director Holcomb requested permission to enter into an agreement with Alcohol Monitoring Systems, Inc. (AMS) at a monitoring cost of \$2.95 per day. He explained that the Community Corrections Advisory Board voted to recommend the change in vendor. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Master Agency Agreement between Marshall County Community Corrections and Alcohol Monitoring Systems, Inc. as presented. Motion carried 3-0.**

Director Holcomb presented the Grant Agreement, Contract #86133, between Indiana Department of Correction and Marshall County for the 2025 Community Corrections Program in the amount of \$489,766. **Kevin Overmyer moved, second by Mike Burroughs, to approve Grant Agreement, Contract #86133, between Indiana Department of Correction and Marshall County for the 2025 Community Corrections Program as presented and to allow the Board President to sign. Motion carried 3-0.**

MARSHALL COUNTY COUNCIL ON AGING

Marshall County Council on Aging Executive Director Janis Holiday presented the Third Quarter Report explaining they provided 7,089 trips for a total mileage of 55,113. There were 46 in-County denials and 85 out-of-county denials. Invoice number 1138 was submitted requesting reimbursement of \$73,326 in 5311 Federal Operating Funds and \$20,000 in State Matching Funds, the applied local match totals \$53,327. **Kevin Overmyer moved, second by Mike Burroughs, to accept the Third Quarter Report and to approve the submission of Invoice 1138 in the amount of \$93,326. Motion carried 3-0.**

Director Holiday stated the INDOT Compliance Review meeting will be rescheduled, operating hours will be expanded in 2025 to include evening and Saturdays, and INDOT would like them to sell their used vehicles. Director Holiday expressed an interest in partnering with the Sheriff to sell the vehicles at an auction.

BUILDINGS & GROUNDS

Buildings & Grounds Supervisor Billy Schoff explained that the County Building generator leak is due to the original piping. The estimated cost to repair the pipe is \$7,500.

Supervisor Schoff presented a change order from Rieth-Riley for the Jefferson Street Parking Lot. He explained that in lieu of HMA surface they will be installing 4" of compacted aggregate. The cost increase will not exceed \$2,000. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Rieth-Riley change order for the Jefferson Street Parking Lot in an amount not to exceed \$2,000. Motion carried 3-0.**

PUBLIC SAFETY COMMITTEE

John Grolich and Council President Jesse Bohannon explained the Public Safety Committee has been meeting to discuss the process of purchasing needed equipment. Council representatives committed \$500,000 in the form of a 50/50 match, with all eight units expressing a desire to participate. Council President Bohannon requested the Commissioners create and approve Interlocal Agreements with the eight units. **Mike Burroughs moved, second by Kevin Overmyer, to allow Councilman Harman to begin the process of creating Interlocal Agreements with Attorney Clevenger.**
Motion carried 3-0.

PLAN COMMISSION

Plan Commission Board President David Hostetler announced Director Ty Adley has decided to resign his position. The position has been posted and a Plan Commission and BZA Special Meeting has been called. The City of Plymouth is willing to work with the County and President Hostetler requested guidance. Discussion was held for the Plan Commission Board to work with attorney Derek Jones.

ATTORNEY REPORT

Old Business

Highway – EV Electric Contract: This item was addressed previously in the meeting.

Sheriff – Culver Schools and Sheriff Agreement to Establish Additional Jurisdiction: The agreement was approved previously in the meeting. Bliss-McKnight suggested a separate interlocal agreement with the Culver School Police Department that would specify when their officer would assist the Sheriff.

2025 Sheriff's Salary Contract: The 2025 contract was prepared using the Salary Ordinance provided by the Auditor. This item will be addressed later in the meeting.

Community Corrections-Alcohol Monitoring Systems: This item was addressed previously in the meeting.

New Business

Clerk – MicroVote Contract: The proposed agreement to purchase new voting equipment has been reviewed. Comments were made to the Clerk that were informational in nature.

Restricted Address Request: The Auditor received a request from an employee to be added to the County's restricted address list. We did not think the employee qualified as a "covered person", so the request was denied.

Lake of the Woods Establishment of Conservancy District: Attorney Clevenger informed Surveyor Cultice and will inform the Drainage Board that Judge Sarber has scheduled a hearing on the pending petition to establish a district for Friday, December 13, 2024 at 10 am.

AUDITOR REPORT

October 21, 2024 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the October 21, 2024 minutes as presented. Motion carried 3-0.**

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

EMA Director Jack Garner recommended termination of the Burn Ban that was enacted on November 4, 2024. Kevin Overmyer moved, second by Mike Burroughs, to approve the Termination of the Burn Ban effective immediately. Motion carried 3-0.

PURDUE EXTENSION

Purdue Extension Educators Karen Richey and Jayne Deaton announced that Area Director Josh Winrotte appointed them as Co-Directors effective November 1st for one year.

COMMISSIONER ITEMS

Owner Occupied Housing Rehab Project: Kevin Overmyer moved, second by Mike Burroughs, to hold a special meeting on November 14th at 2:00 p.m. to receive Owner Occupied Housing Rehab Project bids. Motion carried 3-0.

Sheriff's Salary Contract: Mike Burroughs moved, second by Kevin Overmyer, to approve the Sheriff's Salary Contract for calendar year 2025 in the amount of \$101,544.82. Motion carried 3-0.

Plymouth Greenway Trail: Mike Burroughs moved, second by Kevin Overmyer, to approve the Amendment to An Agreement Between the City of Plymouth/Plymouth Park and Recreation Department and Marshall County Regarding Plymouth Greenway Trail Phases II & III, and Kayak Launch and to allow the Board President to sign. Motion carried 3-0.

American Rescue Plan (ARP) Funds: Auditor Birchmeier stated there is an unappropriated balance of \$563,578.36 in the ARP Fund. The following items were suggested for the remaining balance: Voting Machines \$263,200; Jefferson Street Parking Lot \$52,387; Bread of Life \$12,500; Neighborhood Center \$12,500; Culver Food Bank \$12,500; Bremen Food Bank \$12,500; Bourbon Food Bank \$12,500; Argos Food Bank \$12,500; and Heartland Art Center Roof Project \$172,991.36. Kevin Overmyer moved, second by Mike Burroughs, to allow Attorney Clevenger to create subrecipient agreements between Marshall County and the six Marshall County food banks. Motion carried 3-0.

Stan Klotz moved to recommend Council consider Highway Department funding if they are not in favor of supporting Heartland Art Center. Motion died for a lack of a second.

Mike Burroughs moved, second by Kevin Overmyer, to send the Heartland Art Center Roof Project to the Council for consideration. Motion carried 3-0.

Agreement between Marshall County and Microvote General Corporation: Kevin Overmyer moved, second by Mike Burroughs, to approve the Agreement between Marshall County and Microvote General Corporation in the amount of \$263,200 and to use ARP Funds for payment. Motion carried 3-0.

HyperWave Door Access Project: Mike Burroughs moved, second by Kevin Overmyer, to approve the Door Access Project Proposal from Hyper Wave Consulting in the amount of \$24,830.20 to be paid from the Cum Cap Development 2025 budget. Motion carried 3-0.

ProPEL US 30: Vice President Burroughs stated Governor Holcomb will be holding a public meeting on November 13th at 10:30 a.m. at Steel Dynamics in Columbia City.

Green Light for Veterans: In the week leading up to Veterans Day, the County is showing support for veterans by participating in Operation Green Light for Veterans by lighting the Courthouse green.

ADJOURNMENT

With no further business to come before the board, **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:14 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
NOVEMBER 18, 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, November 18, 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 1, Ule Road (Local Project): The letting date will be pushed from November 18, 2024, to January or February 2025. The process of finalizing documents with the landowner of parcel one has begun. Payment has been submitted to the landowners of parcels 2 – 5.

Bridge 232, Randolph Street: A preconstruction meeting was held on November 12, 2024. LaPorte Construction will be providing a start date and is anticipating having the project completed before the Blueberry Festival. If the project is not completed based on the progress of construction, an alternative crossing would be installed.

Bridge 231, Center Street, Bremen: No update.

Bridge 88, 12th Road east of Olive Trail: No update.

Bridge 108, East 7th Road: The Notice to Proceed was sent to United Consulting for Preliminary Engineering. A scope of work meeting will be scheduled with United Consulting and Indiana Department of Transportation.

Bridge Inspections 2022-2025 Phase II: No update.

Mill Pond Dam Improvements: No update.

Call for Projects (NOFA): There will be additional opportunities during the November call for projects. The proposed projects are Linden Road (80/20), Michigan Road Bridge #2540, north of US 6 over the railroad (80/20), and Safety, a digital speed limit trailer and sign (90/10). A financial commitment letter was presented for Linden Road, south of Dewey Street to State Road 10. The project would be CY2025 through CY2030, with a total project cost of \$6,293,000 and local match of \$1,258,600. A second financial commitment letter was presented for Michigan Road Bridge #2540 Rehabilitation. The project would be CY2025 – CY2029, with a total project cost of \$8,922,183 and local match of \$1,784,437. The call has not been received for the safety project but anticipating a cost of \$500,000 with a \$50,000 match. Superintendent Peters presented the Call for Project letters for approval, explaining this commitment allows him to proceed with the filing of the application. Once submitted and if chosen by INDOT to make a presentation for the project, we can decline to proceed. **Kevin Overmyer moved, second by Mike Burroughs, to approve the submission of the financial commitment letters for both the Michigan Road Bridge #2540 and Linden Road projects. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to allow the Highway Department to proceed with the Safety Grant application process. Motion carried 3-0.

Energy Efficiency Conservation Block Grant (EECBG): The electric chargers should be installed within the next few weeks and the Chevy Silverado is at the dealership.

Annual Bid: The bids will be advertised in the weeks of November 18th and 25th, with bids due in the Auditor's Office by 8:15 a.m. on December 2nd and will be opened later that morning.

Vice President Burroughs provided clarification to the denied request made by President Klotz to Council at their meeting last week for a tree line between Park Place Estates and the Highway Department. Explaining the Highway Department property is being used to store millings and gravel. The Commissioners agreed years ago to create a barrier. The landowners have planted gardens and trees on county property. It was requested that Attorney Clevenger provide notice to the landowners.

Mike Burroughs moved, second by Kevin Overmyer, to have the Highway Department construct a berm and plants. Motion carried 3-0.

PROPEL US 30 WEST

CDM Smith Project Manager Scott Sandstrom provided a PowerPoint presentation on the ProPEL US 30 West Briefing. He explained the purpose of transportation improvements along the US 30 West corridor is to improve regional mobility and safety along US 30 and US 31 and preserve both as vital statewide transportation corridors moving people and goods. He outlined the study schedule, the Level 3 Screening Process, the planning segments and improvement packages. The study is available for viewing in numerous local libraries and online at www.ProPELUS30.com. He stated the study will be completed early next year with the recommendations sent to INDOT. It will likely be six to seven years before construction begins.

PLAN COMMISSION

Plan Commission Board President Dave Hostetler provided an update on the hiring of a Plan Commission Director. Discussion was held concerning entering into an agreement with the City of Plymouth for Plan Director services, if Ty Adley is willing. Another option may be to enter into an on-call planning services agreement with an independent contractor for the interim. Discussion was also held concerning the daily operations, approval of payroll and claims. **Kevin Overmyer moved, second by Mike Burroughs, to allow the Board of Commissioners President to approve all claims and payroll beginning December 1st. Motion carried 3-0.**

PRIORITY PROJECTS

Priority Projects Resources, Inc. President Shannon McLeod and Brent Martin of SRKM Architecture explained that the Owner Occupied Housing Project Round #3 bids were opened and read aloud at the November 4th Commissioner meeting. Two contractors submitted bids, which have been reviewed and tabulated. In all cases, the bids from Almac-Sotober are the apparent low bids as follows:

Home 10 – 905 Center Street, Plymouth (Base Bid and Alternate Bid 4)	\$12,563.00
Home 11 – 609 W. Washington Street, Plymouth (Base Bid and Alternate Bid 1)	\$15,063.00
Home 12 – 19475 9C Road, Plymouth (Base Bid and Alternate Bid 1)	\$24,392.00

Home 13 – 15936 Yarlett Street, Culver (Base Bid and Alternate Bids 3 & 4)	\$23,283.00
Home 14 – 1498 Oak Road, Plymouth (Base Bid and Alternate Bid 1)	\$19,657.00
Home 15 – 908 Center Street, Plymouth (Base Bid)	\$17,916.00
Home 16 – 10199 Queen Road, Plymouth (Base Bid and Alternate Bid 1)	\$17,420.00

It is recommended, subject to the approval of the Indiana Housing and Community Development Authority (IHCDA), awarding the contracts for Homes 10, 11, 12, 13, 14, 15, and 16 to the low bidder, Almac-Sotober Construction of Goshen, Indiana in the total amount of \$130,294. **Mike Burroughs moved, second by Kevin Overmyer, to award the Owner Occupied Repair Project Round #3 to the low bidder, Almac-Sotober Construction, as presented. Motion carried 3-0.**

Ms. McLeod provided the Marshall County Owner Occupied Housing Rehabilitation Project Independent Contractor Agreement between Marshall County and Almac-Sotober Construction. She further explained that an extension will be filed with the IHCDA requesting an extension from the December 31, 2024, deadline. The total grant award is \$500,000. The projected usage is \$443,342 leaving a remaining balance of \$56,658. If the extension is granted, we may potentially be able to help with two additional homes. There is a limit of \$25,000 per home. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Marshall County Owner Occupied Housing Rehabilitation Project Independent Contractor Agreement between Marshall County and Almac-Sotober Construction in the amount of \$130,294 and to allow the Board President to sign. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Plan Commission: Attorney Clevenger was asked to draft an Intergovernmental Agreement between Marshall County and Plymouth for Planning Services while the Marshall County Plan Commission hired a replacement. The draft is on hold until it is determined if Mr. Adley is willing to participate.

Owner Occupied Housing Project Bids: This item was addressed previously in the meeting.

Public Safety Matching Grant Funds Program: At the last meeting it was requested that Attorney Clevenger prepare Inter-Local Agreements between the County and the local units for the public safety agencies (fire departments and EMS departments). Enough information has not been received about the program to proceed. Attorney Clevenger was advised the County was proceeding via Home Rule. If so, the County must adopt an ordinance in addition to the Inter-Local Agreements. The ordinance adoption process should include a public hearing since the program includes expenditure of county funds. Discussion was held with John Grolich, Council President Jesse Bohannon and Vice President Tim Harman concerning the needs of the units and process for implementing the program.

Kevin Overmyer moved, second by Mike Burroughs, to approve the request for an additional appropriation in the American Rescue Plan Fund in the amount of \$174,991.36 to support the local fire and EMS departments. Motion carried 3-0.

Food Bank Sub-Recipient Agreements: An agreement has been drafted and shared with the Auditor for review and revision. We are hopeful the agreements will be signed and ready for the next meeting.

New Business

Lake of the Woods Establishment of Conservancy District: Attorney Clevenger informed Surveyor Cultice and the Drainage Board that Judge Sarber has scheduled a hearing on the pending petition to establish a district for Friday, December 13, 2024, at 10 am.

Council V Commissioners and Tamarack Solar: Attorney Clevenger explained that on Wednesday, November 6th, the Marshall County Council filed a Complaint for Declaratory Judgment alleging the Decommissioning Agreement with Tamarack Solar is void. The complaint was filed by Michael Roose, Lee and Zalas, PC of South Bend, with Marcel Lebbin also appearing on behalf of the Council. The complaint was filed with the Circuit Court.

Thursday, November 7th the Commissioners were forwarded a copy of the complaint obtained through the court filing system. Service of process was set-up for certified mail to the Commissioners. Judge Surrisi entered her standard order of recusal, referring the case to Superior Court 3. The summons was not referred to the Clerk for processing.

Thursday, November 14th Judge Sarber entered an Order of Disqualification. The summons was forwarded to the Clerk's Office for processing. As of November 15, 2024, the Commissioners were not officially served. Tamarack Solar, by Alan Townsend of Bose McKinney & Evans, LLP entered an appearance and filed a motion for Change of Venue. The parties have seven days to agree on a special judge, or if there is no agreement, the selection of the judge and venue will be made pursuant to the trial rules.

Attorney Clevenger has not entered an appearance for the Board of Commissioners and suggested the Commissioners consider hiring a special litigation counsel. Lisa Lee of Ice Miller along with her partners, Mike Wukmer and Tim Ochs, have agreed to serve as legal counsel to defend the lawsuit and have provided an engagement letter that requires board approval. **Kevin Overmyer moved, second by Mike Burroughs, to approve the engagement letter with Ice Miller.** Commissioner Klotz questioned if the engagement was necessary. **Motion carried 2-1, with Stan Klotz voting no.**

AUDITOR REPORT

November 4, 2024 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the November 4, 2024 minutes as presented. Motion carried 3-0.**

November 4, 2024 Executive Session Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the November 4, 2024 executive session minutes as presented. Motion carried 3-0.**

November 14, 2024 Special Meeting Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the November 14, 2024 special meeting minutes as presented. Motion carried 3-0.**

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

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

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

Travelers Casualty & Surety Company of America Release and Assignment: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Release and Assignment in the amount of \$27,454.36 for the loss dated April 12, 2024, and to allow the Board President to sign. Motion carried 3-0.**

PUBLIC COMMENT

Council members Tim Harman and Deborah Johnson discussed whether the Commissioners had authority to approve a contract for an interim Plan Commission Director or if a favorable recommendation was needed from the Plan Commission Board.

Sharon Mrozinski, 4057 Olive Road, Plymouth, requested the results of the MACOG traffic counter. The results have not been received.

COMMISSIONER ITEMS

Annual Compliance – Nepotism, Contract Disclosure & Conflict of Interest: Auditor Birchmeier reported all required forms have been returned by the elected officials. **Kevin Overmyer moved, second by Mike Burroughs, to accept the Annual Compliance - Nepotism, Contract Disclosure and Conflict of Interest Statements. Motion carried 3-0.**

President Klotz requested any personnel or policy changes happen next calendar year.

ADJOURNMENT

With no further business to come before the board, **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 11:34 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

Attest:

Kevin Overmyer, Member

Angela C. Birchmeier, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 16, 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, December 16, 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 1, Ule Road (Local Project): The letting date will be January or February 2025. The deed for Parcel 1 has been received.

Bridge 232, Randolph Street: No updates.

Bridge 231, Center Street, Bremen: A public meeting was held on December 12th at the Bremen Public Library. It was questioned whether the bridge would be reconstructed or rehabilitated. INDOT will make the final recommendation based upon their review.

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

Bridge 108, East 7th Road: No updates.

Bridge Inspections 2022-2025 Phase II: No updates.

Mill Pond Dam Improvements: No updates.

Call for Projects (NOFA) – HSIP Countywide Striping Initiative: The county has been awarded a total of \$450,000 for the HSIP Countywide Striping Initiative in three phases, Construction Engineering (\$54,000), Construction (\$360,000) and Construction Engineering (\$36,000). The project has been assigned DES #2401543. Request for Proposals have been posted and are due January 14, 2025 at 12:00 p.m.

Call for Projects (NOFA) – Linden Road: No update.

Call for Projects (NOFA) – Michigan Road Bridge #2540: No update.

Call for Projects (NOFA) – Safety Guardrail Installation: The grant request has been submitted.

Call for Projects (NOFA) Safety Grant – Digital Speed Limit Trailer: The grant request has been submitted.

Energy Efficiency Conservation Block Grant (EECBG): State Form 1444, Wage Rate on Project has been submitted.

Annual Bid: The bids have been reviewed. **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2025 bids for materials. Motion carried 3-0.**

CLIFF ALLEN

Cliff Allen, who previously served as a County Commissioner, recounted some of the achievements made by the County during Commissioner Kevin Overmyer's term. He thanked Kevin Overmyer, Mike Burroughs, and Jim Clevenger for their service to the County.

Robert Kizer, 10369 Pretty Lake Trail, Plymouth, acknowledged and thanked Commissioners Overmyer and Burroughs and Attorney Clevenger for their service.

SHERIFF DEPARTMENT

Sheriff Matt Hassel presented an Independent Administrative Services Agreement with Hart Halsey LLC dba Extra Duty Solutions for approval. He explained the company will provide scheduling services for off-duty deputies working security for private events. Insurance Consultant Mike Miley and Attorney Clevenger have reviewed the contract. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Extra Duty Solutions Independent Administrative Services Agreement with Hart Halsey LLC and to allow the Board President to sign the agreement as presented. Motion carried 3-0.**

PRIORITY PROJECTS

Brent Martin of SRKM Architecture explained that the Indiana Housing & Community Development Authority (IHCDA) has approved extending the contract term of the Owner Occupied Housing Project from December 31, 2024 to March 31, 2025. He does not believe there will be time to conduct another round of homes. He presented three change orders for approval, as follows: Home #7 in the amount of \$924; Home #8 in the amount of \$1,452; and Home #11 in the amount of \$1,410. **Kevin Overmyer moved, second by Mike Burroughs, to approve the three change orders as presented and to allow the Board President to sign. Motion carried 3-0.**

Mr. Martin explained that one of the elderly homeowners owned their home at the time of application. However, after experiencing some health issues and financial difficulties, the title was transferred to a child living out of state. A hardship waiver has been requested.

HEALTH DEPARTMENT

Health Department Environmentalist Specialist Faith Freed presented Ordinance 2024-24: Amendment and Restatement of Marshall County On-Site Sewage Systems Ordinance for approval. She explained it has been updated to reflect current State guidelines. **Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2024-24: Amendment and Restatement of Marshall County On-Site Sewage Systems Ordinance on second and third reading to follow State guidelines. Motion carried 3-0.**

HUMAN RESOURCES

Human Resources Administrator Jennifer Daake presented a Master Services Agreement between Trak Holdings, LLC dba HRLogics UCM, LLC and Marshall County for unemployment insurance claims services. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Master Services Agreement between Trak Holdings, LLC dba HRLogics UCM, LLC and Marshall County as presented. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to allow the Board President to sign the Master Services Agreement. Motion carried 3-0.

Administrator Daake provided a Sick Bank update, stating in 2024 there were 108 sick bank days used and 142 were collected. The projected balance of sick days at year end is 1,190. The Sick Bank Board is recommending that all newly enrolling employees follow the established guidelines by donating the required two days to become a member, along with any retroactive, annually donated days for prior years. All current employees enrolled are asked to donate one day to remain a member.

Mike Burroughs moved, second by Kevin Overmyer, to approve the Sick Bank donation days as recommended. Motion carried 3-0.

TREASURER

Treasurer Kelly Einspahr and 1st Deputy Sandra Dodson presented a Professional Services Agreement with X-Soft, Inc. for providing and hosting a web-based cash book application. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Professional Services Agreement with X-Soft, Inc. as presented. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Plan Commission: The Extension/Employment Agreement for the Marshall County Plan Commission Director for Ty Adley approved during the December 2nd meeting needed to be amended to add a fourth meeting. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Addendum to the Extension/Employment Agreement for Marshall County Plan Commission Director as presented. Motion carried 3-0.**

Lake of the Woods Establishment of Conservancy District: Judge Sarber continued the hearing on all pending petitions when it was determined the Auditor's Office could not complete the verification of landowner signatures by the hearing date. The new hearing is now set for January 22, 2025 at 9:00 am.

Park Place Encroachments: Letters to the impacted landowners were mailed. No replies have been received.

Council v Board of Commissioners & Tamarack Solar: Motions to dismiss the complaint have been filed by the Defendants. The motions have not been scheduled for a hearing. As of Friday, the appointed Judge had not qualified.

New Business

Sheriff-Extra Duty Contract: This item was addressed previously in the meeting.

Human Resources-HRLogics Addendum: This item was addressed previously in the meeting.

Treasurer-XSoft Renewal: This item was addressed previously in the meeting.

Attorney Clevenger stated that he enjoyed the work and appreciated the opportunity to be a part of the County team. It has been an honor to serve in this capacity and will miss those he has worked with through the years.

Attorney Clevenger presented Resolution 2024-13 In Recognition of Outstanding Accomplishments and Contributions for Kevin G. Overmyer and for his 25 years of outstanding service to Marshall County.

Attorney Clevenger presented Resolution 2024-14 Recognition of Outstanding Accomplishments and Contributions for Michael D. Burroughs and for his five years of outstanding service to Marshall County.

AUDITOR REPORT

December 2, 2024 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the December 2, 2024 minutes as presented. Motion carried 3-0.**

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

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

Resolution 2024-15: Recognition of Outstanding Accomplishments and Contributions for John Grolich honoring his outstanding leadership to the County and 16 years of service.

Resolution 2024-16: Recognition of Outstanding Accomplishments and Contributions for Kelly Einspahr honoring her outstanding leadership to the County and 20 years of service.

Kevin Overmyer moved, second by Mike Burroughs, to approve Resolution 2024-15: Honoring John Grolich and Resolution 2024-16: Honoring Kelly Einspahr. Motion carried 3-0.

PUBLIC COMMENT

Mike Delp, 3746 West Shore Drive, Bremen, expressed concern about the conditions on King Road following a road cut request from NIPSCO. He thanked the Commissioners for removing a tree, but stated the remaining stump is a safety concern.

Stephen Barber, 13391 5C Road, Plymouth, expressed appreciation for the service and dedication of Kevin Overmyer and Mike Burroughs.

COMMISSIONER ITEMS

2025 Problem-Solving Court Grant Award: **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2025 Problem-Solving Court Grant Award between Indiana Office of Court Services (IOCS) and Superior Court 3 Adult Drug Court. Motion carried 3-0.**

Resolution 2024-11: Recognition of Outstanding Accomplishments and Contributions for James N. Clevenger: **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2024-11: Recognition of Outstanding Accomplishments and Contributions for James N. Clevenger for his 28 years of outstanding legal service. Motion carried 3-0.**

Commissioner Kevin Overmyer expressed appreciation for all the members and officials he has worked with through the years both locally and across the State.

ADJOURNMENT

With no further business to come before the board, **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 10:42 a.m. Motion carried 3-0.**

Stan Klotz, President

Mike Burroughs, Vice President

Attest:

Kevin Overmyer, Member

Angela C. Birchmeier, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 31, 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., Tuesday, December 31, 2024. Present were Commissioners, Stan Klotz, President; Mike Burroughs, Vice President; Kevin Overmyer, Member and County Auditor, Angela C. Birchmeier. The meeting was opened, streamed live at <http://www.youtube.com/@MarshallCountyIN>, the Pledge of Allegiance was given and the business at hand was heard.

AUDITOR REPORT

December 16, 2024 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the December 16, 2023 minutes as presented. Motion carried 3-0.**

December 16, 2024 Executive Session Minutes-Personnel: **Mike Burroughs moved, second by Kevin Overmyer, to approve the December 16, 2024 executive session minutes-Personnel as presented. Motion carried 3-0.**

Claims: **Kevin Overmyer moved, second by Mike Burroughs, to approve the 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.**

HUMAN RESOURCES

Sick Bank Request: Human Resources Administrator Jennifer Daake presented a request for use of sick bank time for an employee that meets all the requirements. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Sick Bank Request as presented. Motion carried 3-0.**

PUBLIC COMMENT

No public comments were heard.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 8:32 am. Motion carried 3-0.**

Stan Klotz

Jesse Bohannon
~~Mike Burroughs~~

ATTEST: _____
Angela C. Birchmeier, Auditor

Adam Faulstich
~~Kevin Overmyer~~