MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JANUARY 3, 2023

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 3, 2023. Present were Commissioners, Kevin Overmyer, Stan Klotz, and Mike Burroughs; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier. The meeting was opened, streamed live at www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

REORGANIZATION OF THE BOARD OF COMMISSIONERS

Mike Burroughs moved, second by Stan Klotz, to appoint Stan Klotz as President of the Marshall County Board of Commissioners for 2023. Motion carried 3-0.

Kevin Overmyer moved, second by Stan Klotz, to appoint Mike Burroughs as Vice President of the Marshall County Board of Commissioners for 2023. Motion carried 3-0.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters stated the Community Crossings Grant has officially opened today for applications. A list of roads for Community Crossings, as well as additional paving projects, will be sent to the Commissioners for review. A presentation will be made to Council requesting a financial commitment for the projects. He further explained the county match for the Community Crossings Project will be $333,000 and will cost approximately $1.5 million for the additional paving projects.

OLDER ADULT SERVICES

Older Adult Services Executive Director Janis Jeffirs Holiday presented a claim to INDOT for the scheduling software and requested approval of the INDOT claim in the sum of $50,203.
Kevin Overmyer moved, second by Mike Burroughs, to approve the claim in the sum of $50,203 as presented and to allow the Board President to sign the claim.
Motion carried 3-0.

ATTORNEY REPORT

Highway Department - Bridge 87, 11th Road: The attorneys are finishing paperwork to close out the Olson case.

Olive Trail Farms LLC did not file an exception. A letter has been sent to the landowners advising them the County deposited funds for the taken real estate into the Clerk's Office and requested they contact Attorney Clevenger to assist them in receiving those funds and closing the case.

Regional Sewer District: Attorney Clevenger was informed that landowners residing in a subdivision near Plymouth may file a petition in objection to the subdivision's inclusion in the regional sewer district. They do not live near the lake area and that subdivision is well down the priority area list.

Lawsuit Summary: Attorney Clevenger advised that he would update and send under a separate privileged and confidential memo to the Commissioners a listing of pending cases and the status.

AUDITOR REPORT

December 30, 2022 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the December 30, 2022 minutes as presented. Motion carried 3-0.**

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

JIM HULSE

Jim Hulse, 15777 4B Road, Plymouth, explained a piece of equipment started on fire in a pole barn. After calling for assistance and before they arrived, he was able to put the fire out. The Polk Township Fire Department answered the call and subsequently issued a bill for $1,600. Mr. Hulse stated the homeowner's insurance company issued partial payment and does not believe he should have to pay the balance, as they are a volunteer fire department. The Commissioners explained they do not have authority over this matter and referred Mr. Hulse to the Polk Township Trustee, Advisory Board, and fire chief.

COMMISSIONER ITEMS

US 30 Coalition: Mike Burroughs explained an invoice has been received from the US 30 Coalition for the 2023 Yearly Membership Dues in the sum of $7,500. He further explained the City of Plymouth has also been billed $7,500. **Mike Burroughs moved, second by Kevin Overmyer, to submit the US 30 Coalition invoice for payment in the sum of $7,500. Motion carried 3-0.**

COMMISSIONER APPOINTMENTS

Alcohol Beverage Commission: **Kevin Overmyer moved, second by Mike Burroughs, to reappoint Jan Fisher to the Alcohol Beverage Commission for a one-year term, ending December 31, 2023. Motion carried 3-0.**

Marshall County Plan Commission: **Mike Burroughs moved, second by Kevin Overmyer, to reappoint David Hostetler and Terri Barnhart to the Marshall County Plan Commission for a four-year term, ending December 31, 2026. Motion carried 3-0.**

Board of Health: **Kevin Overmyer moved, second by Mike Burroughs, to reappoint Craig Miller, M.D. to the Marshall County Board of Health for a four-year term, ending December 31, 2026. Motion carried 3-0.**

MACOG: **Kevin Overmyer moved, second by Stan Klotz, to appoint Mike Burroughs to the MACOG Board for a one-year term, ending December 31, 2023. Motion carried 3-0.**

Sick Bank Board: **Kevin Overmyer moved, second by Mike Burroughs, to reappoint Sheriff Matthew Hassel, Rhonda Ferguson, and Sharon Dotta to the Sick Bank Board for a one-year term, ending December 31, 2023. Motion carried 3-0.**

Safety Committee: **Mike Burroughs moved, second by Stan Klotz, to appoint Kevin Overmyer to the Safety Committee for a one-year term, ending December 31, 2023. Motion carried 3-0.**

Central Dispatch Committee: **Kevin Overmyer moved, second by Mike Burroughs, to appoint the Board President Stan Klotz to the Central Dispatch Committee for a one-year term, ending December 31, 2023. Motion carried 3-0.**

Unsafe Building Committee: **Kevin Overmyer moved, second by Stan Klotz, to reappoint Mike Burroughs and Kathy Schwenk to the Unsafe Building Committee for a one-year term, ending December 31, 2023. Motion carried 3-0.**

Marshall County Plan Commission: **Mike Burroughs moved, second by Stan Klotz, to appoint Kevin Overmyer to the Marshall County Plan Commission for a one-year term, ending December 31, 2023. Motion carried 3-0.**

Attorney Duties & Compensation Agreement: **Mike Burroughs moved, second by Kevin Overmyer, to approve the Duties & Compensation Agreement between the Marshall County Attorney and The Board of Commissions of Marshall County, Indiana. Motion carried 3-0.**

Executive Session: **Kevin Overmyer moved, second by Mike Burroughs, to schedule an executive session on Friday, January 6th at 8:30 a.m. in Attorney Clevenger's Office for the purpose of reviewing applications for the Human Resources Administrator position. Motion carried 3-0.**

Proclamation: Marshall County Board of Commissioners personally, and on behalf of Marshall County congratulate Ria Salazar and Virginia Morie for obtaining their citizenship of United States of America on December 14, 2022.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 9:04 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 17, 2023

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 17, 2023. Present were Commissioners, Stan Klotz, President; Mike Burroughs, Vice President and Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier. The meeting was opened, streamed live at www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Clerk Denise Campbell presented a right-of-way cut request from NIPSCO on N. Redwood Road, between US 6 and W. 1st Road, in Polk Township for the purpose of replacing a pole to increase system reliability in the area. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from NIPSCO on N. Redwood Road, between US 6 and W. 1st Road, in Polk Township for the purpose of replacing a pole to increase system reliability in the area. Motion carried 3-0.**

Clerk Campbell presented a road bore and right-of-way cut request from AT&T Indiana on 16th Road, between Thorn Road and S. State Road 17, in West Township for the purpose of providing fiber facilities to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore and right-of-way cut request from AT&T Indiana on 16th Road, between Thorn Road and S. State Road 17, in West Township for the purpose of providing fiber facilities to a customer. Motion carried 3-0.**

Clerk Campbell presented a road bore request from Allen Motz on King Road, between 11th Road and 12th Road, in Center Township for the purpose of putting in a culvert. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road bore request from Allen Motz on King Road, between 11th Road and 12th Road, in Center Township for the purpose of putting in a culvert. Motion carried 3-0.**

Clerk Campbell presented commitment letters to MACOG supporting the request of federal funds in the sum of $1,348,800 for bridge preventative maintenance for Bridge 179, 18th Road, with a total project cost of $1,686,000 and to support the request of federal funds in the sum of $1,369,000 for bridge preventative maintenance for Bridge 180, 18th Road, with a total project cost of $1,712,000. **Mike Burroughs moved, second by Kevin Overmyer, to approve the commitment letters for Bridge 179 in the sum of $1,348,800 and Bridge 180 in the sum of $1,369,000 and allow the Board President to sign. Motion carried 3-0.**

Clerk Campbell presented a letter requesting support of the 2023-01 Community Crossings Matching Grant for the following projects: Queen Road, US 30 to 6th Road, for a total project cost of $558,000; Plymouth-Goshen Trail, City Limits to US 30, for a total project cost of $135,000; and 10B Road, State Road 17 to County Line, for a total project cost of $930,000. The sum of all three projects totals $1,623,000, with a maximum state award of $1 million and local

matching funds of $623,000. **Mike Burroughs moved, second by Kevin Overmyer, to support the 2023-01 Community Crossings Matching Grant Call for Projects as proposed. Motion carried 3-0.**

Clerk Campbell presented a letter requesting support of the Additional Paving or Road Program Project: 9th Road, Pioneer to Union, in the sum of $1,226,000. **Kevin Overmyer moved, second by Mike Burroughs, to support the Additional Paving or Road Program Project: 9th Road, Pioneer to Union, as proposed. Motion carried 3-0.**

DEL WENZEL

Del Wenzel explained a second seal will be applied to South Pointe Subdivision in the spring. The cost is estimated between $1,500 and $2,000. Mr. Wenzel agreed to update the Board at the first meeting in May concerning the project and understands the $3,500 bond held by the Auditor will be returned upon final approval of the project.

Del Wenzel presented the Secondary Plat of Southpointe Phase III for approval. He explained the number of lots were reduced to increase the lot size. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Secondary Plat of Southpointe Phase III. Motion carried 3-0.**

HEALTH DEPARTMENT

Health Department Public Health Nurse Sandy Dunfee requested permission to apply for the Vaccination Insurance Reimbursement State Grant through the Indiana State Department of Health. She explained vaccines given by the Marshall County Health Department are eligible for HRSA money or the patient's insurance could be billed an administration fee. ISDH conducted the billing for these services for each County. Marshall County will be awarded those funds for services already completed. **Mike Burroughs moved, second by Kevin Overmyer, to allow the Health Department to apply for the Vaccination Insurance Reimbursement Grant as requested. Motion carried 3-0.**

JONES PETRIE RAFINSKI

Jones Petrie Rafinski CEO/President Ken Jones explained IDEM has approved Marshall County's petition to Establish a Regional Sewer District. Mr. Jones explained the next step in the process is to establish a board, which needs to be formed within nine months of the Order dated December 12, 2022. The board will have staggered terms with five appointments to be made by the Commissioners, one appointment by the County Council, and one appointment by the City of Plymouth. **Mike Burroughs moved, second by Kevin Overmyer, to open the application process for the formation of the Regional Sewer District Board and to accept applications until February 28, 2023. Motion carried 3-0.**

BOARD OF ZONING APPEALS

Plan Commission Director Ty Adley requested approval of the reappointment of Matt Miller and Jeff Gustafson to the BZA Board for a term of four years from January 1, 2023 through December 31, 2026. **Kevin Overmyer moved, second by Mike Burroughs, to approve the reappointment of Matt Miller and Jeff Gustafson to the BZA Board for a term of four years from January 1, 2023 through December 31, 2026. Motion carried 3-0.**

PARK BOARD

Marshall County Park & Recreation Board President Greg Hildebrand requested permission to apply for the Marshall County Community Foundation Grant in the sum of $8,640 for the Removal and Management Plan of the Invasive Bush Honeysuckle. **Kevin Overmyer moved, second by Mike Burroughs, to approve the request to apply for the Marshall County Community Foundation Grant in the sum of $8,640 as presented. Motion carried 3-0.**

SHERIFF

Sheriff Matt Hassel explained quotes were sought in December from Oliver Ford and Auto Park for four vehicles, with a trade-in of four vehicles. Oliver Ford provided an estimate for four 2023 Ford Utility Interceptors with a net cost after trade-ins of $161,828. An estimate has not been received from Auto Park. **Kevin Overmyer moved, second by Mike Burroughs, to accept the estimate from Oliver Ford in the sum of $161,828. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Highway Department - Bridge 87, 11th Road: The attorneys are still finishing paperwork to close out the Olson case.

Attorney Clevenger spoke to the landowners of Olive Trail Farms, LLC and paperwork has been prepared and sent to close this case.

Regional Sewer District: This item was discussed earlier in the meeting.

New Business

Berg v Community Corrections: Marshall County Community Corrections and a former employee were sued by a person on probation alleging employee misconduct while the former employee was working at Marshall County Community Corrections. The suit was referred to Bliss-McKnight. The insurance adjustor hired a law firm for Marshall County Community Corrections and hired a different law firm for the former employee.

AUDITOR REPORT

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

January 6, 2023 Executive Session Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the January 6, 2023 Executive Session minutes as presented. Motion carried 3-0.**

January 11, 2023 Special Meeting Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the January 11, 2023 Special Meeting minutes as presented. Motion carried 2-0-1, with Kevin Overmyer abstaining.**

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

Statement of 2022 Revenues and Expenditures: Marshall County Auditor Angela Birchmeier stated the 2022 County revenues were $115,450,285.56 and the expenditures were $118,013,631.77.

COMMISSIONER ITEMS

American Rescue Plan Additional Appropriation: **Kevin Overmyer moved, second by Mike Burroughs, to reaffirm the additional appropriation request submitted to Council for consideration as follows: $489,175.07 into Highway Material; $10,455.72 into Professional Services; and $84,905.45 into Highway Equipment. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to support an additional appropriation from the American Rescue Plan Fund for the unexpended appropriation in 2022 to pay the remainder due to Vermillion Systems in the sum of $29,134.58 to support Marshall-Starke Development Center. Motion carried 3-0.

Resolution 2023-01 Reaffirming Resolution 2021-21: Joint Resolution of the Marshall County Commissioners and the Marshall County Council to Extend the Special Local Income Tax to be Applied for the Jail Operations and Other Criminal Justice Expenses: **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2023-01 Reaffirming Resolution 2021-21: Joint Resolution of the Marshall County Commissioners and the Marshall County Council to Extend the Special Local Income Tax to be Applied for the Jail Operations and Other Criminal Justice Expenses. Motion carried 3-0.**

EMA Director: Discussion was held concerning the EMA Director retiring and posting a job opening for an interim EMA Director.

American Rescue Plan Committee: Discussion was held that as the Board of Commissioners President Stan Klotz shall serve on the American Rescue Plan Committee

PUBLIC COMMENT

Marshall County Economic Development Corporation Greg Hildebrand explained Council appointed Laura Vervynckt to the MCEDC Board, replacing Bill Davis, an original member and current President. The MCEDC Board had an at-large position open and Bill Davis has been appointed to serve on the Board.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:23 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 6, 2023

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, February 6, 2023. Present were Commissioners, Stan Klotz, President; Mike Burroughs, Vice President and Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier. The meeting was opened, streamed live at www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road surface cut request from A & M Farm Drainage on Gumwood Road, between 6th Road and Filbert Trail, in German Township for the purpose of a field tile outlet. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road surface cut request from A & M Farm Drainage on Gumwood Road, between 6th Road and Filbert Trail, in German Township for the purpose of a field tile outlet. Motion carried 3-0.**

Superintendent Peters presented a request from Northern Indiana Public Service Company to perform minor maintenance and upgrades on several existing utility poles on Plymouth-Goshen Trail, between Hope Blvd. and US 31, in Center Township. **Kevin Overmyer moved, second by Mike Burroughs, to approve the request from Northern Indiana Public Service Company to perform minor maintenance and upgrades on several existing utility poles on Plymouth-Goshen Trail, between Hope Blvd. and US 31, in Center Township. Motion carried 3-0.**

Superintendent Peters presented a request from Northern Indiana Public Service Company to perform minor maintenance and upgrades on several existing utility poles in various locations, in German Township. **Mike Burroughs moved, second by Kevin Overmyer, to approve the request from Northern Indiana Public Service Company to perform minor maintenance and upgrades on several existing utility poles in various locations, in German Township. Motion carried 3-0.**

Superintendent Peters presented a right-of-way excavation request from Brightspeed on 14B Road, between Olive Trail and Pear Road, in Green Township for the purpose of replacing damaged cable. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way excavation request from Brightspeed on 14B Road, between Olive Trail and Pear Road, in Green Township for the purpose of replacing damaged cable. Motion carried 3-0.**

Superintendent Peters presented a request from Troyer Group on Tyler, Walnut Hill, McCollough, Courtland, Kimbal, and Vandalia, between Cramer Drive and US 31, in Union and North Townships for the purpose of placing fiber to provide internet services. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from Troyer Group on Tyler, Walnut Hill, McCollough, Courtland, Kimbal, and Vandalia, between**

Cramer Drive and US 31, in Union and North Townships for the purpose of placing fiber to provide internet services. Motion carried 3-0.

Superintendent Peters presented a right-of-way cut request from Tanner Bradley in the right-of-way of Michigan Road, between Church Street and Park Drive, in North Township for the purpose of placing telecommunication equipment. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from Tanner Bradley in the right-of-way of Michigan Road, between Church Street and Park Drive, in North Township for the purpose of placing telecommunication equipment. Motion carried 3-0.**

Superintendent Peters presented an update on the following bridge projects: Bridge 1004, Elm Road; An offer was submitted for Parcel 1 with a counteroffer received of an additional $792.44. **Mike Burroughs moved, second by Kevin Overmyer, to approve the submission of a counter offer of $792.44. Motion carried 3-0.** Bridge 1004, Elm Road, Parcel 2, an application for a partial release of mortgage was completed; Bridge 11, Union Road, working to reach an agreement on Parcel 3 and Parcel 4; Bridge 1, Ule Trail: Due the current price of lumber, there is a consideration of a single span concrete box beam. **Mike Burroughs moved, second by Kevin Overmyer, to waive the Partial Release of Mortgage for Bridge 11, Union Road, Parcels 3 ($3,200) and 4 ($8,000) and to issue a check payable to the landowner and finance company. Motion carried 3-0.** Bridge 87, 11th Road, is on schedule for March letting date; Bridge 120, Upas Road, is on schedule for February letting date; Bridge 232, Randolph Street, seeking public involvement by publishing a website and sharing information with the City of Plymouth and USI will be working with Plymouth School to discuss a small section of right-of-way; Bridge 231, Center Street, the Notice to Proceed was issued and the survey started; and, Bridge Inspections 2022-2025, the Notice To Proceed has been received from INDOT and notice provided to USI to start the inspections.

Superintendent Peters explained financial commitment letters have been signed by the Commissioners and Council for the Bridge Preservation Projects, Bridge 179, 18th Road, and Bridge 180, 18th Road and have been submitted to INDOT.

Superintendent Peters stated the Community Crossing 2023-1 application has been submitted to the State. The additional paving project of 9th Road, Pioneer to Union, is estimated to cost $1,226,000. Council has not provided a financial commitment for this project. Consideration may be made to complete the project in multiple phases.

The 2023 Road Program is estimated at $3.8 million, which includes 47.5 miles of chip and seal, 37.25 miles of reclaim double seal, and 15.75 miles paved.

Laurie Johnson, P.E., DLZ, Indiana, LLC provided a progress report of the Bridge 231 project, since the Notice to Proceed was issued on December 8, 2022: The fieldwork for the topographic survey is complete. Currently there is some additional work being done to establish the alignments and property lines. The initial data collection and field reconnaissance for the Environmental Documentation is complete. A scoping field check meeting has been requested with INDOT. This meeting is required for the Historic Bridge Alternatives Evaluation that is required as part of the NEPA/106 process when a non-select historic bridge is involved.

Gene Cruise of Surf Air provided an update on the Lapaz fiber project following the County ARP contribution of $500,000.

OLDER ADULT SERVICES

Older Adult Services Director Janis Jeffirs Holiday presented a Third-Party Lease and Service Agreement for Capital Equipment between Marshall County Commissioners and Marshall County Council on Aging, Inc. for eight vehicles. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Third-Party Lease and Service Agreement for Capital Equipment between Marshall County Commissioners and Marshall County Council on Aging, Inc. as presented allowing the Board President to sign. Motion carried 3-0.**

Director Holiday presented the Quarterly Claim for operating expenses under invoice number 683 in the sum of $57,354. She explained the bus ordered in 2021 is expected in a few months. The cost has increased from the initial estimate of $59,000 to $117,000. The difference will be paid by the Federal Transit Administration (FTA). **Mike Burroughs moved, second by Kevin Overmyer, to approve the Quarterly Claim in the sum of $57,354. Motion carried 3-0.**

COMMUNITY CORRECTIONS

Community Corrections Director Ward Byers requested permission to apply for the Community Corrections Grant for Fiscal Year 2024. Director Byers explained the Community Corrections requested budget is $362,802, the Prosecutor Felony Diversion budget is $61,964, and the Problem Solving Court budget is $65,000 for a total grant request of $489,766.
Mike Burroughs moved, second by Kevin Overmyer, to approve the request to apply for the Community Corrections Grant for Fiscal Year 2024 in the total sum of $489,766. Motion carried 3-0.

SUPERIOR COURT III DRUG COURT

Community Corrections Director Ward Byers, on behalf of Drug Court Coordinator Christie Johnson, requested permission to apply for the Indiana Office of Court Services Grant. The grant funding is requested in the sum of $3,380 to provide funding for incentives and drug screens. **Mike Burroughs moved, second by Kevin Overmyer, to approve the request to apply for the Indiana Office of Court Services Grant as presented. Motion carried 3-0.**

Director Byers requested permission to apply for the Marshall County Drug Free Community Grant in the sum of $2,500 for incentives and drug screens. **Mike Burroughs moved, second by Kevin Overmyer, to approve the request to apply for the Marshall County Drug Free Community Grant as presented. Motion carried 3-0.**

US 30 & US 31 COALITIONS

Plan Commission Director Ty Adley provided a PowerPoint presentation of the Marshall County US 30 & US 31 Planning Study (2023). Upon Commissioner approval of the plan, it will then be presented to Indiana Department of Transportation, US 30 Coalition and US 31 Coalition. The presentation to the three entities will serve as Marshall County's reasonable wants and needs for a safe, effective, and equitable connection with US 30 and US 31. Commissioner Burroughs explained this is a suggestion to INDOT, who will take under advisement.

Mike Burroughs moved, second by Kevin Overmyer, to accept the Marshall County US 30 & US 31 Planning Study (2023). Motion carried 3-0.

CULVER YOUTH CLUB

Culver Youth Club Treasurer Bill Githens explained due to an oversight of the Culver Youth Club, the Commissioner donation of $6,000 was never presented for payment in 2022. Treasurer Githens is requesting consideration to reappropriate last year's funding to be paid in conjunction with the 2023 funding.

Culver Youth Club Director Brian Carver provided a club update, stating there are 90 children enrolled in the After School Program, with 60-65 in attendance each day. There are many activities offered, along with an eight-week summer program.
Kevin Overmyer moved, second by Mike Burroughs, to submit an additional appropriation request of $6,000 to reappropriate the 2022 unspent balance and submit for Council consideration. Motion carried 3-0.

ATTORNEY REPORT

Old Business
Highway Department - Bridge 87, 11th Road: The attorneys are still finishing paperwork to close out the Olson case.

Regional Sewer District: The Commissioners are in the process of accepting and reviewing applications and possibly interviewing prospective trustees.

Opioid Litigation: The pharmacies, CVS, Walgreens, Walmart, Teva, and Allergan have reached global settlements with states and local governments concerning the pharmacies' part in distributing excessive amounts of opioids that led to what some in the health field described as an opioid crisis. (Marshall County recorded 13 opioid deaths in 2016 and 15 opioid deaths in 2017.) The total of all five is $18.52 billion payable in varying intervals between six and 15 years. In order for our county to participate in the settlement, we will be required to opt-in, as we had to do for the settlement proceeds from the big three distributors and J&J. As required by the special legislation, 70% of what Marshall County receives must be used for the remediation and abatement. The deadline to opt-in is April 18th.

New Business
Council on Aging: This item was discussed previously in the meeting.

Personnel Matter: Attorney Clevenger is working on a couple of personnel matters.

AUDITOR REPORT

January 17, 2023 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the January 17, 2023 minutes as presented. Motion carried 3-0.**

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

COMMISSIONER ITEMS

Gibson Commercial Risk Management & Insurance Proposal: The insurance premium increase for 2023 is due to the increase in property values. **Mike Burroughs moved, second by Stan Klotz, to approve the Gibson Commercial Risk Management & Insurance Proposal in the sum of $730,612 for liability and commercial insurance. Motion carried 3-0.**

Section 125 Plan Amendment: To conform with premium contribution changes made by the Board of Commissioners via Motion on June 20, 2022, the election change for Change in Cost due to significant cost decreases is suspended for the period beginning July 1, 2022 and ending December 31, 2022. **Kevin Overmyer moved, second by Mike Burroughs, to approve Amendment No. 1 to the Cafeteria Plan Premium Reduction Option as Adopted by Marshall County. Motion carried 3-0.**

PUBLIC COMMENT

No public comments were heard.

Commissioner Overmyer explained he cannot attend the Joint Work Session on February 20th and expressed concern over the topics of discussion.

A Joint Work Session will be held Friday, February 10th at 10:00 a.m. with Senator Mike Bohacek to discuss various legislative matters.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 9:37 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 20, 2023

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 20, 2023. Present were Commissioners, Stan Klotz, President; Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier. Mike Burroughs, Vice President was not present. The meeting was opened, streamed live at www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore request from Adam Motz on 12th Road, between King Road and US 31, in Center Township, for the purpose of a culvert. **Kevin Overmyer moved, second by Stan Klotz, to approve the road bore request from Adam Motz on 12th Road, between King Road and US 31, in Center Township, for the purpose of a culvert. Motion carried 2-0.**

Superintendent Peters presented an update on the following items:

Bridge Projects:

1004, Elm Road: Parcel number two has been secured and will be submitting payment.

11, Union Road: Auditor Birchmeier explained at the prior meeting a motion was made to make the checks payable to the landowner and finance company. United Consulting has recommended making the check payable solely to the landowner. **Kevin Overmyer moved, second by Stan Klotz, to approve the payment to the landowner and not include the finance company on the check. Motion carried 2-0.**

1, Ule Road: In preliminary planning stage. Due to the increased cost of timber have changed to a pre-stressed concrete box beam for a savings of $226,384.

87, 11th Road: On schedule for March letting date.

120, Upas Road: Recommendation letter was received and $2,141,000 is the apparent low bid. Notice to Proceed (NTP) and Purchase Order (PO) were issued.

232, Randolph Street: Continuing to work on right-of-way and permit applications.

231, Center Street: In process of scheduling a field check meeting with INDOT.

Countywide Bridge Inspections 2022-2025: Inspections have begun.

Bridge Preservation Projects:

179, 18th Road and 180, 18th Road: Submitted to INDOT for review.

Call for Projects:

Bridges 88, W. 12th Road and 108, E. 7th Road and Linden Road: INDOT inquired into the County's willingness to fund the Preliminary Engineering and Right-of-Way with local funds. Preliminary Engineering would be $758,000 for Linden Road, $500,000 for Bridge 88, and $300,000 for Bridge 108, payable in 2023. The Right-of-Way costs would be $583,000 for Linden Road, $70,000 for Bridge 88, and $30,000 for Bridge 108, payable in 2026.

Community Crossing 2022-01: All information has been submitted, reviewed and the Close-Out Letter was received from INDOT.

Community Crossing 2023-01: The application has been submitted and is waiting for review.

Additional Paving Project, 9th Road, Pioneer to Union: Cost is estimated at $1,226,000.
Road Program 2023: Presented for review and includes 47.5 miles of chip & seal; 37.25 miles of reclaim double seals, 15.75 miles of paving. The cost is estimated at $3.8 million with $1.5 million budgeted. **Kevin Overmyer moved, second by Stan Klotz, to approve the submission of an additional appropriation request from ARP Fund for paving projects in the sum of $1,000,000 for Council consideration. Motion carried 2-0.**
Small Structures: Seeking financial support of $200,000 for inspection of 485 small structures. **Kevin Overmyer moved, second by Stan Klotz, to approve the submission of an additional appropriation request from Rainy Day Fund for Small Structure Inspections in the sum of $200,000 for Council consideration. Motion carried 2-0.**

PLAN COMMISSION

Plan Commission Director Ty Adley presented the 2022 Annual Report of the Marshall County Plan Commission and Board of Zoning Appeals.

Director Adley presented the following cases for consideration, explaining the cases have been advertised for a public hearing:

23-PC-01 Woolley, Mary: A request by Deane Norris for a two lot minor subdivision located at 13360 5th Road, Plymouth, in North Township, Zoned A-3.
23-PC-03 Marshall County Plan Commission: The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Site Development Plan Exemptions Article 7.020.B Exemptions Add: 5. Demolition.
23-PC-04 Marshall County Plan Commission: The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Article 3 for T-1 Town Residential District, L-1 Lake Residential, and C-1 Commercial District.
23-PC-05 Marshall County Plan Commission: The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Article 9.070.B Expiration.
23-PC-06 Marshall County Plan Commission: The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance 6.220.D3.e Setback distance from the center of a tower.
23-PC-07 Marshall County Plan Commission: The Marshall County Plan Commission is requesting an amendment to reorder the Subdivision Ordinance.

Kevin Overmyer moved, second by Stan Klotz, to open the public hearing on 23-PC-01, 23-PC-03, 23-PC-04, 23-PC-05, 23-PC-06 and 23-PC-07. Motion carried 2-0.

No public comment was heard.

Kevin Overmyer moved, second by Stan Klotz, to close the public hearing on 23-PC-01, 23-PC-03, 23-PC-04, 23-PC-05, 23-PC-06 and 23-PC-07. Motion carried 2-0.

Kevin Overmyer moved, second by Stan Klotz, to approve 23-PC-01, 23-PC-03 (Ordinance 2023-5), 23-PC-04 (Ordinance 2023-6), 23-PC-05 (Ordinance 2023-7), 23-PC-06 (Ordinance 2023-8) and 23-PC-07 (Ordinance 2023-9) on First Reading. Motion carried 2-0.

Kevin Overmyer moved, second by Stan Klotz, to suspend the rules and pass 23-PC-01, 23-PC-03 (Ordinance 2023-5), 23-PC-04 (Ordinance 2023-6), 23-PC-05 (Ordinance 2023-7), 23-PC-06 (Ordinance 2023-8) and 23-PC-07 (Ordinance 2023-9) on Second and Third Reading. Motion carried 2-0.

US 30 & US 31 COALITION
CDM SMITH

CDM Smith Senior Project Manager Brett Lackey received a presentation from Plan Commisison Director Ty Adley on the US 30 and US 31 Planning Study. Mr. Lackey explained a Pell study will be completed September 2024 and contains four phases: Vision/Data Collection, Purpose/Need, Alternative Analysis, and Recommendations. At each phase, public information and a stakeholder meeting will be held. **Kevin Overmyer moved, second by Stan Klotz, to approve the submission of the US 30 and US 31 Planning Study to CDM Smith for evaluation. Motion carried 2-0.**

SHERIFF'S DEPARTMENT

Sheriff Matt Hassel requested permission to apply for the Marine Patrol Assistance Grant though the Indiana Department of Natural Resources (DNR) in the sum of $20,000. The Sheriff explained the purpose is to patrol Lake Maxinkuckee beginning the Friday before Memorial Day until Labor Day. **Kevin Overmyer moved, second by Stan Klotz, to approve the request to apply for the Marine Patrol Assistance Grant in the sum of $20,000 as presented. Motion carried 2-0.**

Sheriff Hassel explained four police vehicles have been delivered to Oliver Ford and are ready for delivery. Sheriff Hassel requested approval for a pre-payment to Oliver Ford from the General Fund in the sum of $76,000 and from the Misdemeanant Fund in the sum of $35,000. **Kevin Overmyer moved, second by Stan Klotz, to authorize a pre-payment from the General Fund in the sum of $76,000 and from the Misdemeanant Fund in the sum of $35,000 to Oliver Ford for the purchase of four vehicles. Motion carried 2-0.**

TREASURER

Treasurer Kelly Einspahr presented the Services Agreement between L & D Mail Masters, Inc. and Marshall County Treasurer's Office for the printing and mailing of the property tax forms. Attorney Clevenger indicated there are Scrivener's errors within the document that L & D Mail Masters is correcting. **Kevin Overmyer moved, second by Stan Klotz, to approve the Services Agreement between L & D Mail Masters, Inc., and Marshall County Treasurer's Office contingent upon the Scriviner's errors being corrected and allowing the Board President to sign. Motion carried 2-0.**

Treasurer Einspahr presented the extended hours for tax collection as follows:
Spring Collection - Saturday, May 6th from 9:00 a.m. to noon; Tuesday, May 9th from 8:00 a.m. to 6:00 p.m.; and, Wednesday, May 10th from 8:00 a.m. to 6:00 p.m.
Fall Collection – Saturday, November 4th from 9:00 a.m. to noon; Thursday, November 9th from 8:00 a.m. to 6:00 p.m.; and, Monday, November 13th from 8:00 a.m. to 6:00 p.m.

Kevin Overmyer moved, second by Stan Klotz, to approve the extended hours for tax collection as presented. Motion carried 2-0.

HUMAN RESOURCES

Human Resources Administrator Jennifer Daake explained Paramount Dental has increased the administrative fee from $3.25 to $3.40 for calendar year 2023. She presented a revised Employee Benefits Monthly Insurance Costs for approval. **Kevin Overmyer moved, second by Stan Klotz, to approve the Employee Benefits Monthly Insurance Costs as presented. Motion carried 2-0.**

TOWN OF LAPAZ

Town of LaPaz Clerk-Treasurer Lorraine Dove explained the town has been working with Wessler Engineering on the water system. Clerk-Treasurer Dove is requesting financial assistance of $430,000 to move forward with the project study, as improvements need to be made to the drinking water and fire safety. There are approximately 600 residents within the town limits. **Kevin Overmyer moved, second by Stan Klotz, to request the ARP Committee consider the request of $430,000 from the ARP Fund and other County funds. Motion carried 2-0.**

MARIAN UNIVERSITY'S ANCILLA COLLEGE

Marian University's Ancilla College Director of Operations & Administration Marcy Hopple is asking to apply for a READI Grant for a Simulation and Skills Lab to Support Bachelor of Nursing Degree and is requesting financial support of a $10,000 match. She explained the READI Grant submitted last year was denied. **Kevin Overmyer moved, second by Stan Klotz, to support Marian University's Ancilla College with a $10,000 grant match from the General Fund and to rescind the original $180,000 READI Grant commitment. Motion carried 2-0.**

ATTORNEY REPORT

Old Business

Highway Department - Bridge 87, 11th Road: The attorneys are still finishing paperwork to close out the Olson case.

Union Road Bridge: This item was discussed earlier in the meeting.

Bridge 1004, Parcel 2: The buyer/agent completed the purchase packet, and all looks good, but did not see a Partial Release of Mortgage. The landowner's mortgage required condemnation proceeds be paid to the lender.

Regional Sewer District: The Commissioners are in the process of accepting, reviewing, and possibly interviewing prospective trustees.

Opioid Litigation: The pharmacies, CVS, Walgreens, Walmart, Teva, and Allergan have reached global settlements with states and local governments concerning the pharmacies' part in distributing excessive amounts of opioids that led to what some in the health field described as an opioid crisis. The total of all five is $18.2 billion payable in varying intervals between six and

15 years. For our county to participate in the settlement, we will be required to opt-in. As required by the special legislation, 70% of what Marshall County receives must be used for remediation and abatement.

New Business
L & D Mail Masters: This item was discussed earlier in the meeting.

AUDITOR REPORT

February 6, 2023 Minutes: **Kevin Overmyer moved, second by Stan Klotz, to approve the February 6, 2023 minutes as presented. Motion carried 2-0.**

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

PUBLIC COMMENT

No public comments were heard.

COMMISSIONER ITEMS

Argos Public Library: **Kevin Overmyer moved, second by Stan Klotz, to appoint Karrie McCay to the Argos Public Library Board for a four-year term, beginning March 1, 2023 through March 1, 2027. Motion carried 2-0.**

Executive Session: An executive session will be scheduled for March 8th at 1:00 p.m. in Attorney Clevenger's Office to discuss personnel matters.

Commissioner Overmyer requested Attorney Clevenger attend the Work Session and ARP Committee meetings scheduled today.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Stan Klotz, to adjourn the meeting at 10:47 am. 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 6, 2023

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 6, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

PROJECT HOPE

Marshall County Superior Court III Judge Matt Sarber, Marshall County Community Foundation Executive Director Linda Yoder and Community Corrections Director Ward Byers spoke of the origins of Project Hope and the services provided, focusing on peer recovery coaches and ride share. A federal opioid settlement match grant is available from the Family & Social Services Administration to support evidence-based programs, including prevention, treatment and recovery. The grant period is from July 1, 2023 through June 30, 2025 and are required to provide matching funds. It was stated that every city and town within Marshall County has agreed to release a portion of the abatement share from the opioid settlement funds and are now requesting Marshall County support Project Hope with the 2022 and 2023 Abatement share of $116,097.44. **Mike Burroughs moved, second by Stan Klotz, to support Project Hope with a local match of $116,097.44 from the abatement share of the opioid settlement funds as part of the local match for the Family & Social Services Administration Opioid Settlement Match Grant application. Motion carried 2-0.**

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a right-of-way cut request from Northern Indiana Public Service Company on Fir Road, between 19B Road and State Road 110, in Walnut Township, for the purpose of replacing aging infrastructure and improve system reliability within the area. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from Northern Indiana Public Service Company on Fir Road, between 19B Road and State Road 110, in Walnut Township, for the purpose of replacing aging infrastructure and improve system reliability within the area. Motion carried 2-0.**

Superintendent Peters presented a right-of-way cut request from Northern Indiana Public Service Company on 14th Road and Knott Street, in Union Township, for the purpose of replacing aging infrastructure and improve system reliability within the area. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from Northern Indiana Public Service Company on 14th Road and Knott Street, in Union Township, for the purpose of replacing aging infrastructure and improve system reliability within the area. Motion carried 2-0.**

Superintendent Peters stated a request to vacate a section of Douglas Road just north of State Road 106, that runs along the cemetery north of the last house was received.

Superintendent Peters introduced Whiteman Associates Registered Land Surveyor Bernie Feeney, who on behalf of the Jason Sturman Family, presented a Vacation Petition for part of the south half of Section 27, Township 32 North, Range 1 East, Union Township for 2550, 2553 and 2557 East Shore Lane, Culver. Mr. Feeney explained the alley has not been used for seventy years, the Sturman family owns land on both sides of the road, the vacation will not restrict access to the lake and has been recommended by the Culver Town Plan Commission.
The Commissioners advised the request should be made to the Marshall County Plan Commission and upon their recommendation will return to the Commissioners for a public hearing.

Superintendent Peters presented an update on the following items:
Bridge Projects:
1004, Elm Road: An offer and counteroffer were submitted to the property owner of parcel number four. Due to the monetary differences and time frame, the Commissioners recommended proceeding with condemnation to keep the project on schedule. Parcel number one has been secured and the claim submitted for payment.
11, Union Road: Nothing new to report.
1, Ule Road: Preliminary plans have been submitted for review.
87, 11th Road and 120, Upas Road: On schedule for letting date. An estimate was presented for clearing the right-of-way for both bridges from Cox Wood Removal in the sum of $35,000. The project will be completed by April 1st, which begins the Indiana bat season.
Mike Burroughs moved, second by Stan Klotz, to approve the contract with Cox Wood Removal for the right-of-way clearing for Bridges #87 and #120 in the sum of $35,000. Motion carried 2-0.
232, Randolph Street: Continuing to work on right-of-way and permit applications.
231, Center Street: Laurie Johnson, P.E., DLZ Indiana, LLC provided a progress update: The Topo survey is complete and processed. Planning to make one more site visit to pick up a couple of shots in the southwest corner. The environmental documentation is on-going. The scoping field check meeting with Pradeep Desal, INDOT, is expected to occur mid-March. This meeting is required for Historic Bridge Alternatives Evaluation that is required as part of the NEPA/106 process when a non-select historic bridge is involved.
Countywide Bridge Inspections 2022-2025: Inspections have begun.

Call for Projects:
Bridges 88, W. 12th Road and 108, E. 7th Road and Linden Road: INDOT inquired into the County's willingness to fund the Preliminary Engineering and Right-of-Way with local funds. Preliminary Engineering would be $758,000 for Linden Road, $500,000 for Bridge 88, and $300,000 for Bridge 108, payable in 2023. The Right-of-Way costs would be $583,000 for Linden Road, $70,000 for Bridge 88, and $30,000 for Bridge 108, payable in 2026.
Community Crossing 2023-01: The application has been submitted and is waiting for review. Anticipating a response by the end of the month.
Additional Paving Project, 9th Road, Pioneer to Union: Cost is estimated at $1,226,000.

Superintendent Peters presented a list of Tiger Mower and John Deere 6405 Tractor parts and requested permission to advertise for the sale of the parts with bids being opened in a public meeting. **Mike Burroughs moved, second by Stan Klotz, to allow the advertising of the Tiger Mower and John Deere 6405 Tractor parts to seek bids. Motion carried 2-0.**

Road Program 2023: Presented for review and includes 47.5 miles of chip & seal; 37.25 miles of reclaim double seals, 15.75 miles of paving. The cost is estimated at $3.8 million with $1.5 million budgeted. **Mike Burroughs moved, second by Stan Klotz, to approve the Road Program 2023 as presented. Motion carried 2-0.**

HEALTH DEPARTMENT

Health Department Administrator Faith Freed presented a request to apply for the Immunization & Vaccine for Children PPHF federal grant in the sum of $237,046. The grant period will be from July 1, 2023 through June 30, 2024. She explained the grant funding will be utilized for the work to carry out administration of childhood vaccines, including supplies, media promotion and contractual work for off-site vaccine clinics. **Mike Burroughs moved, second by Stan Klotz, to allow the Health Department to apply for the Immunization & Vaccine for Children PPHF federal grant in the sum of $237,046 as presented. Motion carried 2-0.**

EMA

EMA Director Clyde Avery presented the EMA Director's Quarterly Report (December 6, 2022 – March 5, 2023), which outlined the responses, community outreach, grant update and other topics. Director Avery stated the 2022 Emergency Management Performance Grant Agreement has been signed by President Klotz and returned to Indiana Department of Homeland of Security for their signatures. He also stated the public input meeting for the update to the Marshall County Hazard Mitigation Plan was held on Tuesday, February 28th. An after-action review was conducted concerning the severe weather/tornado warning/watch issued on February 27th.

MUSEUM

Museum Director Sandy Garrison and Marshall County Historical Society Board President Mike Miley presented the Quarterly Report highlighting activities, volunteer hours, visitors, and donations. A short story on the life of Charles Crocker was shared.

ATTORNEY REPORT

Old Business

Highway Department - Bridge 87, 11th Road: The completed dismissal papers from Olson's attorney have been received and filed with the court. All condemnation cases have been closed.

Bridge 1004, Parcel 2: The Partial Release of Mortgage has been received and is now part of the packet.

Regional Sewer District: Attorney Clevenger is aware of nine applicants for the Regional Sewer District.

Opioid Litigation: The pharmacies, CVS, Walgreens, Walmart, Teva, and Allergan have reached global settlements with states and local governments concerning the pharmacies' part in distributing excessive amounts of opioids that led to what some in the health field described as an opioid crisis. The total of all five is $18.2 billion payable in varying intervals between six and 15 years. The pharmacies have recently agreed that Indiana local governments, including Marshall County, do not need to complete the settlement participation forms. The Indiana Opioid statute is controlling. We should be receiving an update from Rubris, the Opioids Settlement Implementation Administrator for the proposed settlements. That communication is expected to confirm no further action is required.

New Business

Clerk – Dossett Consulting Contract: The form of contract is identical to the form approved for other local officials. The services to be provided to the Clerk are preparation of the monthly Title IV-D claims and other matters related to IV-D. These services have not previously been provided by a third-party consultant. The fee is $500 for each monthly claim and $250 for each revised monthly billing for the last two years.

Executive Session: An executive session is scheduled for Wednesday, March 8th at 1:00 p.m. to discuss personnel and worker's compensation matters.

AUDITOR REPORT

February 20, 2023 Minutes: While not being present at the meeting, but having viewed the meeting online **Mike Burroughs moved, second by Stan Klotz, to approve the February 20, 2023 minutes as presented. Motion carried 2-0.**

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

PUBLIC COMMENT

No public comments were heard.

BUILDINGS & GROUNDS

Buildings & Grounds Supervisor-Jail John Greer explained the Marshall County Jail has ten rooftop HVAC units, four have been replaced. As part of the proactive three-year plan to replace the remaining units a request for proposals for two AAON rooftop units (kitchen and booking areas) was sent out to three companies and two responded. Supervisor Greer presented an estimate from Herrman & Goetz, Inc. in the sum of $157,145 and from Ideal Consolidated, Inc. in the sum of $174,962, stating both companies have served Marshall County well in the past. He further explained the Sheriff has budgeted for this expense. **Mike Burroughs moved, second by Stan Klotz, to accept the proposal from Herrman & Goetz, Inc. in the sum of $157,145 for two rooftop units. Motion carried 2-0.**

Supervisor Greer stated the lead time for the units is 25 weeks currently. Due to this long lead time requested permission to seek proposals for two additional units to be installed in the Spring of 2024. **Mike Burroughs moved, second by Stan Klotz, to allow Buildings & Grounds seek bids for two HVAC units to be installed in the Spring of 2024. Motion carried 2-0.**

COMMISSIONER ITEMS

No commissioner items were heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:39 am. 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 20, 2023

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 20, 2023. Present were Commissioners, Stan Klotz, President; Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier. Mike Burroughs, Vice President was not present. The meeting was opened, streamed live at www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

Commissioner Overmyer explained the Special Commissioner meeting on March 8th was advertised without an agenda and after speaking with David Bottorff of Association of Indiana Counties (AIC) it is as though the meeting never happened. Stan Klotz will remain as President.

HIGHWAY DEPARTMENT

Highway Department Road Foreman Rich Brown presented a road surface cut and right-of-way cut request from NIPSCO on S. Kenilworth Road, between 18th Road and Dewey Road, in Walnut Township, for the purpose of installing new gas service. **Kevin Overmyer moved, second by Stan Klotz, to approve the road surface cut and right-of-way cut request from NIPSCO on S. Kenilworth Road, between 18th Road and Dewey Road, in Walnut Township, for the purpose of installing a new gas service. Motion carried 2-0.**

Road Foreman Brown presented a road surface cut from Lloyd Zimmerman on Ironwood Road, between 19th Road and 20th Road, in Walnut Township, for the purpose of installing a culvert. **Kevin Overmyer moved, second by Stan Klotz, to approve the road surface cut request from Lloyd Zimmerman on Ironwood Road, between 19th Road and 20th Road, in Walnut Township, for the purpose of installing a culvert contingent upon the Highway Department review of the road. Motion carried 2-0.**

Road Foreman Brown presented a road bore and right-of-way cut from AT&T on Upas Road, between 13B Road and 14B Road, in West Township, for the purpose of installing cable. **Kevin Overmyer moved, second by Stan Klotz, to approve the road bore and right-of-way cut request from AT&T on Upas Road, between 13B Road and 14B Road, in West Township, for the purpose of installing cable. Motion carried 2-0.**

Attorney Clevenger opened sealed bids for the Tiger Mower and John Deere 6405 Tractor parts:

1A Tiger Mower Parts	Clint Pontius	$ 206.00
1A Tiger Mower Parts	S and M Contractor	$1,800.00
2A John Deere Parts	S and M Contractor	$ 200.00

Kevin Overmyer moved, second by Stan Klotz, to refer the bids to the Highway Department for review and recommendation. Motion carried 2-0.

UNSAFE BUILDING

Building Inspector Steve Howard stated a Notice to Seek Quotes for partial demolition of 590-600 West Jefferson Street, Culver was advertised for bids to be opened this morning. He further informed the Board that he received a telephone call on Friday from one of the owners stating the structure has been repaired, but he has not had the opportunity to inspect the property.

Attorney Clevenger opened the following sealed bids for 590-600 W. Jefferson Street, Culver Demolition Project:

Langfeldt Excavating, LLC	$11,550.00
Stowers Excavating and Demolition	$ 9,900.00
Jerry Reed Excavating	$ 9,500.00

Kevin Overmyer moved, second by Stan Klotz, to refer the bids to the Unsafe Building Committee. Motion carried 2-0.

DUSTIN'S PLACE

Dustin's Place Executive Director Viki Brown requested permission to host the annual Join the Journey 5k run on April 15, 2023 at 9:00 a.m. in support of grieving children. She provided a route map and explained reserved officers will provide traffic control. **Kevin Overmyer moved, second by Stan Klotz, to approve the route for Dustin's Place and allow the 5k race to be held on county roads April 15th at 9:00 a.m. Motion carried 2-0.**

CLERK'S OFFICE

Clerk Jenny Bennitt and Dossett Consulting, LLC, Director of Sales Jeff Kemper presented an Agreement to Provide Professional Consulting Services. They explained Dossett Consulting will assist the Clerk in preparing IV-D claims and assist with audits. Mr. Kemper further explained the Clerk is carrying a large balance in the Clerk's IV-D Incentive Fund and they will provide guidance on approved expenditures. Attorney Clevenger explained the form of contract is identical to the form approved for other county offices. The fee is $500 per monthly claim. **Kevin Overmyer moved, second by Stan Klotz, to approve the Agreement to Provide Professional Consulting Services with Dossett Consulting, LLC, as presented. Motion carried 2-0.**

ATTORNEY REPORT

Old Business

Highway Personnel: Worker's compensation leave for a highway employee and his filing a worker's compensation claim with the State Board was a subject of the executive session on March 8th. There is not a problem with the employee filing a claim or receiving benefits. The problem is the county is trying to accommodate the employee with an assignment to another department and pay wages as if he were still working for the Highway. A medical appointment was scheduled for the employee on March 17th by IPEP, the worker's compensation insurance administrator. The employee cancelled the doctor's visit and IPEP is working with the employee's counsel to reschedule the appointment. The appointment will occur on April 19th at the earliest. Discussion was held whether to wait or stop the accommodation and allow the employee to receive lost wage benefits under worker's compensation.

Kevin Overmyer moved, second by Stan Klotz, to end the accommodation and allow IPEP to pay worker's compensation benefits. Motion carried 2-0.

Regional Sewer District: There are nine applicants for the Regional Sewer Board. The Commissioners will schedule applicant interviews on April 17th beginning at 1:00 p.m.

Opioid Litigation: An email has not been received from Rubris, the Opioid Settlement Administrator.

New Business
Clerk – Dossett Consulting Contract: This item was discussed earlier in the meeting.

PROBATION DEPARTMENT

Chief Probation Officer Jim Bendy requested permission to apply for the IOCS Pre-Trial Grant. He explained the grant request is for fiscal year January 1, 2024, and will run to December 31, 2024. This grant was previously approved and has been ongoing since July 1, 2020. The grant budget request will be $120,000 and will include a full-time Probation Officer, a full-time Pre-Trial Intake Specialist, training, travel, and supplies. **Kevin Overmyer moved, second by Stan Klotz, to allow the Probation Department to apply for the IOCS Pre-Trial Grant as presented. Motion carried 2-0.**

SHERIFF'S DEPARTMENT

Sheriff Matt Hassel stated he has received notification the vehicles to be purchased from Oliver Ford are no longer in production and the order will not get filled. He spoke to AutoPark and the Dodge Durango is available and estimated at $42,704. He explained a second vehicle involved in an accident has been totaled by the insurance carrier. Sheriff Hassel requested permission to order two Dodge Durangos. **Kevin Overmyer moved, second by Stan Klotz , to approve the purchase of two vehicles from AutoPark contingent upon support of the Council. Motion carried 2-0.**

BOYS & GIRLS CLUB OF MARSHALL COUNTY

Boys & Girls Club of Marshall County Chief Executive Officer Andrew Fitzpatrick explained their organization participated in a Lilly Endowment Assessment for Youth Services in the State of Indiana. The club received a planning grant that resulted in the first statewide strategic plan for our Boys & Girls Club Movement. As part of the project, they are seeking support of matching funds to help replace the gym floor at the Plymouth Club, enhance staff training, safety awareness, and enhance programming. Mr. Fitzpatrick requested the county continue supporting the Boys & Girls Club at the annual $12,000 level for the two clubs, Bremen and Plymouth and to agree to have these funds go towards the matching funds categories for the Lilly Endowment Funding. **Kevin Overmyer moved, second by Stan Klotz, to allow the 2023 financial contribution be applied as matching funds and to request funding in the 2024 budget to be applied as matching funds. Motion carried 2-0.**

AUDITOR REPORT

March 6, 2023 Minutes: While not being present for the meeting, but having viewed the meeting online, **Kevin Overmyer moved, second by Stan Klotz, to approve the March 6, 2023 minutes as presented. Motion carried 2-0.**

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

PUBLIC COMMENT

No public comments were heard.

COMMISSIONER ITEMS

Group Health Insurance: Discussion was held concerning scheduling a meeting with Gibson Insurance to begin the process of reviewing options for group health insurance.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Stan Klotz, to adjourn the meeting at 10:16 am. 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 3, 2023

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 3, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a right-of-way cut from NIPSCO on Upas Road, between 19B Road and 20th Road, in Union Township, for the purpose of replacing aging infrastructure and improving system reliability. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from NIPSCO on Upas Road, between 19B Road and 20th Road, in Union Township, for the purpose of replacing aging infrastructure and improving system reliability. Motion carried 3-0.**

Superintendent Peters presented a request from NIPSCO to install overhead fiber optic cable wire from tower to tower on W.15th Road, E. 300 S., Thorn Road, Union Road and Upas Road, in Union Township, to improve system reliability. **Mike Burroughs moved, second by Kevin Overmyer, to approve the request from NIPSCO to install overhead fiber optic cable wire from tower to tower on W. 15th Road, E. 300 S., Thorn Road, Union Road, and Upas Road, in Union Township, to improve system reliability. Motion carried 3-0.**

Superintendent Peters presented a request from the Troyer Group on US 31, between Tyler Road and 1st Road, in Union and North Townships, for the purpose of placing fiber between the pavement and right-of-way. **Kevin Overmyer moved, second by Mike Burroughs, to approve the request from the Troyer Group on US 31, between Tyler Road and 1st Road, in Union and North Townships, for the purpose of placing fiber between the pavement and right-of-way. Motion carried 3-0.**

Superintendent Peters explained the bids opened at the last meeting for the Tiger mower and John Deere 6405 tractor parts were under an acceptable price of $2,800. The high bidder, S&M Contractor, was contacted and they agreed to a price $2,800. **Kevin Overmyer moved, second by Mike Burroughs, to accept the bid from S & M Contractor for the Tiger Mower and John Deere 6405 Tractor parts in the sum of $2,800. Motion carried 3-0.**

Superintendent Peters requested approval of adding one additional Heavy Equipment Operator. **Kevin Overmyer moved, second by Mike Burroughs, to support the Highway Department adding one additional Heavy Equipment Operator. Motion carried 3-0.**

Superintendent Peters presented an update on the following items:

Bridge Projects:
1004, Elm Road: Presented a print for signature.
11, Union Road: Parcel 2 has been secured and payment is in process.
1, Ule Road: Researching old record books to locate permitted right-of-ways.
87, 11th Road: Payment has been submitted to INDOT. A preconstruction meeting will be scheduled and the right-of-way clearing is complete.
120, Upas Road: Preconstruction meeting was held and a detour route will need to be changed because Starke County is replacing a bridge also.
232, Randolph Street: Continue to work on right-of-way and permit applications.
231, Center Street: In process of scheduling a field check meeting with INDOT.
Countywide Bridge Inspections 2022-2025: Phase 1 is complete.

Call for Projects: Submitted call for projects for fiscal year 2028:
Bridge 88: An early coordination meeting has been scheduled for April 4th.

Community Crossing 2023-01: The application has been submitted and is awaiting review.

Additional Paving Project: A Notice to Bidders will be advertised on April 17th to be opened at the May 1st meeting for the following projects: 9th Road, Pioneer Road to Union Road; Muckshaw Road, 14th Road to State Road 10 (1.5 miles); King Road, 11th Road to 12B Road (1.25 miles); and 13th Road, Peach to Olive (1 mile).

Superintendent Peters presented the Annual Operational Report for Local Roads and Streets and Bridges for the year ended 2022 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 ended 2022. Motion carried 3-0.**

Superintendent Peters explained an additional appropriation has been submitted for Cum Bridge and MVH to cover short falls and for the road program.

VETERANS SERVICE

Veterans Service Officer Pam Schweizer-Betz presented the quarterly report. She stated the monthly report will be updated to include email because she is now able to process claims via email. She explained some of the challenges and successes in assisting veterans with filing disability claims. The Veterans Administration may be closing some facilities, but no definite details have been released.

DATA PIT STOP

Darren Bates owner of Data Pit Stop of Muncie outlined the services currently provided to Marshall County. Those services include tax data, top taxpayers, tax data deductions, reports for collection, lender files for escrow, asset management and drainage program. He further explained the program can demonstrate “what if” values when considering adjustment of a tax or deduction.

TREASURER

Treasurer Kelly Einspahr explained the 40-year-old mail opener needs to be replaced and presented an estimate from Pitney Bowes for an automated letter opener in the sum of $2,075.70. The maintenance fee is $238.40 annually. She explained an additional appropriation has been submitted to Council for consideration. **Kevin Overmyer moved, second by Stan Klotz, to support the purchase of the Pitney Bowes mail opener and request Council support the additional appropriation request. Motion carried 3-0.**

NORTHERN INDIANA REGIONAL DEVELOPMENT AUTHORITY

Bethany Hartley President & CEO of the Northern Indiana Regional Development Authority (RDA) provided a PowerPoint presentation explaining what a regional development authority is, how it is governed and operated. She explained HB 1403 was passed to enable regions in the state to form Regional Development Authorities, the required mechanism to apply for Regional Cities Initiative (RCI) funding and preferred mechanism for READI funding. Marshall County has participated in nine RCI projects totaling $4,962,980 and five READI projects totaling $3,796,965. She requested the Commissioners support the RDA for another eight-year term. **Mike Burroughs moved, second by Kevin Overmyer, to support the Regional Development Authority for an additional eight years. Motion carried 3-0.**

HEALTH DEPARTMENT

Health Department Administrator Faith Freed presented a request to apply for the Supplemental Workforce in Schools federal grant. She explained the grant will continue to fund a contractor to assist the schools of Marshall County with immunization record keeping, scheduling of clinics held at the schools and education to parents/patients regarding hearing, vision, and immunizations. The amount of the grant has not yet been determined. The grant period will be July 1, 2023 through June 30, 2024. **Mike Burroughs moved, second by Kevin Overmyer, to allow the Health Department to apply for the Supplemental Workforce in Schools federal grant. Motion carried 3-0.**

ASSESSOR

Assessor Peter Paul presented the Geographic Information System – Pictometry Data Sharing Agreement between Marshall County and the Michiana Area Council of Governments (MACOG) for approval. He explained MACOG will provide 70% of the cost of the Pictometry imagery to be flown in the Spring of 2023. The Assessor will provide funding in the total sum of $51,627 with one-half payable June, 2023 and the second half payable June, 2024. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Geographic Information System – Pictometry Data Sharing Agreement between Marshall County and the Michiana Area Council of Governments (MACOG) in the sum of $51,627. Motion carried 3-0.**

COUNCIL

Council President Jesse Bohannon and Vice President Tim Harman explained Council is engaging the services of Cender Dalton for Council administrative support and wage and compensation advice as allowed under I.C. 36-2-3-6(d) and 36-2-5-3(a)(4). The Commissioners questioned if this was intended to replace Waggoner Irwin & Scheele, if Cender Dalton would be preparing the budget, and discussed the meaning of administrative personnel. Attorney

Clevenger offered to speak with the Council attorney as they are interpreting the statute differently.

ATTORNEY REPORT

Old Business

Highway – Small Structure 1004, Elm Road: The only landowners (one parcel) that did not accept the County offer for right-of-way for the redesign of the Elm Road Bridge indicated a willingness to meet to see if a compromise agreement can be reached. Attorney Clevenger suggested scheduling an executive session with the landowners and their attorney.

Regional Sewer District: The interviews of seven applicants for the five positions for the Regional Sewer District board have been scheduled for April 17th beginning at 1 p.m.

Opioid Litigation: An email has not been received from Rubris, the Opioid Settlement Administrator.

New Business

Treasurer – Pitney Bowes Automated Letter Opener: This item was discussed earlier in the meeting.

Assessor – MACOG GIS – Pictometry Data Sharing Agreement: This item was discussed earlier in the meeting.

April 17th meeting: Edwards Lane alley vacation is being scheduled for public hearing. Attorney Randy Rompola will be attending to seek approval of supplemental indentures for the CMA Economic Development Bonds of 2014.

COMMISSIONER ITEMS

The Right Stuff: Commissioner Klotz explained the Technology Committee had previously discussed changing the time clock system. Human Resource Administrator Jennifer Daake explained the Right Stuff system was developed to assist Sheriff Departments time keeping system, will populate the payroll voucher from the timecard and offers many other benefits. Sheriff Hassel stated he would support the Commissioners considering an alternative to the current system. Discussion was held to schedule a demonstration.

AUDITOR REPORT

March 20, 2023 Minutes: **Kevin Overmyer moved to approve the March 20, 2023 minutes as presented, having viewed the meeting online Mike Burroughs seconded the motion. Motion carried 3-0.**

March 8, 2023 Executive Session Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the March 8, 2023 executive session minutes as presented. Motion carried 2-1, with Stan Klotz voting no.**

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

COMMISSIONER ITEMS - CONTINUED

Group Health Insurance: The Commissioners discussed having a meeting with insurance representatives a little later in the year when additional information is available.

Road Work: INDOT will be working on the Highway 31 overpass between Plymouth and Argos beginning April 10th.

PUBLIC COMMENT

No public comments were heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 10:22 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
APRIL 17, 2023

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 17, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

CULVER MILITARY ACADEMY ECONOMIC DEVELOPMENT REVENUE BOND

Barnes & Thornburg LLP Partner Randy Rompola requested approval of the Second Supplement to Indentures of Trust between Marshall County and The Bank of New York Mellon Trust Company for Culver Military Academy Economic Development Revenue Bonds initially issued in 2000 and reissued in 2014. The only substantive change is what the underlying interest rate on the bonds will be, as required by federal regulation. He stated Marshall County bears no responsibility for the debt and is only acting as a conduit for a not-for-profit organization. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Second Supplement to Indenture of Trust between Marshall County and The Bank of New York Mellon Trust Company for Culver Military Academy Economic Development Revenue Bonds. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore from CenturyLink on Hawthorn Road, between Lincoln Highway and 11A Road, 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 CenturyLink on Hawthorn Road, between Lincoln Highway and 11A Road, in Center Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a request from Brightspeed of Indiana, LLC to remove the only existing device and post on N. Iris Road, between E. 9th Road and E. 8th Road, at the site near 8262 Iris Road in Center Township. **Mike Burroughs moved, second by Kevin Overmyer, to approve the request from Brightspeed of Indiana, LLC to remove the only existing device and post at the site near 8262 Iris Road. Motion carried 3-0.**

Superintendent Peters presented a request from Brightspeed of Indiana, LLC to remove the only existing device and post on 12B Road, between Juniper Road and Ironwood Road, in Center Township. **Mike Burroughs moved, second by Kevin Overmyer, to approve the request from Brightspeed of Indiana, LLC to remove the only existing device and post on 12B Road, between Juniper Road and Ironwood Road, in Center Township. Motion carried 3-0.**

Superintendent Peters presented a request from Troyer Group to place fiber between the pavement and right-of-way on Carriage Drive, State Road 17, Squire Drive, Victoria Drive,

Tuxedo Drive, Princess Court, and Yorkshire Drive, between Carriage Drive and Countryside Drive, to provide internet service to customers.
Mike Burroughs moved, second by Kevin Overmyer, to approve the request from the Troyer Group to place fiber between the pavement and right-of-way on Carriage Drive, State Road 17, Squire Drive, Victoria Drive, Tuxedo Drive, Princess Court, and Yorkshire Drive, between Carriage Drive and Countryside Drive, to provide internet service to customers. Motion carried 3-0.

Superintendent Peters presented a right-of-way cut request from Troyer Group to provide fiber facilities to customers on 14B Road and Redwood Road, between State Road 17 and 15B Road, in Union Township. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from the Troyer Group to provide fiber facilities to customers on 14B Road and Redwood Road, between State Road 17 and 15B Road, in Union Township. Motion carried 3-0.**

Superintendent Peters presented an update on the following items:

Bridge Projects:
1004, Elm Road: The structure has been ordered and is waiting for the final parcel to be secured.
11, Union Road: Parcel 2 has been secured and payment is in process.
73, King Road: Trees have been planted on the northwest and northeast quadrants and the flooded areas have reseeded.
1, Ule Road: Need to establish the permanent right-of-way for utilities.
87, 11th Road: Payment has been submitted to INDOT. A preconstruction meeting will be scheduled, and the right-of-way clearing is complete.
120, Upas Road: Preconstruction meeting was held, and a detour route will need to be changed because Starke County is replacing a bridge also. Construction is to start on July 10, 2023.
232, Randolph Street: Continue to work on right-of-way and permit applications. During the last quarterly report, it was determined there would be a $1million increase in the price of materials.
231, Center Street: In process of scheduling a field check meeting with INDOT.
Countywide Bridge Inspections 2022-2025: Phase 1 is complete.

Call for Projects: Submitted call for projects for fiscal year 2028:
Bridge 88, 12th Road east of Olive Trail: This project has been pushed out to 2029, due to funding for fiscal year 2028.

Community Crossing 2023-01: The application has been approved and will be advertised for bids to be opened at the May 1st meeting. The projects are 10B Road, State Road 17 to Starke County Line; Queen Road, US 30 to 6th Road; and Plymouth-Goshen Trail, City Limits to US 30.

Additional Paving Project: A Notice to Bidders will be advertised beginning today to be opened at the May 1st meeting for the following projects: 9th Road, Pioneer Road to Union Road; Muckshaw Road, 14th Road to State Road 10 (1.5 miles); King Road, 11th Road to 12B Road (1.25 miles); and 13th Road, Peach to Olive (1 mile).

Superintendent Peters requested permission to purchase a trailer and allow a pre-payment to I-69 Trailer Center in the sum of $24,299.06. **Kevin Overmyer moved, second by**

Mike Burroughs, to approve the purchase of a trailer and prepayment to I-69 Trailer Center in the sum of $24,299.06. Motion carried 3-0.
Commissioner Overmyer explained Council denied the additional appropriation request of $200,000 from the Rainy Day Fund for the small bridge inspections. Discussion was held concerning the Cum Bridge Fund revenues and interest rates. Superintendent Peters explained there are 489 structures in the inventory and estimated five percent, or roughly 25 structures, would need to be replaced. **Kevin Overmyer moved, second by Mike Burroughs, to resubmit the $200,000 additional appropriation request from Rainy Day for the small bridge inspections. Motion carried 3-0.**

PLAN COMMISSION

Plan Commission Director Ty Adley presented 23-PC-08, Miller, Homer & Freda, a request to include a split of land from a neighbor to be combined with the Millers to create the Homer Miller Second Minor Subdivision located at 2013 and 2141 Beech Road, Nappanee, in German Township, Zoned C-2.

Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing on 23-PC-08 for Homer and Freda Miller. Motion carried 3-0.

No public comments were heard.

Kevin Overmyer moved, second by Mike Burroughs, to close the public hearing on 23-PC-08 for Homer and Freda Miller. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to approve 23-PC-08 on first reading. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass 23-PC-08 on second and third reading. Motion carried 3-0.

Director Adley presented Ordinance 2023-10, Sturman, Jason & Molly, a request to vacate the southernmost portion of the alleyway a/k/a East Shore Lane that runs through 2550 E. Shore Lane, parcel number 50-21-27-000-033-000-013 Culver, Union Township.

Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing on Ordinance 2023-10 for Jason and Molly Sturman. Motion carried 3-0.

No public comments were heard.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing on Ordinance 2023-10 for Jason and Molly Sturman. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2023-10: An Ordinance vacating a section of county right-of-way at the end of East Shore Lane that runs through 2550 E. Shore Lane, Culver, in Union Township, Marshall County on first reading. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2023-10: An Ordinance vacating a section of county right-of-way at the end of East Shore Lane that runs through 2550 E. Shore Lane, Culver, in Union Township, Marshall County on second and third reading. Motion carried 3-0.

Director Adley provided a first quarter building permit report.

MARSHALL COUNTY EMA

The Commissioners presented Resolution 2023-3: In Recognition of Outstanding Accomplishments and Contributions for Clyde Avery. The Marshall County Commissioners resolved that Clyde Avery be hereby honored by Marshall County for his seventeen (17) years of outstanding leadership to the County. By this Resolution, the Commissioners recognize and acknowledge his dedication and commitment and the County pays tribute to him and extends its sincerest gratitude to him for his service to Marshall County.

Indiana State Fire Marshal representative T.R. Hagerty presented Director Avery with the Distinguished Meritorious Service Award and congratulated him on his retirement.

MARSHALL COUNTY COUNCIL ON AGING

Marshall County Council on Aging Executive Director Janis Holiday presented the Grant Close Out and De-obligation of FTA 5311 Operating Funds of $166,974 and FTA 5339 Capital Equipment Funds of $1,455. She explained the excess was due in part to having CARES funding available and software costs were less than projected. INDOT will re-program any unused federal funds into future 5311/5339 program projects. **Kevin Overmyer moved, second by Mike Burroughs, to approve the grant close out and de-obligation of unused funds. Motion carried 3-0.**

Executive Director Holiday presented the first quarter statistics and claim for approval as follows: $38,792 CARES fund for operating costs; $34,679 for Section 5311 operating costs; $17,339 for State Operating match; and reporting a local match of $17,340. **Kevin Overmyer moved, second by Mike Burroughs, to approve the first quarter claim as presented. Motion carried 3-0.**

Executive Director Holiday presented a request to apply for Section 5311/5339 Rural Public Transit funding. The operating budget for 2024 is $615,986, with an estimated revenue of $46,000, a federal share of $284,988, and local match of $284,998, including a state share of $57,707. The application will also include a 5339 capital project of $138,224 to purchase two replacement low-floor minivans, with 80% federal share of $110,579 and 20% local match of $27,647. All required match funds will be secured by Marshall County Council on Aging. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Section 5311 Operating and 5339 Capital grant request as presented. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2023-4: Authorizing the Filing of a CY2024 Application for a Grant under Section 5311/5339 of the Federal Transit Act, as amended and to allow the Board President to sign the necessary documents. Motion carried 3-0.

BUILDING COMMISSION

Building Inspector Steve Howard presented a quarterly report, stating 190 permits were approved with a value of $125 million. There were 353 inspections and 7 unsafe building cases. Three of the unsafe building cases may be demolished and the other cases were closed. Inspector Howard stated he attended the Home Show and had the opportunity to educate the public on how to apply for a permit.

HEALTH DEPARTMENT

Health Department Public Health Nurse Sandy Dunfee presented a request to apply for the Supplemental Immunization funding offered by the Indiana Department of Health Immunization Division to continue immunization efforts to improve immunization rates in Marshall County. The amount of the grant is $56,160.32 and the grant period will be July 1, 2023 through June 30, 2024. **Mike Burroughs moved, second by Kevin Overmyer, to allow the Health Department to apply for the Supplemental Immunization grant in the sum of $56,160.32. Motion carried 3-0.**

PARK & RECREATION

Park and Recreation Board President Greg Hildebrand presented a request to apply for the NIPSCO Environmental Action Grant in the sum of $5,000. The funding will be used to combat invasive species at park properties. **Kevin Overmyer moved, second by Mike Burroughs, to approve the request to apply for the NIPSCO Environmental Action Grant in the sum of $5,000. Motion carried 3-0.**

MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

Marshall County Economic Development Corporation (MCEDC) Executive Director Greg Hildebrand presented the 2022 Annual Report. He highlighted the State of the Rural Economy, business consulting, solar projects, rail expansion, READI grant, Rail READI and READI 2.0.

ATTORNEY REPORT

Old Business

Highway – Small Structure 1004, Elm Road: Commissioners Klotz and Overmyer met in executive session/informal mediation with the Smiths and their attorney. A compromise agreement was tentatively reached for the purchase of the Smith real estate along Elm Road as part of the reconstruction of small structure 1004, the bridge over the Herschberger ditch. The total compromise amount was $3,250. That amount will be made up by fee simple acquisition temporary easement acquisition, and damages for loss of crops. The specific details are being worked out with our engineer for this project, United Consulting. **Kevin Overmyer moved, second by Mike Burroughs, to approve the compromise settlement of $3,250 for the Smith real estate and authorize the Board President to sign the additional documents. Motion carried 3-0.**

Regional Sewer District: The interviews of seven applicants for the five positions for the Regional Sewer District board have been scheduled for today beginning at 1 p.m.

Opioid Litigation: Documents have been received from Rubris, the opioid settlement administrator. Since Marshall County has previously elected to opt into the opioid settlement under IC 4-6-15-2(d), this included new settlements. There is no further action on our part.

Accompanying the documents concerning the settlement were separate documents and exhibits relating to the Allergan and Teva pharmacy settlements and separate agreements for Walgreens, Walmart and CVS. The deadline to submit participation forms from thousands of other states and local governments is April 18, 2023. Each pharmacy has until May 18, 2023, to decide whether to proceed with the settlement. If all the pharmacies elect to proceed, the estimated first payment date by CVS is June 30, 2023. The first payment date by Walmart is July 15, 2023. The first payment date by Teva, Allergan, and Walgreens is August 16, 2023. Each pharmacy has a different formula for satisfying settlements to the various local governments. The documents have extensive formulas for determining the settlement amounts. Indiana's maximum settlement from Allergan and Teva is $32.3 million, Marshall County's share is a small fraction of Indiana's share and will come with restrictions that 70% of the settlement funds will need to be used for qualifying remediation purposes.

Berg v. Marshall County Community Corrections: The lawsuit filed by a former probation person against Marshall County Community Corrections and a former employee has been transferred again. The new judge is Judge John Sedia of Lake Superior Court. Attorney Clevenger has been advised that a new discovery cutoff date is October 6, 2023, mediation may be scheduled in 2023. A trial would not be scheduled until 2024.

Vacation of Alley: This item was discussed earlier in the meeting.

New Business
CMA Economic Development Bonds of 2024: This item was discussed earlier in the meeting.

Marshall County Council on Aging: This item was discussed earlier in the meeting.

AUDITOR REPORT

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

April claims: Following discussion concerning the invoice payable to Lebbin Law for services provided to the County Council, **Kevin Overmyer moved, second by Mike Burroughs, to approve the claims as presented. Motion carried 3-0.**

Ordinance Codification: Auditor Birchmeier stated American Legal Publishing has completed the Marshall County Ordinance Codification through calendar year 2013 and inquired if there was interest in bringing the project current. Attorney Clevenger stated the indexing and categorization of ordinances will provide for ease of use and encouraged the Commissioners to move forward.

PUBLIC COMMENT

Marshall County Council Vice President Tim Harman shared his reasons for voting against the additional appropriation of $200,000 in the Rainy Day Fund, citing the Cum Bridge fund

balance, interest rate, and BakerTilly Financial Report. Vice President Harman also addressed the comments made concerning the Lebbin Law Office claim.

Marshall County Sheriff Matt Hassel explained he recently hired a new full-time employee in a Turnkey/Dispatcher position and requested permission to offer the employee a lateral transfer of benefits, to include vacation and longevity to meet their 14 years of experience at the Bremen Police Department. The Commissioners referred Sheriff Hassel to the job classification and compensation committee.

COMMISSIONER ITEMS

SRI Tax Sale Services Support Addendum: The fee has increased to $125.
Kevin Overmyer moved, second by Mike Burroughs, to approve the Tax Sale Services Support Addendum to the SRI Services Master Agreement between SRI, Incorporated and Marshall County. Motion carried 3-0.

Commissioner Overmyer stated the ordinance establishing the grant procedures will need to be reviewed and updated.

Commissioner Overmyer stated Midwest Maintenance will be on site this week to work on the east side steps of the Courthouse as approved in Change Order #9.

Discussion was held concerning possible expenditures from the American Rescue Plan Fund, which included two county volunteer fire departments requesting financial assistance, MACOG grant, and Regional Sewer District administrative costs.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 11:28 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
MAY 1, 2023

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 1, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Clerk Denise Campbell presented a right-of-way cut from Stone Excavating at 2901 Center Street, between Center Street and 18th Road, in Tippecanoe Township, for the purpose of alleviating water. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from Stone Excavating at 2901 Center Street, between Center Street and 18B Road, in Tippecanoe Township, for the purpose of alleviating water. Motion carried 3-0.**

Highway Clerk Campbell presented an update on the following items:

Bridge Projects:
1004, Elm Road: The structure has been ordered and we are waiting for the final parcel to be secured. Once completed, the project is due to start in August.
11, Union Road: All parcels have been secured, payment made, and information submitted for finalizing.
73, King Road: No updates.
1, Ule Road: Core drill work has been completed.
87, 11th Road: The contract has been signed and a preconstruction meeting is scheduled for May 8th.
120, Upas Road: Working with AT&T to complete the relocate.
232, Randolph Street: Continuing to working on the right-of-way and permit applications.
231, Center Street: Studies are still being completed.
Countywide Bridge Inspections 2022-2025: No updates.
Bridge Preservation Projects: Due to funding issues with the State, no monies are available to fund these projects.

Call for Projects: Submitted call for projects for fiscal year 2028:
Bridge 88, 12th Road east of Olive Trail: RFP is to be posted on the INDOT site May 1st.

2023 Road Program: Dust control started last week and reclaimed roads will be treated as well. Crack sealing will begin this week. A list for striping is being prepared. The reclaiming process started with two crews using the zipper and bomag and 20 miles have been completed so far. Approximately 4,000 tons of RCC hauling has been completed.

Bridge 87: 11th Road: **Mike Burroughs moved, second by Kevin Overmyer, to approve Amendment #1 to the Indiana Department of Transportation Local Public Agency Project Coordination Contract under Contract number 60743, DES No. 1702839 for Marshall County Bridge 87: 11th Road over the Yellow River in the sum of $269,960. Motion carried 3-0.**

Bid Opening - Community Crossing 2023-01: The following bids were received and opened:

	Rieth-Riley	E & B Paving	Milestone Contractors
10B Road S.R. 17 to County Line	$788,579.00	$899,470.75	$781,561.90
Plymouth-Goshen Trl City Limits to US 30	$256,187.00	$270,997.35	$289,800.85
Queen Road US 30 to 6th Rd	$434,170.00	$486,402.38	$475,370.48
Total	**$1,478,936.00**	**$1,656,870.48**	**$1,546,733.23**

Bid Opening - Additional Paving Project: The following bids were received and opened:

	Rieth-Riley	E & B Paving	Milestone Contractors
9th Road Pioneer Rd to Union Rd	$1,338,908.00	$1,388,648.50	$1,212,582.28
Muckshaw Road 14th Rd to S. R. 10	$365,719.00	$353,481.15	$371,994.75
King Road 11th Rd to 12B Rd	$337,808.00	$340,576.53	$364,755.35
13th Road Peach Rd to Olive	$723,846.00	$696,548.98	$685,764.65
Total	**$2,766,281.00**	**$2,779,255.16**	**$2,635,097.03**

Kevin Overmyer moved, second by Mike Burroughs, to take the bids for 2023-01 Community Crossings and additional paving projects under advisement. Motion carried 3-0.

WEIGHTS & MEASURES

Weights & Measures Inspector Jerry Huss provided an update stating he has completed inspections of 21 miscellaneous stores, 10 grocery stores, nine pharmacies, four fuel outlets and 328 devices (scales and pumps).

CLERK

Clerk Jenny Bennitt requested permission to purchase a new copy machine from Adams Remco in the sum of $3,181. She explained that $321.92 may be paid from IV-D funds and the remaining may be paid from Clerk's Perpetuation fund. She further stated that she was able to negotiate a 7-year service agreement. **Kevin Overmyer moved, second by Stan Klotz, to approve the purchase of a copy machine from Adams Remco in the sum of $3,181. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Highway – Small Structure 1004, Elm Road: All the paperwork has been completed and sent to the lawyer for the Smith condemnation but has not been returned.

Randolph Street Bridge/Plymouth Schools: Attorney Clevenger requested of Highway Superintendent Jason Peters, that he or the engineer provide the legal description for the right-of-

way the school will deed to the County. Thereafter, Attorney Clevenger will prepare resolutions for both the County and school to transfer the right-of-way.

Regional Sewer District: Commissioner Klotz is prepared to announce the appointments to the Regional Sewer District later in the meeting.

Roseander v Holcomb: Bliss-McKnight lawyers recently advised that a 2021 lawsuit filed by an inmate against Marshall County jailers was resolved recently by summary judgment in favor of the jailers. The inmate claimed she was denied a knee brace at the jail after her arrest and incarceration. The inmate was examined by QCC. The federal court determined that the head jailer was entitled to defer and rely upon the medical provider's orders.

New Business
Resolution to name railroad overpass: Attorney Clevenger has dictated a resolution for Commissioner consideration that would be forwarded to the State of Indiana, the Governor, INDOT Commissioner, and our county State Senators and Representatives suggesting naming the bridge in honor of the young man that died in the tragic school bus/truck collision a couple of years ago. Some information was missing at the time of dictation so the final resolution will be presented at a future meeting.

Ordinance Codification: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Codification Agreement between American Legal Publishing, LLC, and Marshall County in the sum of $8,850. Motion carried 3-0.**

HEALTH DEPARTMENT

Health Department Public Health Nurse Sandy Dunfee recommended Dr. Jim White fill the unexpired term of Georgette Samuelson. She explained Dr. Samuelson has passed away and Dr. Jim White does meet all the qualifications for the appointment. **Mike Burroughs moved, second by Kevin Overmyer, to appoint Jim White to the Marshall County Board of Health to fill the unexpired term of Georgette Samuelson through December 31, 2023.**
Motion carried 3-0.

SHERIFF DEPARTMENT

Sheriff Matt Hassel explained the flooring needs to be replaced in the dispatch room and presented two quotes for consideration. The first is from Bob's Carpet Service in the sum of $6,136 and the second quote is from Sustema Corp. in the sum of $15,000. Sheriff Hassel further explained the desks in the booking area need to be replaced and submitted three estimates for consideration. The first is from Xybix Systems, Inc. in the sum of $79,250.70; the second is from Sustema in the sum of $116,757.10; and the third is from Evans in the sum of $136,663.50. Sheriff Hassel explained he would prefer to order the desks from Evans because they would be custom built and include a preventative maintenance and cleaning agreement.

Kevin Overmyer moved, second by Mike Burroughs, to approve the estimate from Bob's Carpet Services to replace the flooring in the dispatch room in the sum of $6,136.
Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to approve the estimate from Evans to purchase five customized consoles in the sum of $136,663.50. Motion carried 3-0.

Special LIT: Discussion was held concerning the LIT bill being approved, which will allow the payoff of the jail bond, resetting of the rate, and providing a long term funding solution.

Lateral Transfer: At the prior meeting Sheriff Hassel requested permission to offer a new hire a lateral transfer of benefits. Upon explaining this request goes against the employee handbook, **Kevin Overmyer moved, second by Mike Burroughs, to deny the request for a lateral transfer. Motion carried 3-0.**

AUDITOR REPORT

April 14, 2023 Executive Session Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the April 14, 2023 executive session minutes as presented. Motion carried 3-0.**

April 17, 2023 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the April 17, 2023 minutes as presented. Motion carried 3-0.**

Claims: Following discussion concerning the lack of a Commissioner approved or county attorney reviewed contract with Cender Dalton, **Mike Burroughs moved, second by Kevin Overmyer, to approve all the claims, except Cender Dalton, as presented. Motion carried 3-0.** Commissioner Klotz noted for the record that he would have preferred to vote on the Cender Dalton claim separately and did not want to delay the remaining claims.

Auditor Birchmeier indicated that she has spoken to the State Board of Accounts concerning the contract not being approved by the Commissioners, and State Board of Accounts has referred this to their legal department.

PUBLIC COMMENT

No public comment was heard.

COMMISSIONER ITEMS

Regional Sewer District: An executive session was held to meet with the candidates, who were all well informed and of diverse backgrounds. Upon the board members expressing gratitude for those willing to serve, **Kevin Overmyer moved, second by Mike Burroughs, to appoint the following five individuals to the Regional Sewer District: Brenda Meyers to a four year term, Thomas McFadden to a four year term, Diann Parsons, to a three year term, Jay Stone to a three year term, and Debbie Palmer to a two year term. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to appoint Thomas McFadden as Chairman of the Regional Sewer District. Motion carried 3-0.

Baker Tilly Continuing Disclosure Services: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Scope Appendix to the Engagement Letter dated December 7, 2020 between Marshall County and Baker Tilly Municipal Advisors, LLC for Continuing Disclosure Services as required for holding the jail bonds. Motion carried 3-0.**

MACOG / OCRA: President Klotz explained townships cannot apply for an OCRA grant so other options may need to be explored with more information to follow.

Discussion was held concerning the funding needs of the Regional Sewer District for administrative services. Once the board is fully formalized, funding mechanisms will need to be discussed.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 9:34 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
MAY 15, 2023

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 15, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters stated Marshall County was awarded $1,000,000 for Community Crossings 2023-1 and the bids received for Community Crossings projects and additional paving projects at the prior meeting have been reviewed. Rieth-Riley was the low bid for the Community Crossings Projects, in the sum of $1,478,936 and Milestone Contractors was the low bid for the additional paving projects, in the sum of $2,635,097.03**.**
Kevin Overmyer moved, second by Mike Burroughs, to award the 2023-1 Community Crossings Project to Rieth-Riley in the sum of $1,478,936. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to award the additional paving projects to Milestone Contractors, contingent upon funding. Motion carried 3-0.

Superintendent Peters presented a road bore request from CenturyLink on 11A Road, between W. County Line Road and Upas Road, in West Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from CenturyLink on 11A Road, between W. County Line Road and Upas Road, in West Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented an update on the following items:

Bridge Projects:
1004, Elm Road: The structure has been ordered and we are waiting for the final parcel to be secured. Once completed, the project is due to start in August.
11, Union Road: All parcels have been secured, payment made, and information submitted for finalizing.
73, King Road: No updates.
1, Ule Road: No updates.
87, 11th Road: **Kevin Overmyer moved, second by Stan Klotz, to approve Amendment #1 to the Indiana Department of Transportation Local Public Agency Project Coordination Contract #60743, CFDA 20.205, for Des 1702839, bridge replacement, other construction for Marshall County Bridge 87, 11th Road over the Yellow River and to allow the Board President to sign. Motion carried 3-0.**
2023-1 Community Crossings: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Matching Grant Agreement with the Indiana Department of Transportation under contract number A7249-23-LG230140 and to allow the Board President to sign. Motion carried 3-0.**

120, Upas Road: Working on utility relocation.
232, Randolph Street: The Warranty Deed has been submitted to Plymouth School and this item will be placed on the next school board meeting agenda.
231, Center Street: Studies are still being completed.
Countywide Bridge Inspections 2022-2025: No updates.
Bridge 88, 12th Road east of Olive Trail: The Request for Proposal (RFP) has been posted on the INDOT site and is due May 29th.

2023 Road Program: Dust control should be completed this week and are still working on crack sealing. A list for striping is being prepared. The reclaiming process started with two crews using the zipper and bomag.

Discussion was held concerning the Cum Cap Development budget for trucks and emission regulations.

Commissioner Overmyer stated Council denied the additional appropriation request from Rainy Day for small structures in the sum of $200,000. **Kevin Overmyer moved, second by Mike Burroughs, to approve the submission of an additional appropriation request from the Cum Bridge Fund for small structures in the sum of $200,000 and to approve the invoices on hand to be processed as a pre-payment. Motion carried 3-0.**

PLAN COMMISSION

Plan Commission Director Ty Adley provided a PowerPoint Presentation on 23-PC-10 Wilma, David & Janice – 12095 Queen Road, Plymouth. He explained the applicant owns 46.66 acres of Lake Residential zoned property that is predominantly used for agriculture. The landowners are seeking to create a one-acre lot surrounding the home and adjoining buildings to separate it from the tilled ground that surrounds it on Queen Road. The Technical Review Committee and Planning Commission recommended approval of the proposal.

Kevin Overmyer moved, second by Mike Burroughs, to open the public hearing on 23-PC-10 Wilma, David & Janice. Motion carried 3-0.

No public comment was heard.

Kevin Overmyer moved, second by Mike Burroughs, to close the public hearing on 23-PC-10 Wilma, David & Janice. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to approve 23-PC-10 Wilma, David & Janice on first reading. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to suspend the rules and pass 23-PC-10 Wilma, David & Janice on second and third reading. Motion carried 3-0.

Director Adley provided a PowerPoint presentation on 23-PC-12 Permit Fees, explaining the Plan Commission is proposing to amend the existing fee schedule of the Plan Commission cases and Board of Zoning Appeals cases to cover the costs of administration more adequately and not burden the general taxpayer for personal projects. The Technical Review Committee recommend the approval of fee increases, but the fees and the costs of administration should be equivalent.

Kevin Overmyer moved, second by Mike Burroughs, to open the public hearing on 23-PC-12 Permit Fees. Motion carried 3-0.

Paul Levitt, 16109 18th Road, Culver, requested clarification on wind farms. The Commissioners explained that wind farms are banned in Marshall County but need to have fees established to plan for the future. As an example, the General Assembly could override local rules.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing on 23-PC-12 Permit Fees. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to approve 23-PC-12 Permit Fees on first reading. Motion carried 3-0.

BOURBON PUBLIC LIBRARY

Bourbon Public Library Director Nick Treber requested the appointment of Cheri Kilgore to fill the unexpired term of Athena Stenstrom. The term will begin April 30, 2023 and end on April 30, 2025. **Mike Burroughs moved, second by Kevin Overmyer, to approve the appointment of Cheri Kilgore to fill the unexpired term of Athena Stenstrom for the period April 30, 2023 through April 30, 2025. Motion carried 3-0.**

MARSHALL-STARKE DEVELOPMENT CORPORATION

Marshall-Starke Development Corporation President/CEO Rick Thompson stated the security system that was approved last fall using American Rescue Plan funds has been installed and the building is fully secured. The local police department will have camera access prior to being on site. He expressed his gratitude and on behalf of the staff and families who have expressed appreciation for this level of security.

MICHIANA AREA COUNCIL OF GOVERNMENTS (MACOG)

MACOG Director of Sustainability Leah Thill requested a letter of support for the Michiana Area Council of Governments' applications as the prime awardee to implement a regional award under the Charging & Fueling Infrastructure grant program. She explained they are working to establish the charging locations. The funding will be 80% federal and 20% from the site host. No county funding is being requested. **Mike Burroughs moved, second by Kevin Overmyer, to offer a letter of support for MACOG in applying for the U.S. DOT Charging & Fueling Infrastructure Grant Program. Motion carried 3-0.**

INDIANA DEPARTMENT OF HOMELAND SECURITY

Indiana Department of Homeland Security Emergency Preparedness Director/District Liaison Dustin Drake and State Continuity of Operations/Government Planning Manager Scott Huffman spoke about the importance of having a daily onsite EMA Director and the many responsibilities held by this position in an emergency event and in daily operations.

RECORDER

Recorder Janet Howard requested permission to purchase a copier. She explained the cost to lease a machine from Ricoh would be $4,690 and $3,879 to purchase from Adams Remco. The purchase agreement with Adams Remco contains a 7-year maintenance agreement. The cost of the copier would be paid from the Recorders Perpetuation Fund.

Kevin Overmyer moved, second by Mike Burroughs, to allow the Recorder to purchase a copier from Adams Remco in the sum of $3,879. Motion carried 3-0.

HUMAN RESOURCES

Human Resources Administrator Jennifer Daake presented an update to the Title VI Nondiscrimination Implementation Plan & Policy under Ordinance 2023-11. Attorney Clevenger stated that the Auditor's Office suggested, and he agreed, that we may want to include a clause in the policy that a company doing business with the County must certify it is not disbarred or suspended for federal grants to Section 4 of policy. **Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2023-11: Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy with the suggested changes to Section 4 as suggested by Attorney Clevenger on first reading. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Randolph Street Bridge/Plymouth Schools: A deed and two resolutions for the transfer of the right-of-way for the new bridge from Plymouth School Corporation to the County have been prepared. The resolution is on the agenda for the next board meeting and the Superintendent will sign thereafter. A substantially same resolution for the Commissioners will be presented for approval at the June 5th board meeting.

Regional Sewer District: Tom McFadden is planning an initial informal meeting of the Regional Sewer Board. The City of Plymouth has appointed Don Ecker.

New Business

Title VI: This item was addressed earlier in the meeting.

Resolution 2023-05 To Name Railroad Overpass: This item will be addressed later in the meeting.

Amendment to Grant Approval Ordinance/Request Form: An amendment to the Grant Request policy has been drafted. The intention was to keep the requirements of notice to the Auditor and require approval of the Commissioners and the Council if the grant application could potentially add personnel or required matching funds from the County. Attorney Clevenger would like to discuss the amendment and revised form with the Auditor before the Commissioners consider approval.

Personnel Matters: Attorney Clevenger is working on a number of personnel matters.

AUDITOR REPORT

May 1, 2023 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the May 1, 2023 minutes as presented. Motion carried 3-0.**

April 17, 2023 Executive Session Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the April 17, 2023 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

Misty Calloway, 14260 3B Road, Plymouth, expressed concern about the condition of her road. The project has been started, but not completed. She also expressed concern for code enforcement on 4th Road.

Deb VanDeMark, 14750 Tulip Road, Culver, expressed concern about the County Solar Ordinance and the impact on the environment, taxes, property values, and preservation of agriculture land. She stated this is a concern across the State and read an article from the Indiana Farm Bureau newsletter. She further suggested amending the ordinance to address battery storage and inserting a violations section.

Paul Levitt, 16109 18th Road, Culver, expressed concern on the consequences and liability under the solar ordinance and requested the Commissioners consider enhancing the ordinance to protect Marshall County.

Sheriff Matt Hassel requested permission to apply for the ICJI Comprehensive Highway Injury Reduction Program (CHIRP) Grant explaining the grant application is due on June 9th.
Mike Burroughs moved, second by Kevin Overmyer, to allow the Sheriff to apply for the ICJI CHIRP Grant. Motion carried 3-0.

COMMISSIONER ITEMS

Resolution 2023-5: A Resolution Concerning the US 31 Railroad Overpass: The Commissioners are seeking to have the bridge constructed on US 31 at the railroad intersection be named in honor of Owen Abbott, a school student who was killed in the tragic school bus/truck accident of December 5, 2018, at the crossing. **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2023-5: A Resolution Concerning the US 31 Railroad Overpass and direct the Auditor to submit the endorsed Resolution to Governor Holcomb, INDOT, State Senators and State Representatives. Motion carried 3-0.**

Otis Elevator: Building & Grounds Supervisor Doug Masterson presented a two-year Maintenance Agreement between Otis Elevator and Marshall County for all five elevators for approval.
Kevin Overmyer moved, second by Mike Burroughs, to approve Maintenance Agreement between Otis Elevator and Marshall County as presented. Motion carried 3-0.

Midwest Maintenance/Courthouse Project: President Klotz stated the Council requested to have additional funds for the Courthouse Project be paid from the LIT Special Purpose Fund. Commissioner Overmyer explained Barnes & Thornburg provided an opinion letter that the LIT Special Purpose Fund cannot be used for the exterior of the courthouse.

Following discussion on the Cender/Dalton claim denied at the last meeting, **Stan Klotz moved to approve the claim. Motion died for lack of a second.**

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 11:16 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
JUNE 5, 2023

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, June 5, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road surface cut request from Richard Crum on Hickory Road, between 18th Road and 19th Road, in Walnut Township, for the purpose of installing a field tile. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road surface cut request from Richard Crum on Hickory Road, between 18th Road and 19th Road, in Walnut Township, for the purpose of installing a field tile. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from NIPSCO on Miami Trail, between US Highway 6 and 1B Road, in German 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 NIPSCO on Miami Trail, between US Highway 6 and 1B Road, in German Township, for the purpose of replacing aging infrastructure and improve system reliability. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink at 9662 Redwood Road, between State Road 17 and 9th Road, in West Township, for the purpose of providing service to a customer. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road bore request from CenturyLink at 9662 Redwood Road, between State Road 17 and 9th Road, in West Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented two requests from Troyer Group on Vandalia Street, 1B Road, Lilac Road, and 3rd Road, between Michigan Road and North Shore Drive; and, on 3A Road, between Michigan Road and US 31, in North Township, for the purpose of placing fiber to provide internet service. **Mike Burroughs moved, second by Kevin Overmyer, to approve both requests from Troyer Group on Vandalia Street, 1B Road, Lilac Road, and 3rd Road, between Michigan Road and North Shore Drive; and, on 3A Road, between Michigan Road and US 31, in North Township, for the purpose of placing fiber to provide internet service. Motion carried 3-0.**

Superintendent Peters presented 14 bore and aerial requests from Brightspeed at 15444 Tuxedo Drive, between Deer Trail and Windsor Square and between Carriage Court and Carriage Drive; at 15388 Tuxedo Drive, between S. State Road 17 and Squire Drive (part one and two); at 7349 Michigan Road, between Michigan Road and 7B Road; along Michigan Road, between Michigan Road and 11th Road; at 10849 9A Road, between 9A Road and Collins Drive; across Lincoln Highway East, between McQueen Place and Sunnyside Drive; at 14462 Lincoln Highway along Lincoln Highway; at 7804 3A Road, along 3A Road; at 10801 Nutmeg Meadows Drive,

between Nutmeg Road and 11th Road and Nutmeg Meadows Drive; and, at 12552 Hillside Drive, between Hillside Drive and Emerald Court, in Center and German Townships, for the purpose of providing telecom service to customers. **Mike Burroughs moved, second by Kevin Overmyer, to approve all fourteen requests from Brightspeed as presented. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Brightspeed on Meadow Lane Road, between Park Lane and Michigan Road, in Center Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from Brightspeed on Meadow Lane Road, between Park Lane and Michigan Road, in Center Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented an update on the following items:

Bridge Projects:
1004, Elm Road: The structure has been ordered and the final parcel has been secured. The project start date has been delayed and will begin in September or October.
11, Union Road: All parcels have been secured, payment made, and information submitted for finalizing.
73, King Road: The request for a Notice of Termination has been submitted.
1, Ule Road: The asbestos test was complete, and no asbestos was found. Geotech completed studies and found a high potential for problematic soils for steel piles. To save money, the piles will be galvanized where they are underground.
87, 11th Road: The project is targeted to start on June 14th.
120, Upas Road: A site meeting will be held June 7th to confirm the AT&T relocation is clear.
232, Randolph Street: Lighting options have been provided to the City of Plymouth and will be at an additional cost to the city. Working on Stage 3 bridge design and 401/404 permit applications.
231, Center Street: Studies are still being completed due to the bridge being classified as historical.
Countywide Bridge Inspections 2022-2025: No updates.
Bridge 88, 12th Road east of Olive Trail: Request for Proposal (RFP) has been received from United Consulting, DLZ, and USI. The score sheets have been provided for the selection process and once complete will be sent to the state for review and approval.

2023 Road Program: Most of the dust control has been completed. With the added miles of reclaimed road, the cost of calcium has increased from $140,000 to $450,000. Crack sealing work has been completed. A list of roads to be striped is being prepared. The reclaiming process is complete for now.

The ARP Committee will meet and provide a funding recommendation at the next meeting.

Del Wenzel provided an update on Phase IV of Southpoint Subdivision, explaining that due to the weather he would need another week to complete the spraying. Once complete, Superintendent Peters will review and bring back a recommendation on whether the Auditor may release the bond.

BUILDINGS & GROUNDS

Buildings & Grounds Supervisor Doug Masterson provided a department update. He provided a list of the many projects completed to include replacing heat pumps, museum furnace, water softening system, LED light posts, compressor, toilets, sink, tree removal, and the east staircase at courthouse was replaced.

MUSEUM

Museum Director Sandy Garrison and Historical Society Board President Mike Miley provided a quarterly update of the many exciting events, exhibits, and outreach programs happening at the Museum. The visitors have increased by 22% from this time last year and volunteer hours are up 60%. A short story was shared about Daniel McDonald and the unveiling of Chief Menominee Monument on September 4, 1909.

USI CONSULTANTS, INC.

USI Consultants, Inc., Philip Beer, PE, PS, prepared and presented the Marshall County Comprehensive Multi-Year Bridge Plan Starting Date 2023 through 2037. Discussing the future cumulative bridge projects and funding of those projects.

PROBATION

Chief Assistant Probation Officer Abby Caswell presented a request to apply for the Justice Partners Addiction Response Grant in the sum of $60,000. **Kevin Overmyer moved, second by Mike Burroughs, to approve the request to apply for the Justice Partners Addiction Response Grant in the sum of $60,000. Motion carried 3-0.**

HEALTH DEPARTMENT

Health Department Public Health Nurse Sandy Dunfee requested consideration of opting into Senate Bill 4. If the county decides to opt-in, enhanced funding will be distributed. In 2024, the amount will be a minimum of $535,854.38 and maximum of $714,472.50. In 2025, the minimum amount will be $1,071,708.75 and a maximum of $1,428,945. A county match will be required, in the average of the county tax levy-related funds distributed to the Health Department in the preceding three years (2021, 2022, 2023). If the county does not opt-in, the Legacy amount from the Local Health Maintenance Fund/Trust is $57,268.72. Nurse Dunfee explained that if the county decides to opt-in a couple of new positions will be added, the department will partner with other entities to provide core services, and the county has the option to opt-out in the future. Commissioner Overmyer stated he testified at the State in support of the bill and that the county will retain authority and control of the Health Department as allowed under I.C. 16-20-1-12(i).
Kevin Overmyer moved, second by Mike Burroughs, to opt-in and approve Resolution 2023-7: A Resolution of the Marshall County Commissioners Accepting State Public Health Funding. Motion carried 3-0.

AUTUMN LEED

Autumn Leed, 19756 Muckshaw Road, Plymouth, on behalf of her father, Harvey Leed, 7567 7B Road, Plymouth, expressed concern regarding the condition of 7B Road and questioned the timeline for completion. Superintendent Peters explained the process has started and all the roads reclaimed will be fixed. He further explained 7B Road will be triple chip and sealed and should be complete by the end of July.

ST. JOSEPH HEALTH SYSTEM

St. Joseph Health System Tobacco Education Coordinator Annette Haining invited the board to the Marshall County Hope for Youth event to be held on June 27th from 1:00 p.m. to 3:00 p.m. at The REES Theatre. A free presentation highlighting local student polling data and current challenges of Marshall County teens.

PLAN COMMISSION

The Commissioners explained Ordinance 2023-13: An Ordinance Amending Established Fees required by "Marshall County Zoning Ordinance", in Article II, Section 010, C. Application was approved on first reading at the May 15th meeting and is to be effective August 1, 2023.
Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2023-13: An Ordinance Amending Established Fees required by "Marshall County Zoning Ordinance", in Article II, Section 010, C. Application on second reading and to suspend the rules pass on third reading. Motion carried 3-0.

ELECTION BOARD

President Klotz explained that County Clerk Jenny Bennitt has requested to add a camera for additional election security and provided an estimate from Vermillion Systems in the sum of $1,127.08.
Kevin Overmyer moved, second by Mike Burroughs, to approve the purchase of an additional security camera from Vermillion Systems in the sum of $1,127.08. Motion carried 3-0.

ATTORNEY REPORT

Old Business

Randolph Street Bridge/Plymouth Schools: A deed and two resolutions for the transfer of the right-of-way for the new bridge from Plymouth School Corporation to the County has been prepared. The resolution is on the June 6th agenda for the school board meeting. A substantially same resolution for the Commissioners has been prepared. **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2023-6: Resolution Accepting Transfer of Real Estate Right-of-Way from Plymouth Community School Corporation. Motion carried 3-0.**

Small Structure 1004, Elm Road: All the paperwork has been completed and signed by the landowner, except a disclosure form that has been sent to the landowner's attorney.

Title VI Policy: Terms were added to the ordinance related to internal controls and whether outside contractors were suspended or disbarred by the federal government.

New Business

Amendment to Grant Approval Ordinance/Request Form: An amendment to the grant request policy has been drafted. The intention was to keep the requirements of notice to the Auditor and require approval of the Commissioners and the Council if the grant application could potentially add personnel or required matching funds from the County. Attorney Clevenger met with the Auditor and additional language was added to the forms.

REMC Fiber Optic Lease: Attorney Clevenger has reviewed the proposed lease and the form looks fine with protections for the Lessor. Hyperwave Consultant Dan Sammartano explained the Highway Department has been experiencing outages and REMC will be leasing a fiber optic strand to the County for a five-year term and the monthly cost will be $698.25. Once the connection is made, the monthly invoice with CenturyLink in the sum of $464 can be removed.

Marshall County Hazard: Attorney Clevenger has prepared a draft of the joint resolution with Town of Bourbon and Marian University to adopt the 2023 Marshall County Hazard Mitigation Plan.

UNITED WAY

United Way Development Manager Brian Teall and Executive Director Linda Yoder presented Fund the Essentials 2. They explained the pandemic continues to impact the local economy and are requesting financial assistance in the sum of $150,000 to shore up the needs of local families and ease the burden that is asked of our area's industry and businesses. **Mike Burroughs moved, second by Kevin Overmyer, to give a favorable recommendation to Council to support the request and allow Council to make the final determination. Motion carried 3-0.**

AUDITOR REPORT

May 15, 2023 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the May 15, 2023 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

Deb VanDeMark, 14750 Tulip Road, Culver, expressed concern about the County Solar Ordinance and the impact on the environment, taxes, property values, and preservation of agriculture land. She requested a moratorium on the solar ordinance, further explaining she has been placed on the Plan Commission and Council agendas.

Paul Levitt, 16109 18th Road, Culver, expressed concern about the environmental hazards because of solar farms and batteries.

Tim McCarthy, 20087 State Road 10, Culver, spoke in favor of the solar project. He further explained as a member of the fire department, he knows how to extinguish a battery fire.

Marshall County Council President Jesse Bohannon requested a vote of support for Council to use Cender Dalton and approve the claims for items directly related to the Council's statutory authority. Commissioner Overmyer requested a revised agreement for 2024 budget items only and would then be in favor of approving the Cender Dalton claims.

Kathy Rush, 3166 Olive Road, Plymouth expressed concerns on the road conditions, including the amount of dust and washboard affect.

Louise Owens, 8319 20th Road, Argos, expressed concerns about the condition of many of the roads that surround her residence because of the dust.

Commissioner Burroughs encouraged the public to download the Marshall County app and to allow Highway Department notifications, which sends out information on the road projects.

COMMISSIONER ITEMS

Annual Report of the Congressional School Fund: **Mike Burroughs moved, second by Kevin Overmyer, to approve the Annual Report of the Congressional School Fund reflecting an April 30th fund balance of $21,222.93. Motion carried 3-0.**

Ordinance 2023-11: Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy: **Kevin Overmyer moved, second by Mike Burroughs, to pass Ordinance 2023-11: Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy on second reading and to suspend the rules and pass on third reading. Motion carried 3-0.**

Ordinance 2023-14: An Ordinance Amending the Approval and Administration Policy for Grants of Marshall County: **Kevin Overmyer moved, second by Mike Burroughs, to pass Ordinance 2023-14: An Ordinance Amending the Approval and Administration Policy for Grants of Marshall County on first reading. Motion carried 3-0.** The Commissioners requested the Auditor distribute the ordinance to elected officials and department heads to allow for comments.

Opioid Restricted Funds: **Mike Burroughs moved, second by Kevin Overmyer, to clarify the monies designated to Project Hope from the Opioid Restricted Funds are not contingent upon a grant award. Motion carried 3-0.**

Surveyor's Truck: President Klotz requested permission to prepay Auto Park for the Surveyor's truck in the sum of $38,399. **Kevin Overmyer moved, second by Mike Burroughs, to approve a prepayment to Auto Park in the sum of $38,399 for the Surveyor's truck. Motion carried 3-0.**

Fiber Optic Lease: **Mike Burroughs moved, second by Kevin Overmyer, to approve the Fiber Optic Lease between Marshall County Rural Electric Membership Corporation and Marshall County Government for one fiber optic strand of approximately 7.35 fiber miles for a term of 60-months in the sum of $698.25 per month. 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 10:41 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
JUNE 19, 2023

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 19, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

DEL WENZEL

Del Wenzel explained the South Pointe Phase IV project was delayed due to new housing construction and he has now applied a Winter Guard concrete sealer. Highway Superintendent Jason Peters stated he has inspected the project and recommends the remaining bond proceeds be returned. **Kevin Overmyer moved, second by Mike Burroughs, to approve the bond be released to Del Wenzel in the sum of $3,500.03. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a right-of-way cut request from NIPSCO in various locations within Marshall County under Work Order #53051-912-PRP, for the purpose of replacing three utility poles including the overhead equipment and transfer of conductors and wires to the new pole. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from NIPSCO in various locations within Marshall County under Work Order #53051-912-PRP, for the purpose of replacing three utility poles including the overhead equipment and transfer of conductors and wires to the new pole. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from NIPSCO in various locations within Polk Township under Work Order #53069-912-PRP, for the purpose of replacing seven utility poles including the overhead equipment and transfer of conductors and wires to the new pole. **Mike Burroughs moved, second by Kevin Overmyer, to approve the right-of-way cut request from NIPSCO in various locations within Polk Township under Work Order #53069-912-PRP, for the purpose of replacing seven utility poles including the overhead equipment and transfer of conductors and wires to the new pole. Motion carried 3-0.**

Superintendent Peters presented a road cut request from Brightspeed on Nutmeg Road, between Nutmeg Meadows Drive and 11th Road, in Center Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road cut request from Brightspeed on Nutmeg Road, between Nutmeg Meadows Drive and 11th Road, in Center Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a road cut request from Brightspeed at 7377 McLiver Drive, between Woodbury Drive and Michigan Road, in Center Township, for the purpose of providing service to a customer. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road cut request from Brightspeed at 7377 McLiver Drive, between Woodbury Drive and Michigan Road, in Center Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a road bore from Surf Broadband on W. Shore Drive, between W. Shore Circle and a private drive, in Union Township, for the purpose of fiber optic installation. **Kevin Overmyer moved, second by Mike Burroughs, to approve a road bore from Surf Broadband on W. Shore Drive, between W. Shore Circle and a private drive, in Union Township, for the purpose of fiber optic installation. Motion carried 3-0.**

Superintendent Peters presented a road surface cut request from Farmers Drainage, LLC, on Cedar Road, between 3B Road and 4C Road, in German Township, for the purpose of replacing a drainage outlet. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road surface cut request from Farmers Drainage, LLC, on Cedar Road, between 3B Road and 4C Road, in German Township, for the purpose of replacing a drainage outlet. Motion carried 3-0.**

Superintendent Peters presented a road bore and right-of-way cut request from Frontier on Elm Road, between 11B Road and W. Center, in Bourbon Township, for the purpose of providing service to a customer. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road bore and right-of-way cut request from Frontier on Elm Road, between 11B Road and W. Center, in Bourbon Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink at 19475 9C Road, between Flat Lake Road and Tulip Road, in West Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from CenturyLink at 19475 9C Road, between Flat Lake Road and Tulip Road, in West Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented an update on the following items:

Bridge Projects:
CCMG2023-1 and Additional Paving Projects: An Agreement was submitted between Marshall County and Rieth-Riley Construction Co., Inc. in the sum of $1,478,936 for Community Crossings Projects: 10B Road (SR 17 to County Line), Plymouth-Goshen Trail (US 30 to City Limits), and Queen Road (US 30 to 6th) and an Agreement between Marshall County and Milestone Contractors North, Inc. in the sum of $1,422,514.75 for the additional paving projects: Muckshaw Road (14th to SR10), 13th Road (Peach to Olive Trl), and King Road (12B to 11th) for approval. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Agreements between Marshall County and Rieth-Riley Construction Co., Inc. and Milestone Contractors North, Inc. as presented. Motion carried 3-0.**
73, King Road: Contract No. B-40720 Change Order No. 002 Construction Change Order and Time Extension Summary was submitted for approval to allow Milestone to start early, with no monetary change. **Kevin Overmyer moved, second by Mike Burroughs, to approve Change Order 002 for Bridge 73, King Road as presented. Motion carried 3-0.**
1004, Elm Road: In process of completing the final review of plans and estimates.
11, Union Road: Final Tracing documents have been submitted and the consultant is coordinating with an INDOT area engineer to set a contract time. The letting date is October 12, 2023 and would like to have the date pushed up.

73, King Road: The project is eligible for termination and a Notice of Termination request has been submitted.
1, Ule Road: No updates.
87, 11th Road: A pre-disturbance meeting was held Friday and ICC is planning to begin today.
120, Upas Road: A pre-disturbance meeting was held Friday.
232, Randolph Street: The Corporate Warranty Deed has been submitted for recording.
231, Center Street: No update.
Countywide Bridge Inspections 2022-2025: No updates.
Bridge 88, 12th Road east of Olive Trail: Scoring has been completed. Proceeding with contract negotiations with United Consulting. Upon completion, a LPA Consultant Contract will be sent to INDOT for review and approval.

2023 Road Program: A list of completed miles was presented and work will begin in the Argos area.

DEB VANDEMARK & PAUL LEVITT

Deb VanDeMark, 14750 Tulip Road, Culver, requested a moratorium on large scale solar farms and will present a request to amend the ordinance to the Plan Commission.

Paul Levett, 16161 18th Road, Culver, expressed concerns with solar fields.

President Klotz stated the current ordinance is a compromise and voted in favor of the ordinance to retain home rule protections. **Stan Klotz moved to place a moratorium on the solar ordinance and send the ordinance to the Plan Commission for review. Motion died due to a lack of a second.**

REGIONAL SEWER DISTRICT

Marshall County Regional Sewer District Chairman Tom McFadden explained the sewer district will retain Ken Jones of Jones Petrie Rafinski, financial advisor Baker Tilly, and Attorney Andy Boxburger to assist. He requested consideration of $100,000 for startup costs and requested an appropriation. A discussion was held concerning Attorney Clevenger fees incurred since the inception. **Mike Burroughs moved, second by Kevin Overmyer, to recommend an appropriation of $125,000 and refer to the ARP Committee for consideration. Motion carried 3-0.**

ATTORNEY REPORT

Old Business
Randolph Street Bridge/Plymouth Schools: The deed from the school was received and the right-of-way paperwork is being processed.

EMA: The Multi-Jurisdictional Natural Hazard Mitigation Plan Resolution approved by Bourbon, needs to be approved by Marion University's Ancilla College and is ready for Commissioner approval. **Kevin Overmyer moved, second by Mike Burroughs, to approve Resolution 2023-08: A Resolution Adopting the April 2023 Marshall County, Indiana Multi-Jurisdictional Natural Hazard Mitigation Plan Update as presented. Motion carried 3-0.**

Jail Report: The population as of June 12, 2023 was 150 inmates, 128 males and 22 females. 54 inmates were sentenced with 52 inmates serving time for low level felonies. May 2023 average

population was 147.8 compared to last year, May 2022, of 144.6 and November 2022, of 111.7. Attorney Clevenger spoke with two of the Judges and no concerns were expressed but they will need to keep an eye on the number of pretrial inmates (81).

New Business

Sheriff Pension Matter: The Sheriff was added to a divorce matter between a former deputy and the former deputy's wife to force the Sheriff to pay both husband and wife one-half of the husband's retirement pension. The Sheriff is not the plan administrator, nor does he write the checks. This is a governmental pension and under the terms of the pension, a statute provides the pension is not subject to a domestic relations order. We incurred attorney fees in trying to educate everyone involved and the issue is still not resolved.

Health Department v Landowners with failed septic systems: Suit was filed on two different landowners due to failed septic systems and the failure of the landowners to repair the failed systems.

Shady Rest Farm Lease: The existing lease ends December 31, 2023. Discussion was held to advertise in September so an agreement may be reached by the first of November.

AUDITOR REPORT

Spring Settlement: Auditor Birchmeier stated tax collection was certified in the sum of $40,137,137.58 with the County receiving $6,855,752.84. Distribution to the units will be made on Thursday, June 22nd.

June 5, 2023 Minutes: **Kevin Overmyer moved, second by Stan Klotz, to approve the June 5, 2023 minutes as presented. Motion carried 3-0.**

June 12, 2023 Executive Session Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the June 12, 2023 executive session minutes as presented. Motion carried 3-0.**

June 15, 2023 Executive Session Minutes-Personnel: **Mike Burroughs moved, second by Kevin Overmyer, to approve the June 15, 2023 executive session minutes for personnel matters as presented. Motion carried 3-0.**

June 15, 2023 Executive Session Minutes-Interview: **Mike Burroughs moved, second by Kevin Overmyer, to approve the June 15, 2023 executive session minutes to conduct interviews 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

Bob Byers, 412 E. South Street, Argos, requested the Commissioners pressure INDOT to pave roads they designate along a detour route. He also voiced concern about the potential lack of transparency with the revised grant ordinance.

Adam Thada, 10650 Park Lane, Plymouth, a member of the solar taskforce, spoke in favor of solar projects and the financial impact to the County.

Cynthia Casper, 13805 Jarrah Road, Argos, expressed concern with the road conditions and the US 31 detour to Jarrah Road. She also spoke against solar farms on behalf of her father, Lawrence Houin, Sr., and herself.

Jan Lemler, 1019 W. Jackson Street, Plymouth, spoke of the value of Marshall County farmland and against solar farms.

Jeremy Stansbury, 14069 3rd Road, Plymouth, while in favor of solar and wind, voiced support for a moratorium on solar and expressed concern about a conflict of interest.

Sheriff Matt Hassel expressed the need to have a better understanding of battery storage.

Janette Surrisi, 455 Liberty Street, Culver, in her personal capacity, voiced support to have the Plan Commission provide advisory consideration.

Laura Vervynckt, 8415 Redwood Road, Plymouth, expressed concerns about solar.

Reggie Danielson, 16458 Pretty View Drive, Plymouth, presented the Commissioners and Attorney Clevenger a packet of information and indicated he would speak at a future meeting.

Judy Eck, 16109 18th Road, Culver, requested consideration of scheduling evening meetings.

Tim Pletcher, 12488 Meadow Drive, Plymouth, suggested future building design to carry the load of solar panels on the roof, expressed concern about battery storage and extinguishing fires.

COMMISSIONER ITEMS

Plymouth Public Library Appointment: **Kevin Overmyer moved, second by Mike Burroughs, to reappoint Sarah Lukenbill to the Plymouth Public Library Board for a four year term beginning July 1, 2023 through June 30, 2027. Motion carried 3-0.**

Courthouse Project Appropriation: Council denied the appropriation request from the General Fund, requesting it be resubmitted from LIT Special Purpose. Commissioner Burrough expressed concerns for using LIT Special Purpose funds for this project. **Kevin Overmyer moved, second by Mike Burroughs, to resubmit the additional appropriation of $137,017 for the Courthouse Project from LIT Special Purpose Fund. Motion carried 3-0.**

Ordinance 2023-14: An Ordinance Amending the Approval and Administration Policy for Grants of Marshall County: President Klotz expressed concern about transparency. Auditor Birchmeier explained grant funds will need to be appropriated by the Council and contracts will require Commissioner approval. **Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2023-14: An Ordinance Amending the Approval and Administration Policy for Grants of Marshall County on second and third reading. Motion carried 3-0.**

Cender Dalton: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Financial Consultant Annual Service Agreement between Cender Dalton Municipal Advisors and Marshall County Council for services related to the county budget in calendar year 2023 and to allow the President of the Board to sign the Service Agreement. Motion carried 3-0.**

American Rescue Plan (ARP) Committee: President Klotz stated the ARP Committee voiced support of $1.5 million for the Highway Department. **Kevin Overmyer moved, second by Mike Burroughs, to approve an additional appropriation request from the ARP Fund in the sum of $1,500,000 for Highway shortfalls. Motion carried 3-0.** Following this appropriation, the fund balance will be approximately $600,000.

Vice President Burroughs commented on the process for the solar ordinance. A moratorium was held, a task force formed, Plan Commission made a recommendation, and ordinance passed. He further explained at that time Deb VanDeMark stated it was a good ordinance.

Commissioner Overmyer read into the record an email from Becky Bechtel, Field Operations Representative of Land & Liberty Coalition supporting the existing Marshall County Solar Ordinance. He then read an email from Bob Broecker, also in support of the solar farms. Commissioner Overmyer outlined the Commissioner's motions and timeline for solar stating a public Hearing was held September 21, 2020 and passed on first reading, then passed on second and third reading in January 2021.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:52 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
JULY 3, 2023

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 3, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road cut request from NIPSCO on W. 15th Road, between the Burr Oak Substation and State Road 17, in Union Township, for the purpose of improving system reliability. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road cut request from NIPSCO on W. 15th Road, between the Burr Oak Substation and State Road 17, in Union Township, for the purpose of improving system reliability. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Surf Internet on Fir Road and 3rd Road, between 3rd Road and W. Stock Street, in German Township, for the purpose of installing fiber optic cable. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from Surf Internet on Fir Road and 3rd Road, between 3rd Road and W. Stock Street, in German Township, for the purpose of installing fiber optic cable. Motion carried 3-0.**

Superintendent Peters presented the following requests from Brightspeed of Indiana:

- A road bore and right-of-way cut request on N. Union Road, between US 6 and W. 3B Road, in Polk Township, for the purpose of boring new cable under the ditch.
- Application PR-479421: To place an aerial fiber cable and jumper cable on existing poles on 4335 E. Shore Drive, south of Federal Street.
- Application PR-457690: To place an aerial fiber cable and jumper cable on existing poles on 8829 N. Shore Drive, northwest of Sea Lane.
- Application PR-479676: To place jumper cables on existing poles on 8518 Addison Street, south of Abbott Street.
- Application PR-476299: To place jumper cable on Dogwood Lane and Pretty Lake Road, west of Quince Road.
- Application PR-477768: A road bore on Plymouth-Goshen Trail, between W. Plymouth Street and Grape Road, to upgrade fiber optic cable.
- Application PR-456923: To place an aerial fiber cable and jumper cable on existing poles on W. Shore Drive, south of Maple Drive.
- Application PR-477856: To place an aerial fiber cable and jumper cable on existing poles on 7934 3A Road, east of E. Shore Drive.
- Application PR-479652: To place an aerial fiber cable on existing poles on Lakeshore Drive, south of Atlantic Street and ending north of Chicago Street.

- Application PR-477859: To place an aerial fiber cable and jumper cable on existing poles on 3253 Lakeshore Drive, northwest of Addison Street.
- Application PR-457701: A road bore on 3rd Road, between Sea Lane and E. Shore Drive, to upgrade fiber optic cable.
- Application PR-499981: To place an aerial fiber cable and jumper cable on existing poles to 4412 3rd Road, south of E. Raymond Street.
- Application PR-477773: To place an aerial fiber cable and jumper cable on existing poles on 6757 Plymouth-Goshen Trail, west of Grape Road.
- Application PR-477775: To place an aerial fiber cable on existing poles on 7008 Plymouth-Goshen Trail, southwest of Miami Trail.
- A road bore between Diamond Court and Coral Court to upgrade fiber optic cable.
- A road bore on Nutmeg Ridge Drive, Kings Court, and Muckshaw Drive to upgrade fiber optic cable.
- A road bore on Diamond Drive, Garnet Court, Ivory Court, and Coral Court to upgrade fiber optic cable.
- A road bore on Amber Court, Diamond Drive, Michigan Road, and Hillside Drive to upgrade fiber optic cable.
- Application PR-465593: To place a new 6.6M strand and three anchors along Michigan Road, west of Veterans Parkway.
- Application PR-464631: To place new conduit and four new handholes along Collins Drive, south of 9A Road.
- Application PR-464754: To place a new jumper cable with two anchors and conduit along Suter Road, north of 9A Road.
- Application PR-464691: To place a new 6.6M strand, jumper cable, and seven anchors along Pretty Lake Road, west of Queen Road.
- Application PR-464724: To place a new 6.6M strand along 9A Road, west of U.S. 31.
- Application PR-465235: To place a new 6.6M strand along Sunnyside Drive, west of Lawndale Ave.
- A right-of-way cut between Deer Trail and Hillcrest Ave, for the purpose of providing telecom service to a customer.
- A right-of-way cut between Deer Trail and Crimson Lane & Acorn Drive, for the purpose of providing telecom service to a customer.
- To place an aerial strand at 10849 9A Road, between 9A Road and Collins Drive, for the purpose of providing telecom service to a customer.
- To place an aerial cable along an existing pole line between Quince Road and Pretty Lake Trail, for the purpose of providing telecom service to a customer.
- A right-of-way cut at 10801 Nutmeg Meadows Drive, between Nutmeg Road and Nutmeg Meadows Drive, for the purpose of providing telecom service to a customer.
- A right-of-way cut at 10801 Nutmeg Meadows Drive, between 11th Road and Linwood Drive, for the purpose of providing telecom service to a customer.

- To place an aerial strand between W. Shore Drive and Lipton Street, for the purpose of providing telecom service to a customer.
- A right-of-way cut at 12552 Hillside, between Hillside Drive and Emerald Court, for the purpose of providing telecom service to a customer.
- To place an aerial strand in front of 10055 Pretty Lake Trail and continue south to 10288 Pretty Lake Trail, for the purpose of providing telecom service to a customer.
- To place an aerial strand between Michigan Road and 7th Road, for the purpose of providing telecom service to a customer.
- To place an aerial strand between Crest Lane and Olive Trail, for the purpose of providing telecom service to a customer.
- To place an aerial strand between State Road 17 and Acorn Drive for the purpose of providing telecom service to a customer.
- Application PR-456749: To place an aerial fiber cable and jumper cable on existing poles at 4297 W. Shore Drive, southeast of 4th Road.
- Application PR-479308: To place an aerial fiber cable and jumper cable on existing poles at 4097 W. Shore Drive, northwest of Lipton Street.

  Mike Burroughs moved, second by Kevin Overmyer, to approve the Brightspeed of Indiana requests as presented. Motion carried 3-0.

Superintendent Peters presented an update on the following items:

Bridge Projects:
CCMG2023-1 and Additional Paving Projects: Letters were presented for Rieth-Riley and Milestone Contractors.
1004, Elm Road: The final review of plans and estimates are being completed.
11, Union Road: Final Tracing documents have been submitted and the consultant is coordinating with an INDOT area engineer to set a contract time. The letting date is October 12, 2023 and they would like to have the date pushed up.
73, King Road: A Notice of Termination request has been submitted.
1, Ule Road: No updates.
87, 11th Road: Construction has begun. The existing bridge is down, and cleanup will continue.
120, Upas Road: Completing the relocation of utilities.
232, Randolph Street: IDEM permits have been submitted under the Clean Water Act and Flood Control Act.
231, Center Street: No update.
Countywide Bridge Inspections 2022-2025: No update.
Bridge 88, 12th Road east of Olive Trail: Scoring has been completed. Proceeding with contract negotiations with United Consulting. Upon completion, the LPA Consultant Contract will be sent to INDOT for review and approval.

2023 Road Program: A list of completed miles was presented.

JIM HULSE

Jim Hulse, 15777 4B Road, Plymouth, expressed his frustration with how the Sheriff's Department completed a Standard Crash Report in which a pickup truck was allegedly stolen by an unknown suspect. Lt. Les McFarland responded on behalf of the Sheriff's Department, stating Mr. Hulse is welcome to come to the Sheriff's office and speak with him concerning the matter. He further stated if Mr. Hulse is not happy with the outcome he may contact the Indiana State Police for an investigation.

LIFELONG LEARNING NETWORK

Lifelong Learning Network Executive Director Allie Shook provided a PowerPoint presentation on the Marshall County Career Innovation Center following the $1.5 million received from the Marshall County American Rescue Plan funding. She outlined the problem of not having a central location where all community members can learn, develop, and maintain a desirable workforce and life skills. The solution was the Marshall County Career Innovation Center, outlining the goals and objectives, vision and mission, core values, career and technical education, adult education, workforce development, and the target outcomes.

REGIONAL SEWER DISTRICT

Marshall County Regional Sewer District Chairman Tom McFadden stated that he attended the ARP subcommittee meeting to present a budget from the American Rescue Plan. He explained that he did not expect building sewers to be controversial in Marshall County. He indicated Council members stated objections were that the project was approved by a lame duck Council, no taxes would be used, property values would increase, and many of the people do not live in Marshall County full-time. His concern is that at some point it would harm the health and economy of Marshall County and not be an attractive place to live. Chairman McFadden explained the American Rescue Plan was originally established to assist with sewers and broadband, if property values increase the tax base will then also increase, and non-resident taxpayers pay 40% more in property taxes than residents. President Klotz explained that the ARP recommendation was to loan the district $100,000. Commissioner Overmyer stated he is inclined to support the ARP funding and not in the form of a loan, as he is not sure the county can loan ARP funds, even without interest charged. Vice President Burroughs stated he voted for and agrees with using ARP funds for the costs. Chairman McFadden explained the costs associated with the first project will benefit subsequent projects all the way through the process. **Kevin Overmyer moved, second by Stan Klotz, to approve the submission of an additional appropriation of $100,000 from the American Rescue Plan Fund and if the appropriation is not approved, no additional requests will be sent to the ARP Subcommittee for consideration and the remaining unspent funds can be returned. Motion carried 3-0.** President Klotz stated he did not agree with some of the comments but wants to send the appropriation request to Council for a final determination.

BUILDINGS & GROUNDS - JAIL

Buildings & Grounds-Jail Maintenance Supervisor John Greer provided an update on the maintenance projects at the jail. The State Fire Marshall inspection and jail inspections have been completed and we passed with no issues. Supervisor Greer recommended seeking proposals for an additional rooftop unit replacement in September for installation in the spring. There will be one remaining unit to be replaced over the administration side of the building. **Mike Burroughs moved, second by Kevin Overmyer, to accept the recommendation to seek bids in September for rooftop units to be installed early in the Spring of 2024. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Highway-Contract form for purchases over $25,000: Two contract forms provided by Highway Superintendent Peters have been reviewed and may not be what he is looking for or needs. Attorney Clevenger will follow up with the Auditor and Superintendent Peters to be sure everyone is on the same page.

Highway-Steel tractor wheels: More research will need to be done and it is not as simple as prohibiting steel wheels on county roads.

New Business:

Legislation Affecting Local Income Taxes: As budget time approaches, the Commissioners and Council need to be aware of the new legislation that has an affect on Local Income Taxes. If a county changes the allocation of local income tax revenue, the county must provide timely direct notice to the impacted units; and confirmation that notice was provided to the local units must be provided to the Department of Local Government Finance (DLGF) and Department of Revenue.

AUDITOR REPORT

June 19, 2023 Minutes: **Kevin Overmyer moved, second by Stan Klotz, to approve the June 19, 2023 minutes as presented. Motion carried 3-0.**

June 28, 2023 Executive Session Minutes: **Kevin Overmyer moved, second by Stan Klotz, to approve the June 28, 2023 executive session 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.**

ARP Additional Appropriation: **Mike Burroughs moved, second by Kevin Overmyer, to approve the submission of an additional appropriation for $16,925 from American Rescue Plan for Attorney Clevenger's fees incurred for the Regional Sewer District from December 14, 2021 – May 18, 2023. Motion carried 3-0.**

PUBLIC COMMENT

United Way Development Manager Brian Teall and Executive Director Linda Yoder explained the request of $150,000 for Fund the Essentials 2.0 campaign shall be used for food assistance to Marshall County residents in need through support of food pantries and other key food assistance programs. Distribution of the funds shall be determined by the R4 (Response, Recovery, Reimagine, Rebuild) Grants Committee with representatives from the Marshall County Community Foundation, United Way of Marshall County, Marshall County Crossroads, and community liaisons. All distributions shall be determined and paid to trusted community partners by June 30, 2024. One hundred percent of all funds from the Marshall County Commissioners and County Council shall be utilized for such support; no administrative fees to United Way of Marshall County shall be assessed. A final report on fund expenditures will be provided to the Marshall County Commissioners and Council. **Mike Burroughs moved, second by Kevin Overmyer to approve**

the submission of an additional appropriation for $150,000 from American Rescue Plan for Fund the Essentials 2.0 for food. Motion carried 3-0.

Richard Lokun, 612 S. Michigan Street, Plymouth, spoke in favor of the continuation of the public demand for a solar ordinance moratorium and to implement safety measures.

Reggie Danielson, Mayflower Tavern, Plymouth, expressed his frustration with the government.

Ginny Munroe, 618 Academy Road, Culver, requested to be placed on the Commissioners July 17th agenda to provide an update to Crossroads and Regional Stellar.

COMMISSIONER ITEMS

EMA Director: Interviews for the EMA Director were conducted, and all the applicants brought something different and two were worthy of a second interview. **Kevin Overmyer moved, second by Mike Burroughs, to appoint Jack Garner as EMA Director effective July 5, 2023. Motion carried 3-0.**

Jack Garner introduced himself, stated it is a privilege to serve, is looking forward to building relationships, and thanked the Commissioners for the opportunity.

Solar Ordinance: Vice President Burroughs explained batteries are not subject to the solar ordinance. Batteries are considered sub-stations and governed by the State of Indiana.

Solar: Wagner/Plan Commission Meeting: Commissioner Overmyer read into the record an email received from Anthony Wagner as follows: Kevin, I happened to read the WTCA article about the plan commission meeting on June 26, where opponents of solar farms appeared before the commission. I was alarmed to read that the author wrote "Ed Allen told the county plan commission that he has an unconfirmed report that there is contamination on the east side of the solar farm in Bremen." The solar farm in Bremen is owned and operated by the Indiana Municipal Power Agency (IMPA). I reached out to IMPA's general counsel, Peter Prettyman, to see if they had received any information about contamination at the Bremen site; Peter is attached to this message. Peter had not received any sort of report like the article described, but IMPA sent a tech to the site to investigate, nonetheless. I received another message from Peter earlier this week indicating that the tech found no evidence of contamination, which they documented appropriately should this matter arise again in the future somehow.

The article did not quote Mr. Allen directly, or most of the other speakers, so I am inclined to hope that perhaps something has been lost in translation as to what Mr. Allen actually said about the IMPA site. This "unconfirmed report" is the first I have heard of anything of the sort, and it would be upsetting if this were simply a reckless and unfounded allegation thrown out in a public meeting to influence a deliberative body because no one is there to correct it. Hearsay and conjecture are kinds of evidence, but they are the bad kind that doesn't get admitted by any factfinder worth their salt. I would encourage the plan commission and any other county bodies to require more substantiative evidence – preferably actual, real evidence – before taking action in any matter. Sincerely, Anthony J. Wagner.

Commissioner Overmyer stated there was also a comment made at the Plan Commission meeting that the wells are contaminated in Pulaski County. Our Health Department has reached out to

Pulaski County and there is no well contamination in Pulaski County nor any commercial solar farms.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 9:56 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
JULY 17, 2023

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 17, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented the following requests from Brightspeed of Indiana:

- A right-of-way cut on W. Shore Drive, between W. 4th and Maple Drive, in North Township, for the purpose of moving a pedestal and relocating cables.
- A road bore on W. Shore Drive and Tamarack Road, between Tamarack Road and Lincoln Street, in Union Township, for the purpose of installing fiber optic.
- A directional bore on Troyer Road and Cale Road, between Michigan Street and Church Street, in North Township, for the purpose of placing fiber to provide internet service.
- Application PR-465268: A road bore on Greenlawn Drive, west of Sunnyside Drive, to place conduit and seven new handholes.
- Application PR-479641: To place aerial fiber cable and jumper cable on existing poles at 3942 Lakeshore Drive, south of Dart Street.
- Application PR-477770: To place aerial fiber cable and jumper cable on existing poles at 6237 Plymouth-Goshen Trail.
- Application PR-480652: To place jumper cable on existing poles at 1105 N. Center Street, north of E. 4th Street.
- Application PR-479239: To place jumper cable on existing poles at 9043 N. Shore Drive, west of Coffel Street.
- Application PR-477774: To place aerial fiber and jumper cable on existing poles at 7020 Plymouth-Goshen Trail, southwest of Miami Trail.
- Application PR-457095: To place fiber and jumper cable on existing poles at 4890 W. Shore Drive, west of E. Shore Drive.
- Application PR-477860: To place jumper cable on existing poles at 3102 Sea Lane, northwest of E. Shore Drive.
- Application PR-479646: To place jumper cable on existing poles at 3774 Lakeshore Drive, south of Carter Street.
- Application PR-479262: To place aerial fiber cable and jumper cable on existing poles at 9082 Birch Drive, south of 3rd Road.
- To place new conduit and eight new handholes along Pretty View Drive, west of Pretty Lake Trail.

- Application PR-464608: A road bore on Victoria Drive and Yorkshire Drive, between Cavalier Drive and Yorkshire Drive, in West Township, for the purpose of placing new conduit and four new handholes along Victoria Drive, east of Squire Drive.
- A right-of-way cut beginning at 10030 Squire Drive, continuing along Victoria Drive and Yorkshire Drive, in West Township, to provide telecom service to a customer.
- A road bore on Hillside Drive and Dennis Drive, between Kimberly Court and Park Lane, in Center Township, for the purpose of upgrading fiber optics.

  Mike Burroughs moved, second by Kevin Overmyer, to approve the Brightspeed of Indiana requests as presented. Motion carried 3-0.

Superintendent Peters presented the following requests from NIPSCO:

- A right-of-way cut on 11th Road, between US 31 and King Road, in Center Township, for the purpose of installing a new main and service on the north side of 11th Road.
- A road surface and right-of-way cut on 12B Road, between Tamarack Road and S. State Road 17, in West Township, for the purpose of installing new service.

  Mike Burroughs moved, second by Kevin Overmyer, to approve the NIPSCO requests as presented. Motion carried 3-0.

Superintendent Peters presented an update on the following items:
CCMG2023-1 Paving Projects: Work has begun on Pretty Lake Trail, from city limits to US 30, and on Queen Road, from US 30 to 6th Road. 10B Road, from State Road 17 to County Line, will begin in a few weeks.
CCMG2023-1 Additional Paving Projects: Milling has begun on Muckshaw Road, from 14th Road to State Road 10.

Bridge Projects:
1004, Elm Road: The advertisement for bids has been posted today and the bids will be opened at the August 7th Commissioner meeting.
11, Union Road: Final tracing documents have been submitted and the consultant is coordinating with an INDOT area engineer to set a contract time. The letting date is October 12, 2023 and they would like to have the date pushed up.
73, King Road: A Notice of Termination request has been submitted.
1, Ule Road: The utility facilities will be contacted for right-of-way relocations.
87, 11th Road: Construction has begun.
120, Upas Road: The demolition has begun with the existing guardrail being removed and processing Span 1 and 3.
232, Randolph Street: IDEM CIF permits have been submitted.
231, Center Street: No update.
Countywide Bridge Inspections 2022-2025: No update.
Bridge 88, 12th Road east of Olive Trail: United Consulting requested we temporarily close 12th Road during the geotechnical investigation. A date has not yet been established.

2023 Road Program: A list of completed miles was presented.

President Klotz wanted to publicly acknowledge INDOT and thank them for their assistance in redirecting traffic north of US 6.

Commissioner Overmyer stated there is a problem with semi-trucks detouring onto 7th Road and 6A Road.

PRIORITY PROJECTS

Priority Project Resources President Shannon McLeod explained a Notice to Bidders was published for the Owner Occupied Housing Rehabilitation Project for opening at the meeting this morning. The project will entail rehabilitation work on seven homes in Marshall County. A pre-bid meeting was held on June 22nd and no contractors were in attendance. To continue this project, a bidders list will be created, with a need for electricians, carpenters, and general contractors. She explained that this project began three years ago and then the pandemic hit, followed by labor and material shortages. She further explained that the projects are small, $25,000 or less per home, and the contractors are busy.

PLAN COMMISSION

Plan Commission Director Ty Adley presented the second quarter report, comparing permit count and values from 2021, 2022, and 2023. Director Adley stated the numbers are on par.

Director Adley provided a PowerPoint presentation for 23-PC-11 Davis, Ronald: A request by Thomas Landgriebe for a PUD of 33 shipping container homes located at 3919 Michigan Road, Plymouth, Zoned A-3. The Technical Review Committee (TRC), based on the information provided, would recommend approval pending the staff's review of the amended proposal including the following conditions that the project meet: (1) Fire Department Fire Hydrant regulations and Turnaround spacing, and (2) Stormwater utility ultimately addressed/clarified. Based on review of the amended proposal the staff would recommend approval of the amended proposal with the conditions that: (1) Accessory structures and club buildings be addressed as internal conditional uses at the guidance of the Adventura Review Committee, (2) The front setback be clarified as 5' from the edge of sidewalk (of private drive) and 60' from Michigan Road right-of-way, (3) Site plan be updated to include contours, and (4) The land use matrix be updated to reflect associated conditional uses.

Director Adley stated the Plan Commission provided a favorable recommendation at a vote of 5-3, with conditions. The matter has been scheduled for a public hearing today. The Commissioners discussed septic and water concerns. Mike Burroughs moved to open the public hearing and then rescinded the motion because Mr. Landgriebe was not in attendance.
Kevin Overmyer moved, second by Mike Burroughs, to table the public hearing on 23-PC-11 Davis and continue the hearing at the August 7th meeting. Motion carried 3-0.

CELEBRATE RECOVERY

Celebrate Recovery representative Charlie Carlisle explained the purpose of his presentation today is to introduce Celebrate Recovery as a 12-step recovery program for anyone suffering with hurt, pain, or addiction of any kind and requested financial assistance from the community.
Rebecca Bickel shared that she has successfully completed the faith-based program and has gone from homelessness to life, as a ten-year recovering addict.

MARSHALL COUNTY CROSSROADS

Marshall County Crossroads Team Member Ginny Munroe presented the July, 2023 quarterly newsletter, which highlighted the following OCRA, INDOT, Housing and Arts & Culture Projects and status of each project: Argos Foker Park, Argos Downtown Square Project, Bourbon Wastewater Improvement Project, Bremen Streetscape Project, Bremen Jackson Street Project, Bremen Pool Project, Bremen Community Center, Culver Park Project, LaPaz Water Study, LaPaz Park Project, Plymouth River Park Square, Phase 2, Plymouth REES, Marshall County Bike and Pedestrian Plan, Argos Sidewalks and Trails, Bourbon Trail, Culver Trail & Sidewalks, Plymouth Greenways Trail Phase 3, Community Building, LaPaz Building, Owner-Occupied Rehabilitation Program and Wild Rose Moon Media Production Lab.

MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

Marshall County Economic Development Corporation President/CEO Greg Hildebrand provided a PowerPoint presentation highlighting the unemployment rates, business attraction, retention, and expansion. Indiana Economic Development Corporation announced an update on READI 2.0 with $500 million in funding available to eligible regional development authorities to only fund infrastructure and capital projects that include Regional Economic Acceleration and Development Strategy, with an emphasis on rural communities, quality of life, and quality of opportunity.

ATTORNEY REPORT

Old Business
Housing Project: This item was addressed earlier in the meeting.

New Business:
Adventura PUD: This item was addressed earlier in the meeting.

Juror Pay: The Indiana General Assembly amended the juror pay statute to increase juror pay from $15 per day for jury selection and $30 per day for jury service to $40 and $80 (increasing to $90 after five days). The same state rate for mileage reimbursement applies. Marshall County has an old ordinance that provides for extra pay to Marshall County citizens for jury service but does not appear to have been modified when the rates were last set by the state. The jury pay statute provides that the fiscal body is to set juror pay and a memo has been sent to Marcel Lebbin suggesting that the Council may want to clarify juror pay in Marshall County.

911 Service and Software License Agreement: This is a contract between the Sheriff and Communication Venture Corporation (INdigital) for the new 911 software. The contract has an initial term of three years with automatic renewal terms thereafter. The three year investment is $27,892. Discussion was held concerning the removal of the automatic renewal clause and expressing preference that the Sheriff be in attendance to explain the contract.

AUDITOR REPORT

July 3, 2023 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the July 3, 2023 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

Indiana State Senator Mike Bohacek provided an update on the last session, including Senate Bill 4, which is an 80/20 grant match to the local health departments opting in to provide 14 core services to the community as well as $100 million in property tax relief to homestead properties, capping the levy growth quotient. High debt load counties will be required to have a public hearing prior to incurring new debt; allowance of a county to trigger a property tax relief option and eligibility changes for the Over 65 exemption which is triggered by the home value. This was increased by $14,000 of assessed values to a maximum assessed value of $240,000. Senator Bohacek also explained HB1173 which addresses site and permit requirements for utility scale battery storage facilities, leaving the zoning to be addressed at the local level.

President Klotz requested confirmation that Subsection (f) of HB1173, does not affect the ability of a local unit to exercise zoning, land use, planning, or permitting authority otherwise allowed under law, including IC36-7, with respect to the installation or expansion of a utility scale battery energy storage system. Senator Bohacek encourages all counties to strengthen their zoning ordinance for battery storage.

Deb VanDeMark, 14750 Tulip Road, Culver, provided handouts outlining environmental concerns with solar, battery storage, and water quality.

Paul Levitt, 16161 18th Road, Culver, provided an update of surrounding counties, cities, and towns regarding their solar ordinances.

Corey Hawkins, 17091 2B Road, Walkerton, requested maintenance on the road, as well as speed control.

COMMISSIONER ITEMS

No Commissioner items were heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 11:01 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
AUGUST 7, 2023

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 7, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

COMMUNITY CORRECTIONS

Superior Court 2 Judge and Community Corrections Board President Dean Colvin stated that Director Ward Byers had resigned effective July 19th. The Community Corrections Board is requesting Jill McKinney serve as Interim Director and adjust the compensation to 90% of the Director's wage for the interim period beginning July 20th and will end upon the appointment of a new Director. A Temporary Agreement for Community Corrections Interim Director was presented for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Temporary Agreement for Community Corrections Interim Director. Motion carried 2-0.**

HIGHWAY DEPARTMENT

Small Structure Replacement Project Elm Road over Sarah Hershberger Ditch Bids: A Notice to Bidders was advertised for sealed bids for the construction of small structure replacement project of Elm Road over Sarah Hershberger Ditch in German Township. One bid was received and opened by Attorney Clevenger from Milestone Contractors North, Inc. in the sum of $529,737.10. **Mike Burroughs moved, second by Stan Klotz, to accept the bid from Milestone Contractors North, Inc. in the sum of $529,737.10 and to take under advisement. Motion carried 2-0.**

Highway Superintendent Jason Peters presented the following requests from Brightspeed of Indiana:

- A road bore and right-of-way cut on Lilac Road, First Road, and Jarrah Road between Lilac Road and 1260 Jarrah Road, in North Township, for the purpose of placement of fiber at the communications tower.
- A right-of-way cut on McLiver Drive, between 7B Road and Woodbury Drive, in Center Township, for the purpose of providing service to a customer.
- A road bore on 7B Road, between Michigan Road and Woodbury Drive, in Center Township, for the purpose of providing service to a customer.
- A right-of-way cut along 9A Road, Parkway Court, Collins Drive, and Parkview Drive, between 9A Road and Parkview Drive, in Center Township, for the purpose of providing service to a customer.

  Mike Burroughs moved, second by Stan Klotz, to approve the Brightspeed of Indiana requests as presented. Motion carried 2-0.

Superintendent Peters presented the following requests from Northern Indiana Public Service Company:

- A right-of-way cut on Redwood Road and W. 1st Road, in various locations, in Polk Township, for the purpose of replacing aging infrastructure and improving system reliability.
- A right-of-way cut on N. Union Road and 5th Road, between W. 4B Road and 6th Road, in Polk Township, for the purpose of replacing aging infrastructure and improving system reliability.
- A right-of-way cut on Union Road and Underwood Road in various locations, for the purpose of replacing aging infrastructure and improving system reliability.

  Mike Burroughs moved, second by Stan Klotz, to approve the Northern Indiana Public Service Company requests as presented. Motion carried 2-0.

Superintendent Peters presented a road bore request from CenturyLink on Pine Road, between 5th Road and 5C Road, in North Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Century Link on Pine Road, between 5th Road and 5C Road, in North Township, for the purpose of providing service to a customer. Motion carried 2-0.**

Superintendent Peters presented an update on the following items:
CCMG2023-1 Paving Projects: Plymouth-Goshen Trail, from city limits to US 30 and Queen Road, from US 30 to 6th Road, have been completed. Work on 10B Road, from State Road 17 to County Line, will begin in the next week.
CCMG2023-1 Additional Paving Projects: Muckshaw Road, from 14th Road to State Road 10, needs to be striped. The base on King Road, 12B Road to south of 11th Road, is completed and work on the surface and shoulders should be completed this week. The base of 13th Road, from Olive Road to Pear Road, has been milled and work on the surface and shoulders should be completed this week.

Bridge Projects:
1004, Elm Road: The bid has been opened and will be reviewed.
11, Union Road: Final tracing documents have been submitted.
73, King Road: The Notice of Termination has been approved.
1, Ule Road: The utility facilities will be contacted for right-of-way relocations.
87, 11th Road: Construction has begun.
120, Upas Road: Work will continue this week on the pier 3 cofferdam.
232, Randolph Street: Work will continue on stage 3 bridge design and preparing the 401/404 permit.
231, Center Street: No update.
Countywide Bridge Inspections 2022-2025: USI Consulting will be looking at Bridge 14 on 2B Road. Due to the closure of U.S. 6 for a culvert replacement, there has been a major increase in truck traffic. Trucks do not follow the State posted detour route and are traveling on Redwood Road, Rose Road, 2B Road, and Sycamore Road.

Bridge 88, 12th Road east of Olive Trail: The LPA Consulting Contract was presented for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the LPA-Consulting Contract between Marshall County Commissioners and United Consulting for the replacement of Marshall County Bridge No. 88 carrying 12th Road over the Yellow River, DES No. 2201676, for the term ending November 28, 2029, in the sum of $463,110. Motion carried 2-0.**

2023 Road Program: A list of completed miles was presented.

Superintendent Peters provided lease financing options from Sourcewell for a 2023 950M Caterpillar Loader and a 938M Caterpillar Loader. Discussion was held concerning the funding source and the Commissioners expressed preference to have the initial payment(s) from the MVH Fund and then move to Cum Cap Development once other lease payments have been paid in full.

Discussion was held about the truck traffic on 2B Road. President Klotz proposed the Sheriff Department deputies patrol the roads as a method to deter traffic from the county roads. The additional hours may require the Sheriff to seek additional appropriations for overtime wages.

VETERANS SERVICE OFFICER

Veterans Service Officer Pam Schweizer-Betz presented the second quarter report. This year to date she has conducted 358 personal interviews, assisted with 475 claims and applications, and met with 1,845 veterans to provide information/counseling. She further explained that of the veterans assisted with benefit applications, 19 veterans reported the benefit they will be receiving. The average monthly award for the 19 veterans is $1,808.81 and back payment is $26,930.52.

MARSHALL COUNTY TOURISM

Marshall County Tourism Executive Director Jessica Beatty provided a brief update on the Visitor Center explaining $142,000 has been returned to the community. Discussion was held concerning the board appointments and Culver Visitor Center.

CLERK / ELECTION BOARD

Clerk Jenny Bennitt explained the Election Board met and are requesting the Commissioners consider closing the Clerk's Office for the Primary and General elections in 2024. She explained the need to secure absentee ballots and the difficulty in conducting daily business while administering the election. The Commissioners agreed to take this request under advisement.

Clerk Bennitt requested an increase in the poll-worker pay for the Inspector from $140 per diem to $200 per diem, Judge of the opposite political party from $130 per diem to $170 per diem; Judge from $100 to $150 per diem; and Clerk/Assistant Clerk from $100 per diem to $140 per diem. **Mike Burroughs moved, second by Stan Klotz, to increase the per diem pay as presented. Motion carried 2-0.**

Clerk Bennitt requested permission to purchase 24 poll pads from KnowInk in the sum of $11,280. She further explained the units would be delivered in December with payment in January and the appropriation has been requested in the 2024 budget. **Mike Burroughs moved, second by Stan Klotz, to approve the purchase of the poll pads as presented with the Board President signing the agreement contingent upon Council approval of the funding. Motion carried 2-0.**

MARSHALL COUNTY COUNCIL ON AGING

Marshall County Council on Aging Executive Director Janis Holiday presented the second quarter report and claim for approval as follows: $58,263 for operating costs and $29,131 for State Operating match; and reporting a local match of $29,132. She explained the net project cost for the last quarter was $116,526. **Mike Burroughs moved, second by Stan Klotz, to approve the second quarter claim as presented. Motion carried 2-0.**

DUSTIN'S PLACE

Dustin's Place Executive Director Viki Brown requested permission to allow the SOFR Team to hold an event on the Courthouse lawn Thursday, August 31st from 12:00 p.m. to 1:00 p.m. providing resources for suicide and overdose prevention and celebrating recovery.
Mike Burroughs moved, second by Stan Klotz, to allow the event to be held on the Courthouse lawn Thursday, August 31st from 12:00 p.m. to 1:00 p.m. contingent upon approval by the Judges. Motion carried 2-0.

AMERICAN RESCUE PLAN (ARP) SUBCOMMITTEE

Council President Jesse Bohannon and Vice President Tim Harman explained the unappropriated balance of the ARP Fund is $2,153,552.75 and are recommending appropriations as follows: $1,386,627.75 to the Highway Department, $75,000 to United Way for Fund the Essentials 2.0, $75,000 to the Regional Sewer District for startup costs, $16,925 to Attorney Clevenger for hours worked on the development of the Regional Sewer District, $100,000 to be split between Polk Township and Tippecanoe Township for an OCRA Grant Match, and $500,000 for sewer relief to be administered by the Marshall County Community Foundation. In the event Polk and/or Tippecanoe Township do not receive the OCRA Grant then the remaining funds would revert to the Highway Department.

Marshall County Community Foundation Executive Director Linda Yoder explained the funds would be placed in a non-permanent fund and a separate committee would be set up to determine individual eligibility. The ARP Committee members explained strict parameters would be placed on eligibility and the desire to offer financial relief for individuals connecting to the system.

Marshall County Regional Sewer District Chairman Tom McFadden explained that once the additional appropriation is approved a RSD board meeting will be scheduled.
Mike Burroughs moved, second by Stan Klotz, to approve the ARPA Plan funding requests as presented. Motion carried 2-0.

PLAN COMMISSION

Plan Commission Director Ty Adley provided a PowerPoint presentation for 23-PC-11 Davis, Ronald: A request by Thomas Landgrebe for a PUD of 33 shipping container homes located at 3919 Michigan Road, Plymouth, Zoned A-3. The Technical Review Committee (TRC), based on the information provided, would recommend approval pending the staff's review of the amended proposal including the following conditions that the project meet: (1) Fire Department Fire Hydrant regulations and Turnaround spacing, and (2) Stormwater utility ultimately addressed/clarified. Based on review of the amended proposal the staff would recommend approval of the amended proposal with the conditions that: (1) Accessory structures and club buildings be addressed as internal conditional uses at the guidance of the Adventura Review Committee, (2) The front setback be clarified as 5' from the edge of sidewalk (of private drive) and 60' from Michigan Road right-of-

way, (3) Site plan be updated to include contours, and (4) The land use matrix be updated to reflect associated conditional uses.

Director Adley stated the Plan Commission provided a favorable recommendation at a vote of 5-3, with conditions. Thomas Landgrebe explained he has purchased the property, is working with an insurance carrier concerning the replacement value, and the Corten steel used to construct the homes and its ability to self-repair corrosion.

Mike Burroughs moved, second by Stan Klotz, to open the Public Hearing on 23-PC-11. Motion carried 2-0.

No public comment was heard.

Mike Burroughs moved, second by Stan Klotz, to close the Public Hearing on 23-PC-11. Motion carried 2-0.

Discussion was held concerning the sewer and Mr. Landgrebe explained the system was inspected by a Health Department contractor and the system passed with no deficiencies.

Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2023-15: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcels #50-42-97-000-061.000-009 and 50-42-97-000-086.000-009 Located on the West Side of Michigan Road Plymouth Indiana, Lots 5 and Portion of Lot 3 of Hepler's Loganville Baby Farm in North Township, Marshall County, Indiana from A-3, Agricultural Residential District to PUD, Planned Unit Development District on first reading. Motion carried 2-0. President Klotz stated he still has concerns about this project.

Attorney Clevenger requested Ordinance 2023-15 be updated to reflect the current landowner, Thomas Landgrebe. The second reading will be scheduled on the August 21st agenda.

ATTORNEY REPORT

Old Business

Adventura PUD: This item was addressed earlier in the meeting.

Opioid Settlements: The Attorney General's office reported that Marshall County will be receiving its share of the settlement proceeds from distributors and Janssen. Also, the opioid manufacturer Mallinckrodt (a foreign company) that is in bankruptcy is making payments in accordance with a bankruptcy settlement which requires all the Mallinckrodt settlement proceeds be used for abatement or restricted spending. The Auditor should be looking for an ACH deposit from the State Auditor.

Some of the proceeds may be attributable to towns receiving less than $5,000 annually. The settlement funds from the pharmacies are on track for distribution later this year.

Tourism: The Commissioners may remember that representatives proposed the Commissioners update the county's tourism board to follow the change in the statute. A bit of conflict arose in that

tourism dollars primarily from the innkeeper's tax are distributed evenly to all local communities even though the tax revenue comes primarily from three communities.

The Commissioners charged the existing tourism board members to meet with representatives that were proposing a change to see if a compromise could not be reached concerning the reorganized board and the most likely distribution of tourism funds.

New Business:

Community Corrections Interim Director: This item was addressed earlier in the meeting.

AUDITOR REPORT

July 17, 2023 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the July 17, 2023 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

Sheriff Matt Hassel and Communication Supervisor Zach McGuigan explained the Sheriff's Department is currently using a free version of software from Rapid SOS and would like to purchase the premium version. The upgraded version allows for better mapping abilities, has notification capabilities from Sirius XM and Onstar when a collision occurs. A revised contract removing the automatic renewal clause will be presented at the next Commissioner meeting for approval.

Katie Lewallen, 1075 E. Shore Drive, Culver, explained that the Fulton County Commissioners passed a moratorium on large solar projects at their meeting this morning and requested Marshall County also pass a moratorium to allow more time to review these types of projects.

President Klotz explained Senator Josh Hawley of Missouri held a federal hearing and urged individuals to watch the hearing on YouTube.

Paul Levitt, 16161 18th Road, Culver, provided a map created by concerned property owners of Marshall County. He requested transparency on who has entered into agreements with the solar companies.

COMMISSIONER ITEMS

2024 Group Health Insurance: **Mike Burroughs moved, second by Stan Klotz, to remain with Gibson Insurance for the 2024 group health insurance benefits. Motion carried 2-0.**

Regional Development Authority: **Mike Burroughs moved, second by Stan Klotz, to approve the Agreement to Appoint Members to the Board of the Development Authority and to allow the Board President to sign. Motion carried 2-0.**

Commissioner Burroughs explained that Commissioner Overmyer will not be present for six to eight weeks and the thoughts of the Board are with him and his family. Attorney Clevenger stated he is reviewing the resolution allowing his participation by electronic means.

President Klotz will be working with the Council President to schedule a joint work session to discuss the LIT funding.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:30 am. 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 21, 2023

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 21, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented the following requests from Brightspeed of Indiana:

- A right-of-way cut at 11946 9A Road, between 9A Road and 9th Road, in Center Township, for the purpose of providing new telecom service to a customer.
- A request at 10600 Muckshaw Road, between Muckshaw Road and Nutmeg Trail, in Center Township, for the purpose of providing new telecom service to a customer.
- A road bore and right-of-way cut at 11746 Lawndale Ave, between Lawndale Ave and Greenlawn Drive, in Center Township, for the purpose of providing new telecom service to a customer.
- A request at 11620 Lincoln Highway, between Candy Lane and Sunnyside Drive, in Center Township, for the purpose of providing new telecom service to a customer.
- A request at 10445 Quince Road, between Quince Road and Pretty Lake Trail, in West Township, for the purpose of providing new telecom service to a customer.
- A request at 11666 9th Road, between 9th Road and Suter Road, in Center Township, for the purpose of providing new telecom service to a customer.

  Mike Burroughs moved, second by Stan Klotz, to approve the Brightspeed of Indiana requests as presented. Motion carried 2-0.

Superintendent Peters presented a road bore request from CenturyLink on 6th Road, between Union Road and Tamarack Road, in Polk Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink on 6th Road, between Union Road and Tamarack Road, in Polk Township, for the purpose of providing service to a customer. Motion carried 2-0.**

Superintendent Peters presented a road bore request from Pfeiffer Construction Inc. on West Shore Drive, between Lipton Street and 4th Road, in German Township, for the purpose of installing a sewer tap. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Pfeiffer Construction Inc. on West Shore Drive, between Lipton Street and 4th Road, in German Township, for the purpose of installing a sewer tap. Motion carried 2-0.**

Superintendent Peters presented an update on the following items:
CCMG2023-1 Paving Projects: Plymouth-Goshen Trail, from city limits to US 30 and Queen Road, from US 30 to 6th Road, have been completed. Work on 10B Road, from State Road 17 to County Line, has begun.
CCMG2023-1 Additional Paving Projects: Muckshaw Road, from 14th Road to State Road 10; King Road, 12B Road to south of 11th Road; and 13th Road, from Olive Road to Pear Road, have been completed.

Bridge Projects:
1004, Elm Road: United Consulting has tabulated, reviewed, and certified the one bid received on August 7, 2023 for the replacement of Bridge 1004, Elm Road over Sarah Hershberger Ditch and has confirmed that Milestone Contractors North, Inc. has satisfied all bid requirements of the project and recommend awarding the project in the amount of $529,737.10. **Mike Burroughs moved, second by Stan Klotz, to award the Marshall County Bridge 1004, Elm Road project to Milestone Contractors North, Inc., in the amount of $529,737.10. Motion carried 2-0.**
11, Union Road: An Indiana Department of Transportation – Local Public Agency Consulting Contract, DES No. 1902809, for Bridge 11 Union Road over Peter Sarber Ditch in the sum of $126,700 was presented for signature.
73, King Road: No update.
1, Ule Road: No update.
87, 11th Road: Construction is underway and has moved to the west side of the bridge to start the cofferdam on Pier 2.
120, Upas Road: Piles for Pier 3 and end bent 4 have been driven, cut off, and filled with concrete.
232, Randolph Street: Work will continue on stage 3 bridge design and preparing the 401/404 permit.
231, Center Street: No update.
Countywide Bridge Inspections 2022-2025: No update.
Bridge 88, 12th Road east of Olive Trail: The Indiana Department of Transportation (INDOT) LPA Project Coordination Contract was presented for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the LPA Project Coordination Contract between INDOT and Marshall County Commissioners for the replacement of Marshall County Bridge No. 88 carrying 12th Road over the Yellow River, DES No. 2201676, for the term ending November 28, 2029, in the sum of $463,110. Motion carried 2-0.**

2023 Road Program: A list of completed miles was presented.

Superintendent Peters explained the department listed a few dump trucks on govdeals.com which did not bring acceptable amounts. However, an individual is inquiring and would like to make a purchase. Attorney Clevenger explained the advertising requirements and if, after advertising does not reach an acceptable amount, the Commissioners could approve the individual's offer.

Discussion was held concerning a road usage agreement, which would be used for projects on county roads outlining equipment used and the weight of the equipment, so repairs, if needed, are addressed in the agreement.

MARSHALL COUNTY COUNCIL ON AGING

Marshall County Council on Aging Executive Direct Janis Holiday explained the van ordered in 2021 has been received and requested approval of claim of $105,500 under invoice number 850.

Mike Burroughs moved, second by Stan Klotz, to approve the claim as presented. Motion carried 2-0.

PLAN COMMISSION

Plan Commission Director Ty Adley explained 23-PC-11 Davis, Ronald: A request by Thomas Landgrebe for a PUD of 33 shipping container homes located at 3919 Michigan Road, Plymouth, received a favorable recommendation from the Technical Review Committee, from the Plan Commission, with conditions, and Ordinance 2023-15 was approved by the Commissioners on first reading August 7th. Ordinance 2023-15 to amend the zoning ordinance is scheduled for a second reading today.

Thomas Landgrebe explained the location was chosen because of the local infrastructure. He further explained it will be a deed restricted community because Adventura will always have the holding and any sales would be handled by Adventura for resale. Commissioner Klotz expressed concern about the environment and whether it would be a commercial septic system.

Mike Burroughs moved to approve Ordinance 2023-15: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcels #50-42-97-000-061.000-009 and 50-42-97-000-086.000-009 Located on the West Side of Michigan Road Plymouth Indiana, Lots 5 and Portion of Lot 3 of Hepler's Loganville Baby Farm in North Township, Marshall County, Indiana from A-3, Agricultural Residential District to PUD, Planned Unit Development District on second reading. Motion died for a lack of a second.

Attorney Clevenger stated that if the Board does not act on the proposed amendment within 90 days from the Plan Commission referral that the PUD is approved.

SHERIFF

Sheriff Matt Hassel presented the revised 911 Services and Software License Agreement with INdigital, explaining the initial term of the contract is for three years and will renew for additional successive 12 month terms only if the Sheriff approves a new agreement.
Mike Burroughs moved, second by Stan Klotz, to approve the 911 Services and Software License Agreement between Marshall County Sheriff's Department and INdigital for three RapidSOS license agreements and set-up fee for a total three year investment of $27,892. Motion carried 2-0.

DEB VANDEMARK and JASON KUCHMAY

Deb VanDeMark, 14750 Tulip Road, Culver, provided a handout to the board and introduced Attorney Jason Kuchmay of Snyder Morgan Kuchmay, Fort Wayne. Attorney Kuchmay explained he represents the Concerned Citizens of Marshall County Against Solar and on their behalf requested the Commissioners implement a moratorium to ban large solar farms and battery storage to allow for time to review the current solar ordinance and to implement a battery storage ordinance.
Stan Klotz moved to approve a moratorium through January 1, 2025. Motion died for a lack of a second.

Commissioner Burroughs explained the request needs to be presented to the Plan Commission for a recommendation to the Commissioners. He further explained a two-year moratorium was previously in place while a committee conducted a study.

CLERK

Clerk Jenny Bennitt presented a proposal from SBS Portals for electronic document management and explained the $600 per month cost could be paid from the Clerk's Record Perpetuation Fund with Council approval of funding. **Mike Burroughs moved, second by Stan Klotz, to approve the SBS Portal Agreement for electronic document management, contingent upon approval of the contract by Attorney Clevenger and funding by the County Council. Motion carried 2-0.**

ATTORNEY REPORT

Old Business

Adventura PUD: This item was addressed earlier in the meeting.

Sheriff INdigital Agreement: This item was addressed earlier in the meeting.

New Business:

Region 2 Workforce Development Elected Officials Agreement: This is not new, and Marshall County would want to have a voice in the event of new policies by our area Region 2 Workforce Development Board. **Mike Burroughs moved, second by Stan Klotz, to approve Region 2 Workforce Development Elected Officials Agreement and allow the board President to sign the agreement. Motion carried 2-0.**

AUDITOR REPORT

August 7, 2023 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the August 7, 2023 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.**

Certification Regarding Debarment/Suspension: Auditor Birchmeier presented a Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion form for approval. She explained this is a requirement for federal grants whereby an individual/company certifies they have not been suspended or debarred by the State of Indiana. **Mike Burroughs moved, second by Stan Klotz, to approve the form as presented. Motion carried 2-0.**

Prepay Request: Auditor Birchmeier requested permission to prepay $75,000 to the Marshall County Regional Sewer District for initial startup costs. **Mike Burroughs moved, second by Stan Klotz, to approve the prepayment to Marshall County Regional Sewer District in the sum of $75,000. Motion carried 2-0.**

PUBLIC COMMENT

President Klotz explained public comment will be limited to three minutes per speaker. If anyone desires more time, they will need to request placement on a meeting agenda.

Ed Allyn, 15315 Thorn Road, Culver spoke in favor of a moratorium for battery storage.

Katie Lewallen, 1075 E. Shore Drive, Culver, spoke in favor of a moratorium which will buy time to stop the permitting process and protect county residents.

Joan Null, Whitley County spoke about the permitting process and the board's responsibility to protect the health, safety, and welfare of the citizens.

Bill Githens, Culver Town Board explained the Town of Culver has placed a two-year moratorium for solar and battery within the town limits of Culver and recommended the county do the same.

Commissioner Burroughs stated he is not opposed to a moratorium but is waiting on the Plan Commission to bring forth the recommendation.

Commissioner Klotz stated he sat on the original committee and feels a moratorium is necessary.

COMMISSIONER ITEMS

Council and Commissioner Joint Work Session: A joint work session has been scheduled for August 24th at 4:00 p.m. to discuss Special LIT long term funding. Barnes & Thornburg has stated the tax rate cannot be reduced due to the bond holding corporation.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:51 am. 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
SEPTEMBER 5, 2023

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 5, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented the following road bore requests from Surf Internet:

- A road bore on Sage Road, West Shore Drive, and South Shore Drive, in Union Township, for the purpose of fiber optic installation.
- A road bore request on N. Terrace Drive, between Academy Road and Academy Road, in Union Township, for the purpose of fiber optic installation.
- A road bore request on 1B Road, between Maple Road and Kimble Street, in North Township, for the purpose of providing service to a customer.

  Kevin Overmyer moved, second by Mike Burroughs, to approve the Surf Internet road bore requests as presented. Motion carried 3-0.

Superintendent Peters presented an update on the following items:
CCMG2023-1 Paving Projects: Plymouth-Goshen Trail, from city limits to US 30 and Queen Road, from US 30 to 6th Road; and 10B Road, from State Road 17 to County Line are complete.

CCMG2023-1 Additional Paving Projects: Muckshaw Road, from 14th Road to State Road 10; King Road, 12B Road to south of 11th Road; and 13th Road, from Olive Road to Pear Road are complete.

Bridge Projects:
11, Union Road: The Local Public Agency Consulting Contract has been submitted to INDOT.
73, King Road: No update.
1, Ule Road: No update.
87, 11th Road: Construction is underway.
120, Upas Road: Work has begun.
232, Randolph Street: Work is continuing.
Countywide Bridge Inspections 2022-2025: A meeting was held with Jesse Avant, who will be the primary LPA. The Employee in Responsible Charge (ERC) Certification is in the process of being completed.
Bridge 88, 12th Road east of Olive Trail: A Request for Federal Authorization (FMIS/Fiscal Management Information System) was sent and are waiting for the Notice to Proceed.

2023 Road Program: A list of completed miles was presented.

1004, Elm Road: An Agreement Between Owner and Contractor was presented for approval. Attorney Clevenger explained the general form is fine, although contract documents including project specifications and exhibits as described in the contract will need to be attached.
Mike Burroughs moved, second by Kevin Overmyer, to approve the Agreement between Marshall County and Milestone Contractors North, Inc., in the amount of $529,737.10 for the Small Structure Replacement of Bridge 1004. Motion carried 3-0.

Zehner Mill Pond Dam Biennial Inspection Proposal: DLZ submitted a proposal for professional engineering services in the sum of $5,950. Indiana statute on dam operation requires the inspection of high-hazard dam structures by experienced engineers at least once every two years. An inspection report for the facility is ultimately submitted to Indiana Department of Natural Resources (IDNR) for their records. DLZ has been involved with, and is familiar with our dam facility.
Kevin Overmyer moved, second by Mike Burroughs, to approve the DLZ Zehner Mill Pond Dam Biennial Inspection Proposal in the sum of $5,950. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to allow the Board President to sign the DLZ proposal. Motion carried 3-0.

231, Center Street: Laurie Johnson, P.E. Vice President, DLZ, provided an update on Bridge 231, Center Street as follows:

- Hydraulics were submitted in May 2023 and INDOT issued full approval on August 22, 2023.
- Historic Bridge Alternatives Report is near completion:
    - Finalizing comparative cost for rehabilitation and replacement options to satisfy 4(f) and preparing appropriate text and justification.
    - Addressing items brought up during consultation with local historical groups.
    - Awaiting decisions or the Alternative Analysis for final submittal.
- Alternatives Analysis:
    - DLZ and Highway met on August 10th to review the findings of the Analysis.
    - Available to review with the Commissioners as needed.
    - Upon receiving the decision on the preferred alternate, will proceed with submittal of the Historic Bridge Alternatives Report and Alternative Analysis.
- Utility coordination has been initiated.
- Contact with CSX has been initiated.
- Continue with Environmental Document/Section 106.
- Continue with Waters Report.
- Continue with plan development.

Ms. Johnson estimated the cost of the changes at this point will be covered by the contingency.

MARSHALL COUNTY ASSESSOR / PTABOA

Assessor Peter Paul explained the Property Tax Assessment Board of Appeals (PTABOA) Board consists of three members; two are appointed by the Board of Commissioners and currently there is vacancy. Assessor Paul requested the appointment of Angie Snyder, a local real estate agent who has indicated a willingness to serve in this capacity. **Kevin Overmyer moved, second by Mike Burroughs, to appoint Angie Snyder to the PTABOA Board. Motion carried 3-0.**

SOUTHFIELD SUBDIVISION

Bobbi Reinhold, 10814 Cardinal Circle, Plymouth, presented a Petition to Designate Portions of King Road and 11th Road as a No-Through Trucks Road containing 81 signatures. On behalf of the residents of the King Road area (south of Lincoln Highway), 11th Road area (east of US Highway 31) and the Southfield Subdivision (located within the intersection of said roads). Said Petitioners are requesting the county designate the following portions of said roadways as "No-Through Truck Roads" while maintaining the current portion of King Road from Lincoln Highway south to 11th Road which already has said designation by adding:

1. The area of King Road south of parcel 5032144000006000018, owned by McMahan-O'Connor Construction located at 11246 King Road all the way south to the intersection of 12 B Road.
2. Adding the area of 11th Road east to the intersection of Iris Road.
3. Place more signage on all areas for more visibility to offenders.

She further explained that these designations will assist in lowering the level of higher weight trucks traveling on these roads when there are other access points to the businesses in the area as well as with road deterioration.

Discussion was held concerning an already established ordinance and enforcement of the ordinance.

TREASURER

Treasurer Kelly Einspahr presented a Payment Processing Agreement with CSG Forte Payments, Inc. for processing credit cards. She explained that this service integrates with X-Soft, payment is linked directly to the parcel, is simple, efficient, with additional payment options of e-checks, and reasonable costs to the payer. She further explained the IT Director has agreed to purchase new wireless terminals at an approximate cost of $400 per unit. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Payment Processing Agreement between Marshall County and CSG Forte Payments, Inc. and to allow the Board President to sign the agreement. Motion carried 3-0.**

CORONER

Coroner John Grolich explained he met with the ARP Subcommittee to request support for purchasing a Stryker Xpedition powered stair chair in the amount of $16,046.87, indicating subsequent maintenance agreement payments would be appropriated in the coroner's budget. **Mike Burroughs moved, second by Kevin Overmyer, to approve the purchase of a Stryker Xpedition powered stair chair in the amount of $16,046.87 pending funding approval by Council. Motion carried 3-0.**

Coroner Grolich thanked Highway Superintendent Peters for helping to clean up the grounds around the fire tower prior to Governor Holcomb's visit.

Coroner Grolich requested assistance in the ability to accept credit card payments. The Commissioners recommended he coordinate with IT Director Michael Marshall.

ATTORNEY REPORT

Old Business

Adventura PUD: The law is that if the Commissioners do not approve, reject, or send back to the Plan Commission a PUD that has been approved by the Plan Commission, then the PUD is deemed approved, and the developer can proceed with the PUD.

The Commissioners approved the PUD ordinance amendment on first reading, 2-0 with one Commissioner absent. The Commissioners failed to approve the PUD amendment on second reading, 1-1 with one Commissioner absent. The status is the Commissioners have not approved, rejected, or sent back the amendment for further consideration to the Plan Commission. Without further action, the developer's position will be that the PUD is deemed to have been approved.

The original approval by the Plan Commission was with conditions that included no issues with the development's septic system. Letters addressing the septic system have been received.

Attorney Clevenger recommended the Commissioners formally move to approve the amended ordinance on second reading, formally reject the amended ordinance, or formally return the amended ordinance for further consideration and determination concerning the conditions set by the Plan Commission, or with conditions and recommendations that Commissioners may have relative to the proposed PUD.

Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2023-15: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcels #50-42-97-000-061.000-009 and 50-42-97-000-086.000-009 Located on the West Side of Michigan Road Plymouth Indiana, Lots 5 and Portion of Lot 3 of Hepler's Loganville Baby Farm in North Township, Marshall County, Indiana from A-3, Agricultural Residential District to PUD, Planned Unit Development District on second reading. Motion carried 2-1, with Stan Klotz voting no.

Plan Commission/Solar Farms: The Plan Commission will be considering revisions to the Marshall County Zoning Ordinance that purports to update the solar farm zoning regulations in accordance with State standards.

Plan Commission Storage Batteries: The Plan Commission will be conducting a separate public hearing on September 28, 2023 at 7:30 p.m. to consider and recommend a moratorium on utility scale battery energy storage systems until the Plan Commission can recommend zoning regulations for such systems.

New Business:

Coroner/Stryker Power Stair Chair: This item was addressed previously in the meeting.

Treasurer/CSG Forte Payments Agreement: This item was addressed previously in the meeting.

Mill Pond Dam Inspection: This item was addressed previously in the meeting.

Keith Junker v Marshall County et al (Junker's neighbors): Keith Junker filed suit to quiet title and obtain a declaratory judgment against the Defendants concerning land abutting the Quiet Harbor Channel at Lake of the Woods. This item came before the Commissioners in 2020. In August, 2020 Attorney Clevenger presented a memo that concluded this was a matter between the landowners. The complaint alleges other matters against the neighbors including trespass and negligence.

The Commissioners need to decide what position they want to take on this matter.
Mike Burroughs moved, second by Kevin Overmyer, to state the County has no interest in the matter and to allow Attorney Clevenger to prepare the necessary filing to dismiss the County from the lawsuit. Motion carried 3-0.

AUDITOR REPORT

August 21, 2023 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the August 21, 2023 minutes as presented. Motion carried 2-1, with Kevin Overmyer abstaining.**

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

September 1, 2023 Executive Session Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the September 1, 2023 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.**

Family & Social Services Administration Reporting of All Opioid Settlement Funds:
Auditor Birchmeier presented the Opioid Settlement Reporting for funding received from August 1, 2022 through July 31, 2023. She explained the total amount received was $125,172.13; $100,715.58 was received for restricted funds, which has been dedicated to Project Hope and $24,456.55 was received for unrestricted funds, which has not been designated.
Mike Burroughs moved, second by Kevin Overmyer, to approve the FSSA Opioid Settlement Report as presented. Motion carried 3-0.

PUBLIC COMMENT

Vicki Mack, 303 1st Road, LaPaz, stated her parents previously owned the mobile home park and is thankful Mr. Landgrebe has cleaned up the property.

Coroner John Grolich stated there is a need within the community to serve seniors with a paramedicine program. He is beginning the conversation with local physicians and the Bowen Center to establish a program, which is a 7-step process with the first step being a needs assessment. He requested the Commissioners consider utilizing a portion of the opioid funding for this program.

Thomas Landgrebe, 3919 N. Michigan Road, LaPaz, thanked the Commissioners for their continued support.

COMMISSIONER ITEMS

OCRA Next Level Broadband Connection Program: The Next Level Connections Broadband Grant Program is designed to provide funds to internet providers for the deployment of broadband infrastructure to provide eligible broadband service to underserved end users across Indiana. Round 4 opened on July 12th and the county reviewed list of addresses are due September 15, 2023. **Kevin Overmyer moved, second by Mike Burroughs, to approve the submission of addresses to OCRA and to allow Kevin Overmyer to serve as the contact person. Motion carried 3-0.**

Prepay Request: President Klotz requested permission to prepay a claim to Oliver Ford for a 2023 Ford AWD Escape to be used by the Building Inspector in the sum of $29,157 less $8,307 of trade-in value for a net cost of $20,850. **Mike Burroughs moved, second by Kevin Overmyer, to approve the prepayment to Oliver Ford in the sum of $20,850. 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 9:46 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
SEPTEMBER 18, 2023

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 18, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a right-of-way cut request from Northern Indiana Public Service Company in various locations within North Township for the purpose of replacing aging infrastructure and improving system reliability. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Northern Indiana Public Service Company right-of-way cut request as presented. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Surf Internet on 3rd Road, Coffel Street, Hummel Drive, Sea Lane, Channelwood Lane and Cottonwood Lane, in German and North Townships, for the purpose of placing handholes, flowerpots, conduit and fiber. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road bore request from Surf Internet on 3rd Road, Coffel Street, Hummel Drive, Sea Lane, Channelwood Lane and Cottonwood Lane, in German and North Townships, for the purpose of placing handholes, flowerpots, conduit and fiber. Motion carried 3-0.**

Superintendent Peters provided an update on the following bridge projects:
1004, Elm Road: A meeting will be held September 22nd on site to review final details and structure assembly with the contractor. Construction is to begin on September 25th and work will be completed in the first week of November.
11, Union Road: The Local Public Agency Consulting Contract has been submitted to INDOT.
73, King Road: The final invoice has been submitted and purchase orders have been closed out.
1, Ule Road: No update.
87, 11th Road: Construction is underway, and the project is 48% complete. The bridge is scheduled to be reopened on November 17th.
120, Upas Road: Work has begun, and the project is 36% complete. The bridge is scheduled to be reopened on November 17th.
232, Randolph Street: Work is continuing.
231, Center Street, Bremen: No update.
Countywide Bridge Inspections 2022-2025: The Employee in Responsible Charge (ERC) Certification has been completed.
Bridge 88, 12th Road east of Olive Trail: The contract has been approved. Once the State Transportation Improvement Program (STIP) is approved, a purchase order will be requested for funds.

2023 Road Program: A list of reclaimed roads was presented. Paving will begin on 1st Road from Tamarack Road to Queen Road.

Superintendent Peters requested permission to purchase a Caterpillar payloader in the amount of $339,644.56. He explained the first lease payment has been appropriated in the 2024 MVH budget and the remaining four payments would be paid from Cum Cap Development fund as other equipment will then be paid in full. **Mike Burroughs moved, second by Kevin Overmyer, to approve the purchase of a Caterpillar payloader, subject to Council approval of funding. Motion carried 3-0.**

Superintendent Peters requested approval of Milestone Contractors North, Inc. Change Order #1, to resurface Marshall Street from N. Grove Street to Railroad Street in Argos in the amount of $57,941.25. He explained the Community Crossings budget was finalized and is under budget. Once the state has been repaid, there will be a surplus to cover the change order and an estimated balance remaining of $32,532.38. **Mike Burroughs moved, second by Kevin Overmyer, to approve Milestone Contractors North, Inc. Change Order #1 in the sum of $57,941.25. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to approve the payment to Milestone Contractors North, Inc. from the excess Community Crossings matching grant share. Motion carried 3-0.

Auditor Birchmeier explained that earlier this year INDOT requested that we update our ADA Transition Plan, and she has been working with MACOG to complete this project. She presented a good faith letter addressed to INDOT indicating that we intend to improve compliance with the requirements, which are conditions of receiving federal funds. **Mike Burroughs moved, second by Kevin Overmyer, to approve the good faith letter and allow ADA Coordinator Doug Masterson to sign the letter on behalf of the County. Motion carried 3-0.**

Superintendent Peters stated the original Pavement Surface Evaluation and Rating (PASER) was 85% failed and today is 32.5% failed.

Commissioner Burroughs expressed concerns about traffic safety at King Road and 9A Road. Discussion was held concerning an email being sent to INDOT and inviting House Roads and Transportation Committee Chair Representative Jim Pressel to visit the area.

MARSHALL COUNTY MUSEUM

Museum Executive Director Sandy Garrison and Marshall County Historical Society Board President Mike Miley presented the quarterly report: Visitor count and volunteer hours have increased. They are working on collection management and research and have attended the Fireman's Festival and Latino Fest. The museum continues to work on their 5-year plan. A short presentation was given on the Wheels of Industry explaining bicycle manufacturing in Marshall County in the late 1890s. The Indiana Historical Society has nominated Marshall County for a State, Regional and National Award.

PLAN COMMISSION

Plan Commission Director Ty Adley provided a PowerPoint presentation on 23-PC-15 Permit Fees. He explained the Plan Commission is proposing an amend to the existing fee schedule for building permits, in order to more adequately cover the costs of administration and inspection. Director Adley explained the proposed fee schedule, if approved, would be effective January 1, 2024.

The Plan Commission has also recommended that Technical Review Committee (TRC) consider a recommendation on a per square foot cost for the largest buildings in Commercial, Accessory and Residential.
Kevin Overmyer moved, second by Mike Burroughs, to open the public hearing on 23-PC-15 Permit Fees. Motion carried 3-0.

No public input was heard.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing on 23-PC-15 Permit Fees. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to approve 23-PC-15 Permit Fees under Ordinance 2023-18: An Ordinance Establishing Fees Required by "The Marshall County Zoning Ordinance", in Article 11, Section 010, C. Application to be effective January 1, 2024 on first reading. Motion carried 3-0.

Director Adley explained that Ordinance 2023-15: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel #50-42-97-000-061.000-009 and 50-42-97-000-086.000-009 Located on the West Side of Michigan Road Plymouth Indiana, Lots 5 and Portion of Lot 3 of Hepler's Loganville Baby Farm, in North Township, Marshall County, Indiana from A-3, Agriculture Residential District to PUD, Planned Unit Development District has been scheduled for a third reading. He explained that all conditions of the Plan Commission have been met.

Thomas Landgrebe, 3919 N. Michigan Road, LaPaz, stated the residents are pleased with the cleanup that has been done, has completed the items requested under the conditions provided by the Plan Commission, and is hopeful the project will continue.

Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2023-15: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel #50-42-97-000-061.000-009 and 50-42-97-000-086.000-009 Located on the West Side of Michigan Road Plymouth Indiana, Lots 5 and Portion of Lot 3 of Hepler's Loganville Baby Farm, in North Township, Marshall County, Indiana from A-3, Agriculture Residential District to PUD, Planned Unit Development District on third reading. Motion carried 2-1, with Stan Klotz voting no.

WEIGHTS & MEASURES

Weights & Measures Inspector Jerry Huss provided a department update. He explained he has conducted 100 business inspections this year to date and still needs to inspect wresting scales in five high schools and a college. Inspector Huss stated everyone has been very cooperative and if any discrepancies were found, they were corrected within a week.

EXTENSION

Extension Office Interim Director Samantha Williams and Office Manager Lindsay Schrader requested approval to purchase an Adams Remco copier in the sum of $14,459.70. They explained the lease is expiring on their current copier and the money has been appropriated in the budget this year. **Mike Burroughs moved, second by Kevin Overmyer, to approve the purchase of a copier from Adams Remco in the amount of $14,459.70. Motion carried 3-0.**

SURVEYOR

Surveyor Craig Cultice presented a Professional Services Agreement with Abonmarche for approval. Surveyor Cultice explained the project is to inspect and install section corner monuments on the county roads that have been disturbed or destroyed during construction within the county. He further explained the cost is $500 per monument and the cost will be paid from the Section Corner Perpetuation fund. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Professional Services Agreement with Abonmarche as presented. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Adventura PUD: This item was addressed previously in the meeting.

Keith Junker v Marshall County et al (Junker's neighbors): Attorney Clevenger submitted the complaint to Bliss McKnight due to the sections in the quiet title complaint alleging negligence and trespass that seemed to be more directed at Junker's neighbors than county employees. Our carrier assigned the case to Betty Knight's office but with the understanding that Attorney Clevenger may obtain a stipulation that relieves the county of monetary liability for negligence and trespass.

Attorney Clevenger consulted with the Plaintiff's lawyer concerning this matter and he will consult with Mr. Junker. Plaintiff's counsel indicated that the County did not need to file an answer at this time. Given that there are deadlines still approaching on this case, an appearance will be entered and renew our request with Plaintiff's counsel even though Plaintiff's counsel indicated we did not have to answer at this time.

New Business:

Opioid Litigation: A supplemental agreement on fees to Malad & Cohen was presented for approval. The fee agreement modifies from 33 1/3% to 8.7% consistent with the first round of settlements and the adoption of I.C. 4-6-15-5. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Supplemental Amendment to Agreement for Professional Services Relating to Opioid Settlements as presented. Motion carried 3-0.**

Surveyor – Section Corner Contract: This item was addressed previously in the meeting.

Culver TIF District: The law requires the Culver Redevelopment Commission (CRC) to provide written notice to certain entities if the CRC is going to re-establish or establish a TIF District. In this case, the new district is off South Main Street across from the cemetery and a newly annexed area adjacent to Tamarack Road. The notice requests a signature from the Board President and Auditor and a return to verify notice. **Kevin Overmyer moved, second by Stan Klotz, to acknowledge receipt of the filing by Culver Redevelopment Commission and to allow the Board President and Auditor to sign on behalf of the County. Motion carried 3-0.**

Culver Tourism: The current tourism ordinance stipulates that the Culver Chamber of Commerce will appoint a member to the County Tourism Board. The Culver Chamber is not functioning. The Culver Tourism Committee is requesting the County modify the ordinance to allow the Town Council to appoint a board member. The current ordinance provides for several other towns to appoint a board member. He noted that this does not resolve the continuing disagreement concerning the County Tourism Board makeup.

Kevin Overmyer moved, second by Mike Burroughs, to authorize the transfer of authority for appointing the Culver Marshall County Tourism Board appointment from the Culver Chamber of Commerce to the Culver Town Council on a temporary basis until the county ordinance is updated to reflect current Indiana code. Motion carried 3-0.

AUDITOR REPORT

September 5, 2023 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the September 5, 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

Robert Demis, 20993 8th Road, Plymouth, expressed frustration with being denied use of a storage container as a workshop by the Plan Commission for over four years.

COMMISSIONER ITEMS

2024 Holiday Schedule: Following a discussion on the need for secure elections, **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2024 Holiday Schedule, with the following 13 holidays, as follows: Monday, January 1st New Year's Day; Monday, January 15th Martin Luther King, Jr.; Friday, March 29th Good Friday; Tuesday, May 7th Primary Election; Monday, May 27th Memorial Day; Thursday, July 4th Independence Day; Monday, September 2nd Labor Day; Tuesday, November 5th General Election; Monday, November 11th Veterans Day; Thursday, November 28th Thanksgiving; Friday, November 29th Lincoln's Birthday; Tuesday, December 24th Washington's Birthday; and Wednesday, December 25th Christmas. Motion carried 3-0.**

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

2024 Commissioner Meeting Schedule: **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2024 Commissioner Meeting Schedule as presented. Motion carried 3-0.**

Courthouse Project: A Certificate of Substantial Completion was presented for approval. The document states the exterior renovation of the existing Marshall County Courthouse as described in the contract documents, including but not limited to replacement of east stairs, rebuild historic tower, repair masonry as noted and replace storm windows is all substantially complete based on Luminaut's (the architect) limited visits to the site and review of photographs provided by Midwest Maintenance. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Certificate of Substantial Completion as presented and to allow Kevin Overmyer to sign on behalf of the Board as past President. Motion carried 3-0.**

Uniform Conflict of Interest: Commissioner Overmyer presented a Conflict of Interest Disclosure Statement. He explained that on October 21, 2021 he and his wife signed a lease agreement with Tenaska/Swift Energy and that they expect to receive annual option payments after the option period. He explained that there was not previously a need to file the form but has become aware that action may be taken by the Plan Commission this month. He further stated that he wanted the public to be aware that the Conflict of Interest has been completed and will be filed in the Clerk's Office.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 10:40 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
OCTOBER 2, 2023

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 2, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented the following four requests from Northern Indiana Public Service Company:

- Work Order #53208-912-PP: A right-of-way cut in various locations within Marshall County for the purpose of replacing two utility poles, including the overhead equipment and transfer of conductors/wires to the new poles.
- Work Order #53239-912-PRP: A right-of-way cut request in various locations within Marshall County for the purpose of replacing nine utility poles, including the overhead equipment and transfer of conductors/wires to the new poles.
- Work Order #53268-912-PRP: A right-of-way cut in various locations within Marshall County, in German and North Townships, for the purpose of replacing eight utility poles, including the overhead equipment and transfer of conductors/wires to the new poles.
- Work Order #53313-912-PRP: A right-of-way cut request on 1st Road and Miami Trail, between Lilac Road and Miami Trail, in German and North Townships, for the purpose of replacing eleven utility poles, including the overhead equipment and transfer of conductors/wires to the new poles.

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

Superintendent Peters presented the following two requests from CenturyLink:

- A road bore on Winding Oak Drive, between Hillcrest Ave. and Hillcrest Ave., in Center Township, for the purpose of providing service to a customer.
- A road bore on Nutmeg Road, between 11th Road and Nutmeg Meadows, in Center Township, for the purpose of providing service to a customer.

  Mike Burroughs moved, second by Kevin Overmyer, to approve the CenturyLink requests as presented. Motion carried 3-0.

Superintendent Peters presented a request from Brightspeed to place aerial fiber across US 30/W. Lincoln Highway, between Pioneer Drive and Windmill Drive. **Kevin Overmyer moved, second by Mike Burroughs, to approve the request from Brightspeed to place aerial fiber across US 30/W Lincoln Highway, between Pioneer Drive and Windmill Drive. Motion carried 3-0.**

Superintendent Peters presented the following seven requests from Surf Internet:

- A road bore on W. Shore Drive, Liberty Street, and Lipton Street, in German Township, for the purpose of building out the fiber network in the portion of Lake of the Woods.
- A road bore on Lakeshore Drive, Fortune Street, and E. Shore Drive, in German Township, for the purpose of building out the fiber network in the portion of Lake of the Woods.
- A road bore on 3rd Road, W. Shore Drive, and Maple Drive, in German Township, for the purpose of building out the fiber network in the portion of Lake of the Woods.
- A road bore on 3rd Road, 3A Road, Abbott Street, Lakeshore Drive, Addison Street, Alabama Street, and E. Shore Drive, in German Township, for the purpose of building out the fiber network in the portion of Lake of the Woods, between Cottonwood Lane and Atlantic Street.
- A road bore on E. Shore Drive, Carter Street, Lakeshore Drive, Bell Street, Baltic Street, and Atlantic Street, in German Township, for the purpose of building out the fiber network in the portion of Lake of the Woods, between Atlantic Street and Carter Street.
- A road bore on E. Shore Drive, Chicago Street, Clark Street, Dart Street, Lakeshore Drive, Denver Street, Dill Street, and Dover Street, in German Township, for the purpose of building out the fiber network in the Lake of the Woods area, between Chicago Street and Elmira Street.
- A road bore on 3rd Road, W. Shore Drive, and Maple Drive, in German Township, for the purpose of building out the fiber network in the portion of Lake of the Woods, from 3rd Road south along W. Shore Drive.

  Kevin Overmyer moved, second by Mike Burroughs, to approve the Surf Internet requests as presented. Motion carried 3-0.

Superintendent Peters provided an update on the following bridge projects:
1004, Elm Road: The old structure has been removed and construction has begun.
11, Union Road: The project is scheduled to let this month and the County will be notified of contractor bids based on the scope of project posted by INDOT.
73, King Road: All billings should be completed, and the project closed.
1, Ule Road: Right-of-ways have been approved.
87, 11th Road: The project is 53% complete. The bridge is scheduled to be reopened on November 17th.
120, Upas Road: The project is 47% complete. The bridge is scheduled to be reopened on November 17th.
232, Randolph Street: The City of Plymouth has confirmed the ornamental overhead lighting for the bridge. Work will continue on Stage 3 of the bridge design and preparation of the 401/404 permit.
231, Center Street, Bremen: Laurie Johnson, P.E. Vice President, DLZ, stated decisions have been made on the Alternative Analysis and Historical Alternative Analysis. They will proceed with submitting to INDOT.
Zehner Mill Pond Dam Biennial Inspection Proposal: DLZ Vice President Johnson stated the inspections will be completed on Thursday or Friday this week and the report will follow in a few weeks.

Bridge 88, 12th Road east of Olive Trail: The purchase order (PO) has been received and the Notice to Proceed (NTP) has been submitted to United Consulting. The scope meeting will be scheduled. Work may begin, and claims can be submitted.

2023 Road Program: A list of reclaimed roads was presented. Paving is complete on 1st Road from Tamarack Road to Queen Road; Oak Road, 1st Road to Tyler Road; approaches on Oak Road have been leveled. Paving is in progress on Quince Road, 4B Road to US 6. Upon completion, work will begin on 11B Road, Nutmeg Road to Muckshaw Road.

Superintendent Peters provided a quote from Republic First National for the purchase of one new pay loader. The unit cost is $339,544.56 and will apply $29,000 for trade-in value, with the net amount to be financed in the sum of $310,544.56. The first payment of $150,000 will be paid from the MVH Fund in 2024 and the four subsequent payments will be made from the Cum Cap Development Fund in the sum of $47,283.17. A secondary option was offered, which delayed payment to 2026 with an annual payment of $75,000. **Mike Burroughs moved, second by Kevin Overmyer, to approve financing the pay loader through Republic First National with the first payment in 2024 of $150,000 and four subsequent payments of $47,283.17. Motion carried 3-0.**

Superintendent Peters stated that he attended AIC Conference, and a topic of conversation was funding local highway departments. AIC is anticipating a downfall of highway funding and looking for ways to offset.

MARSHALL COUNTY EMA

EMA Director Jack Garner presented the Quarterly Report (July – September 2023). He outlined seven incidents/responses; Submitted the Quarter 1 Program & Fiscal Report for the 2022 Emergency Management Performance Grant (EMPG); Attended three training events; and provided a summary of community outreach. He explained he has been busy training and meeting with a lot of people. The Commissioners expressed appreciation for the work performed and stated the Advisory Board has been well informed and are appreciative of the communication.

SHERIFF

Sheriff Matt Hassel presented the Master Services Agreement with Viapath Technologies. He explained the vendor was previously known as Telmate. They provide inmates with phone service, tablets (with access to the law library), and electronic visitation. The contract term is effective upon signature and through December 31, 2026 and may be extended for a one-year term upon written agreement at least 90 days prior to the end of the original term. Attorney Clevenger explained the charges are in keeping with guidelines that have been tested in federal court. Sheriff Hassel explained approximately $80,000 in fees is received annually. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Master Services Agreement between Global Tel*Link Corporation d/b/a ViaPath Technologies and the Marshall County Sheriff's Office as presented with the Sheriff and Board President to sign the agreement. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Keith Junker v Marshall County et al (Junker's neighbors): Attorney Clevenger heard from Mr. Junker's attorney that Mr. Junker orally agreed to dismiss damages claims against the County that were part of the complaint. The attorneys are working on a stipulation that would allow Marshall Couty to stand silent and allow the Plaintiff to pursue his quiet title action.

Sheriff – Viapath Master Services Agreement: This item was addressed previously in the meeting.

Estate of Tiffany Helbling v Marshall County Sheriff et al: The estate filed suit alleging the Defendants (a host of jail employees and QCC personnel) recklessly and indifferently failed to provide Helbling with proper medical treatment in violation of her civil rights and committed wrongful death under Indiana law. GIE (Bliss McKnight division) is defending and has coverage up to $5 million. The Plaintiff made a demand on September 20th for $5 million. Since GIE defense costs already exceed $35,000, the County was put on notice that the County may be liable for an amount that exceeds coverage. Thus, under the policy, the County could hire separate counsel to protect the County's interest. Attorney Clevenger has been monitoring the discovery and is aware that the County has put QCC on notice that if anyone is liable, that liability falls on QCC.

New Business:

Tax Sale 2023: Tax Sale Day is October 12, 2023 starting at 10:00 a.m. and there are 70 parcels.

Lake of the Woods Conservancy District: The property owners around the lake petitioned to establish a conservancy district. An initial hearing is scheduled for October 11, 2023 at 1:30 p.m. If the petition is in order, the court will refer the petition to the Natural Resource Commission for review. Attorney Clevenger filed a notice of interested party since several regulated drains flow into the lake as part of the county's drainage system. The Court has a continuing order on the water level of the lake.

Health Department – On-Site Sewage System Ordinance: The Indiana Department of Health did away with the regulations for on-site sewage systems via statutory amendments during the last legislative session. Effective July 1, 2023, our county septic system regulations are no longer in effect. Marshall County will need to adopt a new ordinance that complies with the new regulations. A draft ordinance was presented to the Commissioners for review, and if agreeable, approve on first reading on October 16th. A public hearing will be scheduled for November 6th. If the ordinance is passed on November 6th, it can be published and go into effect no later than January 1, 2024.

PROBATION DEPARTMENT

Chief Probation Officer Jim Bendy explained the 2024 Pretrial Services Grant was awarded for the period of January 1, 2024 through December 31, 2024 in the amount of $130,567, which will leave a shortfall of $11,000 to $12,000. He explained the shortfall was requested in the 2024 Probation Department General Fund budget request. The Justice Services Grant Agreement was presented for approval and requested permission to allow a judge to sign the agreement. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Justice Services Grant Agreement in the amount of $130,567 and to allow a judge to sign the agreement. Motion carried 3-0.**

AUDITOR REPORT

September 18, 2023 Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the September 18, 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

No public comment was heard.

COMMISSIONER ITEMS

President Klotz congratulated Auditor Birchmeier on receiving a gold pin for completion of 120 hours of continuing education.

President Klotz stated the Plan Commission recommended a moratorium on Utility Scale Battery Energy Storage Systems, which will be on the Commissioners next meeting agenda. He further explained that there are studies, reports, and carbon collection for recycling that need to be investigated. He questioned whether the Commissioners had the ability to adjust the length of the moratorium.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 9:13 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
OCTOBER 16, 2023

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, October 16, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a right-of-way cut request from BSM Groups on behalf of QC Communications for Comcast Cable on Plymouth-Goshen Trail and Bitter Root Drive, between Hope Blvd. and Randolph Drive, in Center Township, for the purpose of duct placement and to place two pedestals. **Mike Burroughs moved, second by Kevin Overmyer, to approve the BSM Group right-of-way cut request on Plymouth-Goshen Trail and Bitter Root Drive, between Hope Blvd. and Randolph Drive, in Center Township, for the purpose of duct placement and to place two pedestals. Motion carried 3-0.**

Superintendent Peters provided an update on the following bridge projects:
1004, Elm Road: The structure has been set and assembled, earthwork will continue, and culverts and tiles will be connected.
11, Union Road: The letting results are in and LaPorte Construction is the apparent low bidder at $921,475.43. The total construction cost, including the construction inspection was estimated at $1,141,542.
73, King Road: Tree mitigation is to begin. USI has estimated the on call service cost of a three-year term at $14,000 and a five-year term at $20,000.
1, Ule Road: No updates.
87, 11th Road: The project is 53% complete. A tile may have been damaged during pile driving from the vibration. An inspection will be completed.
120, Upas Road: The project is 47% complete. The bearing pads had to be shimmed to correct a gap and the consultant will continue to monitor the project to be sure the problem is resolved. A change order may be required for the additional work.
232, Randolph Street: The bridge superstructure design has been completed and they are working on the roadway drainage design.
231, Center Street, Bremen: No updates.
Bridge 88, 12th Road east of Olive Trail: The purchase order (PO) has been received and the Notice to Proceed (NTP) has been submitted to United Consulting. The scope meeting will be scheduled. Work may begin, and claims can be submitted.

2023 Road Program: A list of roads that have been reclaimed and are being primed, along with a list of paved roads was presented. Paving will be completed on 14th Road, Michigan Road to Juniper Road, today.

Mill Pond Dam: The inspection date has been delayed due to rain.

7th Road Mitigation: Additional monitoring will need to be performed for 2023 and 2024. The total cost for 2023 will be $12,200 and $17,200 for 2024. 2024 will be the ten year full term.

Community Crossing 2023-1: Closing out this month and will begin planning for 2024.

Kevin Overmyer moved, second by Mike Burroughs, to authorize the Highway Department to proceed with Bridge 73 (King Road) Tree Mitigation with USI Consultants, Inc. Motion carried 3-0.

Superintendent Peters presented an INDOT Construction Change Order and Time Extension Summary for Bridge 87, 11th Road and Bridge 120, Upas Road, for approval. He explained there is no monetary value to the change orders. **Mike Burroughs moved, second by Kevin Overmyer, to accept the INDOT Construction Change Order and Time Extension Summary for Bridge 87 and Bridge 120 as presented. Motion carried 3-0.**

PRIORITY PROJECTS

Project Architect Brent Martin explained a Notice to Bidders was published for the Owner Occupied Housing Rehabilitation Project – Round 1. The project will entail work on six homes scattered throughout Marshall County. The bid deadline submission was Friday, October 13th at 4:00 p.m. One bid was received from Brown & Brown General Contractors, Inc. of Wakarusa, Indiana. The following bid amounts were received:

	Home #1			**Home #2**			**Home #3**
Base Bid	$20,420		**Base Bid**	$15,595		**Base Bid**	$9,800
Alternate 1	$3,100		**Alternate 1 (3)**	$8,500		**Alternate 1**	$8,800
Alternate 2	$9,500		**Alternate 1 (4)**	$11,585		**Alternate 2**	$4,500
Alternate 3	$5,900		**Alternate 2 (5)**	$500		**Alternate 3**	$1,500
Alternate 4	$3,350		**Alternate 2 (6)**	$3,900		**Alternate 4**	$6,400
Alternate 5	$4,500						
Total	**$46,770**		**Total ***	**$30,080**		**Total**	**$31,000**

	Home #4			**Home #5**			**Home #6**
Base Bid	$14,750		**Base Bid**	No bid		**Base Bid**	No bid, done
Alternate 1	$6,375		**Alternate 1**	$2,400		**Alternate 1**	$3,900
Alternate 2	$6,100		**Alternate 2**	$7,850		**Alternate 2**	$2,400
Alternate 3	$7,950		**Alternate 3**	$4,500		**Alternate 3**	$2,100
Alternate 4	$8,500		**Alternate 4**	$1,200		**Alternate 4**	$24,875
Alternate 5	$12,900					**Alternate 5**	No bid
Alternate 6	$6,300						
Total *	**$52,875**		**Total**	**$15,950**		**Total**	**$33,275**

Total* reflects sum provided by contractor and the totals are $10,000 more than stated.

The grant award allows for a maximum of $25,000 per house and approved for 14-15 homes. The next phase of projects will be for roof replacements.

Kevin Overmyer moved, second by Mike Burroughs to take the bid under advisement and for Priority Projects to bring a recommendation. Motion carried 3-0.

PLAN COMMISSION

Plan Commission Director Ty Adley presented Ordinance 2023-18: An Ordinance Establishing Fees Required by "The Marshall County Zoning Ordinance", in Article 11, Section 010, C. Application.

Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2023-18: An Ordinance Establishing Fees Required by "The Marshall County Zoning Ordinance", in Article 11, Section 010, C. Application on second reading. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2023-18: An Ordinance Establishing Fees Required by "The Marshall County Zoning Ordinance", in Article 11, Section 010, C. Application on third reading. Motion carried 3-0.

Director Adley presented a PowerPoint presentation on 23-PC-16 Fees. He explained the Plan Commission is proposing to amend the existing fee schedule for building permits to cover the costs of administration more adequately and not burden the general taxpayer for personal projects of the greatest scale. The Plan Commission Board, Technical Review Committee, and staff of the Plan Commission gave a favorable recommendation of the proposed fee amendment as presented. This item has been advertised for a public hearing today. **Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing on 23-PC-16 Fees. Motion carried 3-0.**

No public comment was heard.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing on 23-PC-16 Fees. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to approve 23-PC-16 Fees under Ordinance 2023-27: An Ordinance Establishing Fees Required by "The Marshall County Zoning Ordinance", in Article 11, Section 010, C. Application on first reading. Motion carried 3-0.

Director Adley presented a PowerPoint presentation on 23-PC-17 Utility Scale Battery Energy Storage Systems. He explained the Plan Commission is seeking to adopt a moratorium for Utility Scale Battery Energy Storage Systems. Director Adley read into the record Resolution 2023-01: A Resolution of the Marshall County Plan Commission Concerning a Proposal to Amend Text of the Marshall County Zoning Ordinance.

Director Adley then read Ordinance 2023-23: An Ordinance of the Marshall County Commissioners Amending Text of the Marshall County Zoning Ordinance. He explained that if the Ordinance is adopted, a moratorium is created and established which specifically provides that no new building permits, land use applications, site development plans, including applications for improvement location permits, special exceptions, variances or rezonings pertaining to Utility Scale Battery Energy Storage Systems will be accepted by the Marshall County Building Commission, Marshall County Plan Commission or Marshall County Board of Zoning Appeals for a period of 12 month from the passage of the Ordinance. During this period the Marshall County Plan Commission and Marshall County Plan Director can consider and determine appropriate building, zoning and use

regulations which should be adopted and incorporated into the Marshall County Zoning Ordinance as the same pertains to Utility Scale Battery Energy Storage Systems.

Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing on 23-PC-17 Utility Scale Battery Energy Storage Systems. Motion carried 3-0.

John Grolich, President of County Fire Association and Chairman of the LEPC questioned if the Indiana Codes cited reference National Fire Protection Association (NFPA) 855. Director Adley explained with the State Code our requirements would need to meet NFPA 855.

Tenaska Senior Director of Development Jarrod Pitts explained they are currently developing a battery storage project in Marshall County and provided a history of the company. Tenaska respects the county's right and desire to enact a temporary moratorium allowing for a battery storage ordinance to be put into place.

Tenaska Project Developer James Hingston stated they have met with the Commissioners, local fire chiefs, and planning department to bring transparency about the project, answer questions, and explain why it will be safe. He stated in those meetings it was made clear that their project, Oriole Energy Storage, is a stand-alone battery storage project and will not be connected to any solar farm or any other generator. The battery project will be directly connected to the grid via the existing substation and batteries will charge and discharge through that connection. The project site is roughly 20 acres of private land, the equipment is 12' tall, and will have a minimal physical impact to the community but will deliver significant tax revenue to the County. He further explained the direct benefit to Marshall County taxpayers. The most important factor is the Indiana code, which is the strictest in the country. All projects are required to receive approval from the Indiana Department of Homeland Security and must provide training to all fire departments.

Ed Allyn, 15315 Thorn Road, Culver, spoke in favor of the moratorium.

Deb VanDeMark, 14750 Tulip Road, Culver, spoke in favor of the moratorium.

John Grolich explained the raw materials used for lithium battery storage are cobalt, manganese, and iron phosphate with iron phosphate being the safer option.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing on 23-PC-17 Utility Scale Battery Energy Storage Systems. Motion carried 3-0.

President Klotz expressed concern about solar decommissioning and carbon capture, wanting to ensure protection for Marshall County. He explained the final decision rests with the Commissioners and questioned the Board if they are interested in expanding the moratorium. Commissioner Burroughs and Overmyer stated they wanted to wait for the Plan Commission recommendation.

Mike Burroughs moved, second by Kevin Overmyer, to approve 23-PC-17 Utility Scale Battery Energy Storage Systems under Ordinance 2023-26: An Ordinance of the Marshall County Commissioners Amending Text of the Marshall County Zoning Ordinance on first reading. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to suspend the rules and pass Ordinance 2023-26: An Ordinance of the Marshall County Commissioners Amending Text of the Marshall County Zoning Ordinance on second and third reading. Motion carried 3-0.

Director Adley and Leah Thill, Michiana Area Council of Governments (MACOG) Director of Sustainability, requested support for MACOG's Brownfields Assessment Coalition Grant to build upon the successes of the Regional Brownfields Coalition formed in 2018. The grant funding will help assist with the redevelopment of properties complicated by contamination or potential contamination. **Mike Burroughs moved, second by Kevin Overmyer, to approve the letter of support to MACOG for the Regional Brownfields Coalition and to allow the President to sign. Motion carried 3-0.**

Director Thill explained MACOG is requesting input from communities on sites of interest in the region in need of assessment, cleanup, and redevelopment. For more information, please visit www.macog.com/brownfields.html.

HEALTH DEPARTMENT

Health Department Environmental Specialist Faith Freed explained the State of Indiana has passed new legislation effective July 1st and presented Ordinance 2023-20: On-site Sewage Systems Ordinance to correlate with the new regulations. The ordinance is scheduled for a public hearing on November 6th at 9:00 a.m. Discussion was held concerning the penalties that could be imposed by the courts but are generally not imposed. **Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2023-20: On-site Sewage Systems Ordinance on first reading. Motion carried 3-0.**

WIC

WIC Coordinator Ashley Derf presented the Grant Agreement between the Indiana Department of Health and the Marshall County Health Department under Contract #76447. The grant funding source is the U.S. Department of Agriculture USDA for Women Infants and Children under CFDA #10.557 in the amount of $260,901.61. **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 $260,901.61. Motion carried 3-0.**

HUMAN RESOURCES

Human Resources Administrator Jennifer Daake presented Ordinance 2023-21: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook. She explained the amendment is to provide clarification on paid holiday, sick leave, and personal time.
Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2023-21: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook on first reading. Motion carried 3-0.

CULVER UNION TOWNSHIP PUBLIC LIBRARY

Culver Union Township Public Library Board of Trustees Secretary Marty Oosterbaan explained that Mary Banfield submitted a letter of resignation from the library board on September 12, 2023. Jan Shore Fitterling submitted a letter of interest to fill the vacancy.
Kevin Overmyer moved, second by Mike Burroughs, to accept the letter of resignation from Mary Banfield. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to appoint Jan Shore Fetterling to fill the unexpired term of Mary Banfield effective until December 31, 2025. Motion carried 3-0.

ATTORNEY REPORT

Old Business
Mill Pond Dam Inspection: This item was addressed previously in the meeting.

Keith Junker v Marshall County et al (Junker's neighbors): Keith Junker filed suit to quiet title and to obtain a declaratory judgment against the Defendants concerning land abutting the Quiet Harbor Channel at the Lake of the Woods. The Plaintiff is agreeable to dismissing the damage claims against the County. Attorney Clevenger is working with Joe Smith of Betty Knight's office on a dismissal stipulation. The terms related to the quiet title claim are a bit more complicated.

Health Department – On-Site Sewage System Ordinance: This item was addressed previously in the meeting.

New Business:
Battery Energy Storage Systems: This item was addressed previously in the meeting.

Ordinance 2023-21 Amending the Personnel Policy Handbook: This item was addressed previously in the meeting.

Ordinance 2023-19 Restricting Home Address Access: The General Assembly expanded the restrictions in the last session. The ordinance expands the restrictions concerning home address access for certain county and state employees.

Opioid Settlements: Attorney Clevenger was advised that Kroger pharmacies have reached a global settlement with the 33 states in which it does business. The settlement is approximately $1.2 billion with payouts over 11 years. The settlement proceeds will be distributed in accordance with the Indiana statute governing opioid settlement proceeds.

Lake of the Woods Conservancy District: The property owners around the lake petitioned to establish a conservancy district. An initial hearing was scheduled for October 11, 2023. If the petition is in order, the Court will refer the petition to the Natural Resource Commission for review. Attorney Clevenger filed a notice of interested party since several regulated drains flow into the lake as part of the county's drainage system. The Court has a continuing order on the water level of the lake. Due to a technical defect, the Court may need to hold a new hearing.

AUDITOR REPORT

October 2, 2023 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the October 2, 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

No public comment was heard.

COMMISSIONER ITEMS

Ordinance 2023-19: Restricting Home Address Access Through the County Website:
Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2023-19: Restricting Home Address Access Through the County Website on first reading. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to suspend the rules and pass Ordinance 2023-19: Restricting Home Address Access Through the County Website on second and third reading. 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 10:56 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
NOVEMBER 6, 2023

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 6, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented the following two requests from Brightspeed:

- A road surface cut, road bore, and right-of-way cut request on N. Shore Drive, between W. Shore Drive and Hepler Drive, in German Township, due to pothole utilities in conflict with the bore.
- A road surface cut, road bore, and right-of-way cut request on S. Upas Road, between 11A Road and 10B Road, in West Township, for the purpose of upgrading DSL service.

Mike Burroughs moved, second by Kevin Overmyer, to approve the two Brightspeed requests as presented. Motion carried 3-0.

Superintendent Peters presented the following six requests from Northern Indiana Public Service Company:

- Work Order #53369-912-PRP: A right-of-way cut request on 5th Road, 4C Road, 4th Road, and 3B Road, in various locations within German Township, for the purpose of replacing aging infrastructure and improve system reliability within the area.
- Work Order #53366-912-PRP: A right-of-way cut request on Beech Road, 3rd Road, and County Line Road, in various locations within German Township, for the purpose of replacing aging infrastructure and improve system reliability.
- Work Order #53379-912-PRP: A right-of-way cut request on 5th Road, Filbert Trail, 4th Road, and Grape Road, in various locations within German Township, for the purpose of replacing aging infrastructure and improve system reliability.
- Work Order #53367-912-PRP: A right-of-way cut request on Beech Road and 4th Road, between 3B Road and 4B Road, in German Township, for the purpose of replacing aging infrastructure and improve system reliability.
- Work Order #53351-912-PRP: A right-of-way cut request on 1st Road, Miami Trail, and 1B Road, in various locations within German Township, for the purpose of replacing aging infrastructure and improve system reliability within the area.
- Work Order #53348-912-PRP: A right-of-way cut request on Miami Trail, 2B Road, and Plymouth-Goshen Trail, in various locations within German Township, for the purpose of replacing aging infrastructure and improve system reliability within the area.

Mike Burroughs moved, second by Kevin Overmyer, to approve the six Northern Indiana Public Service Company requests as presented. Motion carried 3-0.

Superintendent Peters provided an update on the following bridge projects:
1004, Elm Road: The bridge should be open on Friday, November 10th.
11, Union Road: The letting results are in and LaPorte Construction is the apparent low bidder at $921,475.43. The total construction cost, including the construction inspection was estimated at $1,141,542. Marshall County has received notification from INDOT that the construction portion of the project is receiving 100% Bridge funds.
73, King Road: No updates.
1, Ule Road: Approval has been received for the proposed right-of-way.
87, 11th Road: The project is 85% complete. The bridge is scheduled to reopen November 17th.
120, Upas Road: The project is 75% complete.
232, Randolph Street: The letting date is October 9, 2024.
231, Center Street, Bremen: Early coordination has been received from multiple agencies.
Bridge 88, 12th Road east of Olive Trail: The scope meeting was held on November 3rd with United Consulting and INDOT.
Mill Pond Dam: The inspection has been completed and a scope meeting has been scheduled.

2023 Road Program: The following roads have been reclaimed: 10B Road, Queen to the curves; Tulip Road, 9th Road to US 30; Peach Road, State Road 110 to 20th Road; and 20th Road, Peach to State Road 117. Spraying will begin tomorrow. The following roads have been paved: 1st Road, Tamarack Road to Queen Road; Oak Road, 1st Road to Tyler Road; Oak Road approaches have been leveled; Quince Road, 4B Road to US 6; 11B Road, Nutmeg Road to Maple Road; 14th Road, Michigan Road to Juniper Road; and, 14th Road, Juniper Road to Hickory Road.

Equipment: The payloader has been delivered.

Annual Bids: **Kevin Overmyer moved, second by Mike Burroughs, to approve the Highway Department advertising the 2024 annual bids to be opened immediately following the December 4th Commissioner meeting. Motion carried 3-0.**

Call for Projects: Superintendent Peters requested permission to apply for federal aid for Bridge 108, E. 7th Road (East of State Road 331). The estimated cost is $1,915,600, with a local match of $383,120. He also requested permission to apply for Linden Road, State Road 10 to 17th Road. The estimated cost is $6,292,000, with a local match of $1,259,200. **Kevin Overmyer moved, second by Mike Burroughs, to allow the Highway Department to apply for federal aid for Bridge 108 and Linden Road as presented. Motion carried 3-0.**

Discussion was held concerning the circumstances in which a permit application can be denied. Vice President Burroughs indicated residents of Nutmeg Meadows are upset because Brightspeed is placing broadband in the area and disturbing the right-of-way.

MARSHALL COUNTY COUNCIL ON AGING

Marshall County Council on Aging Executive Director Janis Jeffirs Holiday presented the 3rd Quarter Report and claim for submission. She explained there were 7,130 trips for a total of 51,499 miles. They had to deny 78 in-county transport requests and 125 out of county transport requests. She further stated that they have hired three additional drivers and hope to be able to improve on the

number of denials. The quarterly expenses totaled $133,394, with revenues of $19,067 for a net expense of $114,327. The 5311 federal share is $57,163, PMTF state share will be $11,237, and a local match of $45,927. **Kevin Overmyer moved, second by Mike Burroughs, to accept the 3rd Quarter Report and approve the claim as submitted. Motion carried 3-0.**

HUMAN RESOURCES

Human Resources Administrator Jennifer Daake submitted the following documents for consideration:

Ordinance 2023-21: An Ordinance Amending the County Personnel Policies Handbook. The amendment clarifies the Holidays, Sick Leave Pay, and Personal Days and is being considered on second reading. **Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2023-21: An Ordinance Amending the County Personnel Policies Handbook as presented on second reading. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2023-21: An Ordinance Amending the County Personnel Policies Handbook as presented on third reading. Motion carried 3-0.

2024 Employee Benefit Insurance Plans/Premiums: **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2024 Employee Benefit Insurance Plans and Premiums. Motion carried 3-0.**

Lutheran Health Physicians Clinic Services Agreement: The County is partnering with Lutheran Health Physicians to provide employees and dependents covered under the medical plan priority access to the clinic. **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2024 Clinic Services Agreement with Lutheran Health Physicians as presented for calendar year 2024 and to allow the president to sign on behalf of the board. Motion carried 3-0.**

HEALTH DEPARTMENT

Health Department Environmentalist Specialist Faith Freed presented Ordinance 2023-20: On-site Sewage Systems for a public hearing and second reading. Commissioner Overmyer explained the ordinance is being established to follow Indiana code enacted on July 1st of this year.
Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing on Ordinance 2023-20: On-site Sewage Systems. Motion carried 3-0.

No public input was heard.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing on Ordinance 2023-20: On-site Sewage Systems. Motion carried 3-0.

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2023-20: On-site Sewage Systems on second and third reading. Motion carried 3-0.

PLAN COMMISSION

Plan Commission Director Ty Adley presented Ordinance 2023-27: An Ordinance Establishing Fees Required by "The Marshall County Zoning Ordinance", in Article 11, Section 010, C. Application for second reading.

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2023-27: An Ordinance Establishing Fees Required by "The Marshall County Zoning Ordinance", in Article 11, Section 010, C. Application on second and third reading, to be effective January 1, 2024. Motion carried 3-0.

ATTORNEY REPORT

Old Business

Keith Junker v Marshall County et al (Junker's neighbors): Keith Junker filed suit to quiet title and to obtain a declaratory judgment against the Defendants concerning land abutting the Quiet Harbor Channel at the Lake of the Woods. The Plaintiff is agreeable to dismissing the damage claims against the County. Attorney Clevenger and Attorney Joe Smith of Betty Knight's office submitted a stipulation to dismiss the County from the case. We are waiting for approval and completion by the Plaintiff's attorneys.

Human Resources – Personnel Policies Ordinance: This item was addressed previously in the meeting.

Human Resources – Clinic Services Agreement: This item was addressed previously in the meeting.

Health Department – On-Site Sewage System Ordinance: This item was addressed previously in the meeting.

Plan Commission – Fee Ordinance 2023-27: This item was addressed previously in the meeting.

New Business:

Roy Reynolds Tort Claim Notice: A claim was received against the County because on June 25, 2023, a tree fell over onto Mr. Reynolds car while he was driving on Michigan Road. The notice was referred to Gibson Insurance, which referred it to GIE/Bliss McKnight. The adjustor indicated he would be contacting the Highway Superintendent and Sheriff's Office for more details as part of the investigation of the claim.

County Inspections: Due to the absence of Building Inspector Howard, the City of Plymouth Building Inspector and J & M Services are conducting building inspections for the County, and they need to be compensated.

An Interlocal Agreement between Marshall County and the City of Plymouth for Building Inspection Services has been prepared. The City of Plymouth will compensate Mr. Manuwal and the County will reimburse the City for Manuwal's use of the city vehicle or if he uses his personal vehicle. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Interlocal Agreement between Marshall County and the City of Plymouth for Building Inspection Services as presented. Motion carried 3-0.**

As for J & M Services, the contract does not have the unit price or other key information. **Mike Burroughs moved, second by Stan Klotz, to allow Attorney Clevenger to draw up an independent contract agreement that includes additional terms and conditions. Motion carried 2-0.** Commissioner Overmyer was absent for this discussion and vote.

SHERIFF'S DEPARTMENT

Sheriff Matt Hassel presented the Traffic Safety Grant Contract #77232 between Indiana Criminal Justice Institute and the Marshall County Sheriff's Department in the sum of $55,000 for the 2024 Comprehensive Highway Injury Reduction Program (CHIRP). The grant does require match funding for FICA (social security and Medicare taxes) and mileage. The award provides for reimbursement of overtime wages for multi-jurisdictional officers participating in CITLI (Click It To Live It) and DUITF (Driving Under the Influence (DUI) Task Force) programs.
Kevin Overmyer moved, second by Mike Burroughs, to approve the Traffic Safety Grant Contract #77232 as presented, allowing the Sheriff, Auditor, and Board President to sign the agreement. Motion carried 3-0.

Sheriff Hassel presented two quotes for four police vehicles for purchase in the calendar year 2024. The first quote from Oliver Ford Lincoln provided for four 2023 Ford Utility 4WD Interceptors in the amount of $42,119 each. These vehicles will be built in 2024 and did not provide a guaranteed delivery date. The second quote from Auto Park Chrysler Jeep Dodge Ram provided for four 2023 Dodge Durango Pursuit Vehicle AWD in the amount of $42,404 each. The Durangos are on the dealer lot and ready for delivery. **Kevin Overmyer moved, second by Mike Burroughs, to approve the purchase of four 2023 Dodge Durangos from Auto Park in the amount of $42,404 each since these vehicles are available for immediate purchase. Motion carried 3-0.**

Sheriff Hassel addressed the handbook changes approved earlier in the meeting.

PRIORITY PROJECTS

Project Architect Brent Martin explained bids were taken under advisement at the prior meeting for the Owner Occupied Housing Rehabilitation Project – Round 1. The project will entail work on six homes scattered throughout Marshall County. The only bid received was from Brown & Brown Construction of Wakarusa, Indiana. The base bid amount for Home #5 did not receive a bid and it is the intent to rebid this project with the next bid round, along with several other homes. SKRM Architects, subject to the approval of the Indiana Housing & Community Development Authority, recommends awarding the contracts as follows: Home 1 in the sum of $23,520; Home 2 in the sum of $19,495; Home 3 in the sum of $25,000; Home 4 in the sum of $22,700; and Home 6 in the sum of $24,875 to Brown & Brown Construction. **Mike Burroughs moved, second by Kevin Overmyer, to approve the bids for Homes 1, 2, 3, 4, and 6 as presented to Brown & Brown Construction of Wakarusa, Indiana as presented. Motion carried 3-0.**

The grant award allows for a maximum of $25,000 per house and is 100% federal grant funded, without a match from the County.

AUDITOR REPORT

October 16, 2023 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the October 16, 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

Richard Parker, 2797 Union Road, Walkerton, inquired as to when the Union Road bridge and road would be completed. Superintendent Peters explained the bridge project is expected to start in the spring and the road will be resurfaced once the bridge is complete. The Highway Department will try to repair Union Road prior to the winter weather.

Sandra Wimmer, 13691 Michigan Road, Plymouth, expressed concern over loud music played in the late evening hours and would like a noise ordinance enacted. She also expressed frustration over free range livestock running at large. Attorney Clevenger advised there is a state statute on animals running at large and encouraged documentation of the events.

BOWEN CENTER

Marshall County Bowen Center Director Lindie Leary requested support in the form of a letter for the Bowen Center to be designated as a Certified Community Behavioral Health Clinic (CCBHC). She explained that by designating the Bowen Center as a CCBHC would not only strengthen its capacity to deliver comprehensive mental health and substance use services, but also expand its ability to serve a larger population with increased access to care. Currently the Bowen Center is providing seven of the nine required services. **Kevin Overmyer moved, second by Mike Burroughs, to support the Bowen Center in being designated as a Certified Community Behavioral Health Clinic and to allow the President to sign the letter on behalf of the Board. Motion carried 3-0.**

COMMISSIONER ITEMS

Hyper Wave Consulting (HWC) Project Proposal – Live Streaming: HWC President Dan Sammartano and Director of Information Technology Robert Barcus presented a proposal for a few upgrades to the current system to aid in the management and improve streaming capabilities. The current system components will be tested and only the necessary items replaced. Livestreaming will be broadcast through YouTube, which will result in cost savings. The hardware and labor costs are estimated at $12,340.

Marshall County IT Director Michael Marshall stated he is supportive of this change.
Mike Burroughs moved, second by Kevin Overmyer, to approve the project proposal from HyperWave in an amount not to exceed $15,000 and a monthly fee of $1,500.
Motion carried 3-0.

Gibson Insurance / Auxiant Contract: **Mike Burroughs moved, second by Kevin Overmyer, to approve the Gibson Insurance Consulting Agreement and Auxiant (Third-Party Administrator) Contracts as presented and to allow the President to sign on behalf of the Board. Motion carried 3-0.**

To honor all veterans the Marshall County Court House will be lit in green beginning today for a week, as part of the Operation for Green Light for Veterans.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:05 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
NOVEMBER 20, 2023

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 20, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

FARM LEASE BID

The Marshall County Commissioners advertised to accept bids for a three-year lease of 129 acres, more or less, of Marshall County farm ground. The lease will run from January 1, 2024 through December 31, 2026, and will provide for two lease payments per year due May 1 and November 1. The County retains the option to make less acreage available, in which case per-acre rates will apply to actual tillable land. The following two bids were received: Juri's Place, LLC at $257 per acre and Voreis Farms at $282.75 per acre. Attorney Clevenger stated the current per acre rate is $257.50. **Kevin Overmyer moved, second by Mike Burroughs, to award the Lease Agreement to Voreis Farms in the amount of $282.75 per acre. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore request from Brightspeed on 5th Road, between Michigan Road and Olive Road, in North Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from Brightspeed on 5th Road, between Michigan Road and Olive Road, in North Township, for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters presented a road surface cut from Farmer's Drainage, LLC on 15B Road, between State Road 331 and Elm Road, in Tippecanoe Township for the purpose of a drainage outlet. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road surface cut request from Farmer's Drainage, LLC on 15B Road, between State Road 331 and Elm Road, in Tippecanoe Township for the purpose of a drainage outlet. Motion carried 3-0.**

Superintendent Peters provided an update on the following bridge projects:
1004, Elm Road: The bridge is complete.
11, Union Road: No updates.
1, Ule Road (Local Project): No updates
87, 11th Road: The road is open.
120, Upas Road: The road is open.
232, Randolph Street: No updates.
231, Center Street, Bremen: No updates.
Bridge 88, 12th Road east of Olive Trail: No updates.
Mill Pond Dam: The scope meeting was held.

2023 Road Program: The reclaimed roads have been sprayed. Crews have been working to patch roads, cut brush, and grade gravel.

Annual Bids: The bid notice has been advertised.

Call for Projects: Superintendent Peters submitted financial commitment letters to Michiana Area Council of Governments (MACOG) for federal aid for the rehabilitation of Bridge 108, E. 7th Road (East of State Road 331) and the reconstruction of Linden Road, south of Dewey Street to State Road 10. The estimated project cost for Bridge 108 is $1,915,600, with a local match of $383,120 and the estimated cost for Linden Road is $6,292,000, with a local match of $1,259,200. **Mike Burroughs moved, second by Kevin Overmyer, to allow the Board President to sign the financial commitment letters to MACOG for Bridge 108 and Linden Road as presented. Motion carried 3-0.**

ST. JOSEPH HEALTH SYSTEM

Marshall County Tobacco Education Coordinator Annette Haining stated she has reviewed Section 5.10 Smoking of the Marshall County Personnel Policy and presented a more comprehensive sample policy. She requested the Commissioners consider implementing a more detailed and effective smoking policy.

Ms. Haining explained that the Tobacco Education program is funded by a two-year grant cycle through St. Joseph Regional Medical Center, July 1, 2023 through June 30, 2025. A portion of the funding is for a part-time Youth Coordinator. She would like to see this position increased to full-time as they are working in all seven school districts educating fifth and six graders. Ms. Haining requested the Opioid Unrestricted fund balance of $24,756.87 to be used to provide additional funding for this position. **Kevin Overmyer moved, second by Mike Burroughs, to support the request to support the Youth Coordinator position with the Opioid Unrestricted funds of $24,756.87. Motion carried 3-0.**

HEALTH DEPARTMENT

Marshall County Health Department Administrator/Public Health Nurse Sandy Dunfee explained that under the new Health First Indiana funding, the Health Department would like to enter into a Memorandum of Understanding with Breathe Easy Marshall County Alliance to provide the core services of tobacco prevention and cessation with financial support in the amount of $20,000. The MOU would be in effect from January 1, 2024 through December 31, 2025. Administrator Dunfee also suggested that Marshall County Health Department serve as the grant administrator for the Tobacco Education Program in the next grant cycle. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Memorandum of Understanding between the Marshall County Health Department and the Breathe Easy Marshall County Alliance as presented. Motion carried 3-0.**

Mike Burroughs moved, second by Kevin Overmyer, to amend the above motion to allow the Board President to sign on behalf of the Commissioners. Motion carried 3-0.

COMMUNITY CORRECTIONS ADVISORY BOARD

Community Corrections Advisory Board President and Superior Court 2 Judge Dean Colvin presented the Grant Agreement between the Indiana Department of Corrections and Marshall County under contract number 78746 for approval. Judge Colvin explained the State will provide $489,766 in funding for the Community Corrections program in the calendar year 2024.

Kevin Overmyer moved, second by Mike Burroughs, to approve the Grant Agreement between the Indiana Department of Corrections and Marshall County in the amount of $489,766 as presented. Motion carried 3-0.

Judge Colvin explained under the Indiana Code it is the responsibility of the Community Corrections Advisory Board to make a recommendation to the Board of Commissioners for the appointment of a director. The Board conducted an exhaustive search to fill the vacancy. Through the interview process it was brought to light the quality of individuals we have within the Community Corrections Program and the services they provide to the citizens. The Executive Committee is recommending the hire of Andrew Holcomb as the Director of Community Corrections beginning November 27, 2023. **Mike Burroughs moved, second by Kevin Overmyer, to approve the recommendation and appoint Andrew Holcomb as the Community Correction Director. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Keith Junker v Marshall County et al (Junker's neighbors): Keith Junker filed suit to quiet title and to obtain a declaratory judgment against the Defendants concerning land abutting the Quiet Harbor Channel at the Lake of the Woods. The Plaintiff is agreeable to dismissing the damage claims against the County. Attorney Clevenger and Attorney Joe Smith of Betty Knight's office submitted a stipulation to dismiss the County from the case. We are waiting for approval and completion by the Plaintiff's attorneys.

J&M Service Agreement: Attorney Clevenger presented a Contract for Services between Marshall County and J&M Services to provide electrical inspections during the County Building Inspector's absence. **Kevin Overmyer moved, second by Mike Burroughs, to approve the Contract for Services Between Marshall County and J&M Service for Electrical Inspection Services as presented. Motion carried 3-0.**

Priority Project Resource Administrative Contract: Shannon McLeod provided a contract for the Housing Rehabilitation Grant Project. Brent Martin's office was a subcontractor, and the contract includes architectural fees. Since the rehabilitation projects were awarded at the prior meeting, she is requesting approval of the contract for administrative fees. The fees will be paid from the grant funding. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Agreement for Program Administration Services for the Marshall County Owner Occupied Housing Rehabilitation Project by and between Marshall County and Priority Project Resources, Inc. as presented. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to amend the above motion to allow the Board President to sign on behalf of the Commissioners. Motion carried 3-0.

New Business:

Farm Lease Bid Opening: A new contract will be drafted for Voreis Farms.

Tamarack Solar: Discussion was held concerning the Road Use Agreement and Decommissioning Plan.

AUDITOR REPORT

November 6, 2023 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the November 6, 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

Paul Levitt, 16166 18B Road, Culver, voiced support of setbacks and property value guarantees.

Judy Eck, 16166 18B Road, Culver, voiced support for a moratorium concerning setbacks.

COMMISSIONER ITEMS

Resolution 2023-10: Emergency Proclamation: **Mike Burroughs moved, second by Kevin Overmyer, to ratify Resolution 2023-10: Emergency Proclamation enacting a county wide burn ban. Motion carried 3-0.**

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.**

ChoiceLight Board Appointment: Commissioner Overmyer explained ChoiceLight, previously known as Metronet requested the appointment of Greg Hildebrand to the ChoiceLight Board of Directors. **Mike Burroughs moved, second by Kevin Overmyer, to appoint Greg Hildebrand to the ChoiceLight Board of Directors. Motion carried 3-0.**

Regional Sewer District Grant: Discussion was held concerning grant opportunities for the regional sewer district.

ADJOURNMENT

With no further business to come before the board **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:47 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
DECEMBER 4, 2023

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 4, 2023. 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 http://www.youtube.com/@MarshallCountyIN, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore request from Brightspeed on 5C Road, between Michigan Road and Olive Road, in North Township, for the purpose of providing service to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from Brightspeed on 5C Road, between Michigan Road and Olive Road, in North Township, for the purpose of providing service to a customer. Motion carried 3-0.**

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

- Work Order# 53368-912-PRP: A right of way cut on Beech Road and on 5B Road, between 6th Road and 5th Road, in German Township, for the purpose of replacing aging infrastructure and improving system reliability within the area.
- Work Order# 53373-912-PRP: A right of way cut on 6th Road and on 3rd Road, in various locations within German Township, for the purpose of replacing aging infrastructure and improving system reliability within the area.
- Work Order# 53376-912-PRP: A right of way cut on 3B Road, 3rd Road, and on Elm Road, in various locations within German Township, for the purpose of replacing aging infrastructure and improving system reliability within the area.

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 provided an update on the following bridge projects:
11, Union Road: Amendment #1 for Contract #63026 to the Indiana Department of Transportation Local Public Agency Project Coordination Contract, DES number 1902809, was presented for approval. The amendment reflects the new federal aid funds in the amount of $1,022,835.43 and the change in the funding percentage allocated to the project at 100%. **Mike Burroughs moved, second by Kevin Overmyer, to approve Amendment #1 to Contract 63026 as presented. Motion carried 3-0.**
1, Ule Road (Local Project): The letting date is November 18, 2024. Right-of-way acquisition service is scheduled to begin, and Stage 3 detailing will begin within the next two months.
87, 11th Road: The bridge is open, a walk-through was held, and completing the minor clean up items is in process.

120, Upas Road: The bridge is open, a walk-through was held, and completing the minor clean up items is in process.
232, Randolph Street: The Construction Stormwater General Permit (CSGP) application has been submitted. Work will continue on Stage 3 plan production.
231, Center Street, Bremen: No updates.
Bridge 88, 12th Road east of Olive Trail: No updates.
Mill Pond Dam: Tree topping can be completed without a permit. Boring samples will be collected and sent for review. Permits will be required for the lining pipe and reconstruction because the downstream toe is underwater. This will be a local project, estimated to cost between $25,000 and $30,000.

Road Work: Crews have been working on patching roads, cutting brush and trees, grading, and adding gravel for winter.

NOFA-Call for Projects: The applications have been submitted.

2024 Road Program: The Road Program for 2024 will be presented at the next meeting.

The Commissioners congratulated Superintendent Peters for being named the Northwest District Director of the Indiana Association of County Highway Engineers and Supervisors.

VETERANS SERVICE OFFICE

Veterans Service Officer Pam Schweizer-Betz presented a quarterly report stating she has been busy helping veterans. She continues to receive referrals from agencies within Indiana and Michigan, with Marshall County veterans receiving priority. The Commissioners expressed their support and offered to discuss the possibility of providing an assistant at the upcoming evaluation meeting later this month.

MUSEUM

Museum Executive Director Sandy Garrison and Marshall County Historical Society Board President Mike Miley presented the quarterly newsletter, board meeting minutes, and flyers. Director Garrison stated that they have received more than 6,300 visitors, logged 4,624 volunteer hours, received 1,500 artifacts, and completed over 400 research requests. The Museum hosted five special events this quarter and had over 200 visitors before the Christmas Parade and Tree Lighting.

PLYMOUTH PUBLIC LIBRARY

Plymouth Public Library Director Steven Buras stated that Diane Eveland's appointment will be ending on December 31st following 16 years of service. He requested Patrick Malloy be appointed to a four-year term beginning January 1, 2024 through December 31, 2027.
Mike Burroughs moved, second by Kevin Overmyer, to appoint Patrick Malloy to the Plymouth Public Library for a term of four years beginning January 1, 2024 through December 31, 2027. Motion carried 3-0.

CULVER LAKE MAXINKUCKEE VISITORS CENTER

Culver Visitor's Center Karen Shuman, Culver Redevelopment Commission Marty Oosterban, Plymouth City Attorney Sean Surrisi, and Swan Lake Resort General Manager Matt Hovermale expressed concerns about the Marshall County Innkeeper's Tax ordinance that was passed in 1991. They explained the current ordinance does not comply with Indiana Code 6-9-18-5. A revised

ordinance was presented for consideration, which allows for a five member board. Four of the board appointments will be made by the Commissioners and the fifth appointment by the City of Plymouth. Under the Indiana Code, a simple majority of the members must be engaged in a convention, visitor, or tourism business, or be involved in or promoting conventions, visitors, or tourism. Commissioner Klotz stated that he would like to see all the communities continue to hold a position on the board. Discussion was held to advertise the draft ordinance for a public hearing in January, with applications for board appointments being accepted after the first reading.

PROBATION DEPARTMENT

Chief Probation Officer Jim Bendy explained that the State has awarded their request for the 2024 Justice Partners Addiction Response Grant in the sum of $60,000. The Agreement for Grant Number 24-5JC89-C50-4, for the period September 30, 2023 through September 29, 2024, was presented for approval. **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2024 Justice Partners Addiction Response Grant Agreement in the sum of $60,000 as presented. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

Keith Junker v Marshall County et al (Junker's neighbors): Keith Junker filed suit to quiet title and to obtain a declaratory judgment against the Defendants concerning land abutting the Quiet Harbor Channel at the Lake of the Woods. The Plaintiff is agreeable to dismissing the damage claims against the County. Attorney Clevenger and Attorney Joe Smith of Betty Knight's office submitted a stipulation to dismiss the County from the case. We are waiting for approval and completion by the Plaintiff's attorneys.

Farm Lease: Attorney Clevenger drafted a new contract and sent it to Bill Vories for signing.

Personnel Policy – Smoking Prohibition: An amendment to the County Policies and Handbook concerning section 5.10 Smoking has been prepared. The amendment generally adopts the terms provided by Annette Haining at the last Commissioners meeting. However, there was some reservation expressed about the 100% exclusion and how that impacted current employees. Thus, the draft includes an exception. Discussion was held concerning the ability to enforce the policy. **Mike Burroughs moved, second by Kevin Overmyer, to approve Ordinance 2023-30: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook – Smoking on first reading. Motion carried 3-0.**

MOU for Jaylsa Gibson: Attorney Clevenger is revising the original daft of the MOU to use the unrestricted opioid settlement funds of $24,756.87 to employ Gibson on a full-time basis to promote in our county schools a healthier lifestyle without vaping.

Revisited Business:

County Tourism Board: This item was addressed earlier in the meeting. President Klotz confirmed with Attorney Clevenger that he does not have a conflict of interest as he serves as Attorney for both the Board of Commissioners and the Town of Culver.

Change of American Rescue Plan (ARP) Funds: The County Council wants to fund the grant program for assistance to connect to the new sewer lines constructed by the Marshall County Regional Sewer District with money from the General Fund rather than from the County's ARP funds. The Council's committee wants to use the $500,000 ARP funds that were originally intended for such purpose for some other purpose. Since use of those funds must be part of the County Executive's plan, the Commissioners need to know and approve of the change.

Litigation Matters:
Appeal re: former Sheriff employee and retirement funds to ex-wife: The Judge agreed with the Sheriff's position and dismissed the Sheriff from a divorce dispute over a former employee's retirement benefits. The ex-wife is appealing. We will need to monitor the appeal in case an effort is made on appeal to have the Sheriff added back to the dispute.

Helbling v Jail and Jailers: Mediation is still scheduled for January 11, 2024. One of the Commissioners will need to participate in the meeting with Attorney Clevenger. A five-day jury trial is scheduled for October 21, 2024. QCC remains the primary target of the Plaintiff.

AUDITOR REPORT

November 20, 2023 Minutes: **Kevin Overmyer moved, second by Mike Burroughs, to approve the November 20, 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

Council President Jesse Bohannon questioned Attorney Clevenger regarding the Regional Sewer District meeting held last week. Attorney Clevenger explained the Regional Sewer District was concerned there was no activity with the ARP funding going to the Community Foundation for a grant process to help citizens connect.

Council President Bohannon and Member Cox encouraged the Board to retain a seven-member Tourism board and requested that the County Council be allowed to make one of the appointments.

COMMISSIONER ITEMS

Resolution 2023-11: Termination of Emergency Declaration: **Kevin Overmyer moved, second by Mike Burroughs, to ratify Resolution 2023-11: Termination of Emergency Declaration. Motion carried 3-0.**

Council on Aging INDOT Section 5311 Grant Agreement: Executive Director Janis Jeffirs Holiday presented the Indiana Department of Transportation Section 5311 Grant Agreement under Contract #79611, Project #1804470O for the calendar year 2024. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Indiana Department of Transportation Section 5311 Grant Agreement as presented. Motion carried 3-0.**

City of Plymouth BZA Appointment: Commissioner Overmyer explained the Commissioners will need to make an appointment to the BZA Board at the next meeting.

A recess was taken at 9:44 am and the meeting reconvened at 9:57 am.

2024 Annual Highway Bids: Twenty items were advertised for bid. Following Attorney Clevenger opening the bids, **Mike Burroughs moved, second by Kevin Overmyer, to take the 2024 Annual Highway Bids under advisement. 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 10:21 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
DECEMBER 18, 2023

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 18, 2023. 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 http://www.youtube.com/@MarshallCountyIN, the Pledge of Allegiance was given and the business at hand was heard.

SUPERIOR COURT 3

Superior Court 3 Judge Matthew Sarber explained that the State has awarded their request for the 2024 Problem-Solving Court Grant in the sum of $4,830. The Agreement for Grant Number 23-CSPSC-C50-DC-1, for the period January 1, 2024 through December 31, 2024, was presented for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the 2024 Problem-Solving Court Grant Agreement in the sum of $4,830 as presented. Motion carried 2-0.**

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented six requests from CCI Systems as follows:

- A request at 18391 6th Road, between Spruce Trail and Rose Road, in Polk Township, for the purpose of installing a power supply beside the existing pole.
- A request at 1833 Oak Road, between US Highway 6 and W. 1A Road, in North Township, for the purpose of installing a power supply beside the existing pole.
- A request at 4588 N. Union Road, between W. 4B Road and 5th Road, in Polk Township, for the purpose of installing a power supply beside the existing pole.
- A request at 14499 6th Road, between Olive Road and Oak Road, in Polk Township, for the purpose of installing a power supply beside the existing pole.
- A request at 7640 N. Union Road, between US Highway 30 and 7th Road, in West Township, for the purpose of installing a power supply beside the existing pole.
- A request at 19628 W. 1C Road, between N. Thorn Road and N. Union Road, in Polk Township, for the purpose of installing a power supply beside the existing pole.

Mike Burroughs moved, second by Stan Klotz, to approve the six requests from CCI Systems as presented. Motion carried 2-0.

Superintendent Peters presented a right-of-way cut request from the Troyer Group on Plymouth-Goshen Trail, Bitter Root Drive, Glacier Drive, Creekside Blvd, and Yellowstone Drive, between Plymouth-Goshen Trail and Creekside Drive, in Center Township, for the purpose of placing fiber between the pavement and right-of-way. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from the Troyer Group as presented. Motion carried 2-0.**

Superintendent 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.
87, 11th Road: The project has been completed.
120, Upas Road: The project has been completed. INDOT Change Order 2 was presented for the shimming of the beams in and for an extension of time for approval. The total value for the Change Order is $38,221.48. **Mike Burroughs moved, second by Stan Klotz, to approve INDOT Change Order 2 in the sum of $38,221.48 as presented. Motion carried 2-0.**
232, Randolph Street: LPA Consulting Contract was presented between Marshall County and USI Consultants, Inc. for Right-of-Way Services to secure the needed right-of-way for the project in a total fee not to exceed $10,800. The term of the agreement shall run from the signature date to the completion of the construction contract which is estimated to be December 31, 2025. The Construction Stormwater Certification has been submitted.
Mike Burroughs moved, second by Stan Klotz, to approve the LPA Consulting Contract with USI Consultants, Inc. in the sum of $10,800 as presented. Motion carried 2-0.
231, Center Street, Bremen: A historian sent a letter to DLZ for review and a response.
Mitigation – Bridge 88, 12th Road, East of Olive Trail: Working on utilities location.
Mill Pond Dam: Tree work planning will begin over the winter months.
Mitigation – Bridge 81, Hickory Road: A Service Agreement was entered into between Marshall County Commissioners and Cardno, Inc. on April 11, 2019. On December 8, 2021, Stantec purchased Cardno and an Assignment of Contract for Project No. 238100186 Marshall County Bridge 81 Mitigation was presented for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Assignment of Contract from Cardno to Stantec as presented.**
Motion carried 2-0.
7th Road Extension Mitigation: A letter was received from the U.S. Army Corps of Engineers indicating they received the Year Seven Monitoring Report submitted by CHA Consulting, Inc. on December 13, 2022 and informed the Commissioners that the site does not appear to be meeting invasive species success criteria. Additional treatment will be necessary and additional monitoring and mitigation site management will be required. A site inspection will be conducted in the 2024 growing season.
Mike Burroughs moved, second by Stan Klotz, to accept an extension to the CHA Agreement. Motion carried 2-0.

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. Discussion was held concerning a Joint Work Session with Commissioners and Council to explain the Road Program and processes involved.

Superintendent Peters explained that there is a 100% federally funded grant available for EV Vehicles up to $200,000 and requested the Commissioners consider supporting the request to apply for the grant and possible purchase of two Ford Lightning pickup trucks.

2024 Highway Bids: **Mike Burroughs moved, second by Stan Klotz, to approve the 2024 bids for materials. Motion carried 2-0.**

Discussion was held concerning the meeting about State Road 10 and US 31. Five options were presented and are out to the public for comments. Construction is anticipated to begin in 2028.

HEALTH DEPARTMENT

Health Department Public Health Nurse/Administrator Sandy Dunfee presented a revised Memorandum of Understanding between Marshall County Health Department and the Breathe Easy Marshall County Alliance. She explained that the Marshall County Health Department will offer a grant totaling $20,000 for support of the educational programs in the Marshall County schools in 2024 and $25,000 in 2025. Discussion was also held concerning liability involved with the utility trailer outfitted to serve as mock living quarters. The trailer and vehicle will be insured by Marshall County and will only be pulled by a Marshall County employee. **Mike Burroughs moved, second by Stan Klotz, to approve the revised Memorandum of Understanding, contingent upon Attorney Clevenger's review of the additional revisions to clarify insurance.**
Motion carried 2-0.

EMERGENCY MANAGEMENT AGENCY

EMA Director Jack Gardner presented the Quarterly Report (October – December 2023) stating he has received the FEMA Professional Development Certificate, which allows for Emergency Management Performance Grant opportunities; attended and passed ICS-EOC Interface Course; completed and passed five online FEMA courses; and attended St. Joseph County's one-day damage assessment class. A list of Incidents/Responses, Grant Updates, Community Outreach and Other Topics were included in the written report.

Discussion was held to consider allowing EMA use of the Surveyor's old truck.

MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

Marshall County Economic Development Corporation submitted a written request to reappoint Loretta Schmitt to the Board of Directors for a term of three years, beginning January 1, 2024 through December 31, 2026. **Mike Burroughs moved, second by Stan Klotz, to reappoint Loretta Schmitt to the Marshall County Economic Development Corporation Board of Directors for a term of three years beginning January 1, 2024 through December 31, 2026. Motion carried 2-0.**

TOWN OF CULVER

Town of Culver Town Manager Kevin Danti presented Resolution 2023-13: A Resolution of the Board of Commissioners of the County of Marshall, Indiana, Assigning a Certain Area within the County to the Town of Culver, Indiana, Redevelopment Commission for the Purpose of the Allocation of Property Tax Proceeds, and Addressing Matters Related Thereto for consideration. He explained the Culver Redevelopment Commission is proposing a joint economic development project between the Town and the County for the construction of storage facilities adjacent to, but outside the Town limits north of West Jefferson Street. Attorney Clevenger stated the attorney for the Culver Redevelopment Commission prepared the Resolution. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2023-13: A Resolution of the Board of Commissioners of the County of Marshall, Indiana, Assigning a Certain Area within the County to the Town of Culver, Indiana, Redevelopment Commission for the Purpose of the Allocation of Property Tax Proceeds, and Addressing Matters Related Thereto. Motion carried 2-0.**

ATTORNEY REPORT

Old Business

Keith Junker v Marshall County et al (Junker's neighbors): Keith Junker filed suit to quiet title and to obtain a declaratory judgment against the Defendants concerning land abutting the Quiet Harbor Channel at the Lake of the Woods. The Plaintiff is agreeable to dismissing the damage claims against the County. Attorney Clevenger and Attorney Joe Smith of Betty Knight's office submitted a stipulation to dismiss the County from the case. We are waiting for approval and completion by the Plaintiff's attorneys.

Farm Lease: The new contract has been signed by Bill Vories.

Revisited Business:

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

New Business:

Culver Redevelopment Commission: This item was discussed earlier in the meeting.

Highway-Bridge 81 Mitigation Assignment of Contract: This item was discussed earlier in the meeting.

AUDITOR REPORT

December 4, 2023 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the December 4, 2023 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

Mike Delp, 3745 W. Shore Drive, Bremen, advocated to professionally pave a one mile stretch of 4th Road on the west side of Lake of the Woods, from King Road to West Shore Drive, when considering the 2024 Road Program.

Angie Smith, 11168 18B Road, Argos, spoke on behalf of the 4-H mission and the six pillars of character. She requested the Commissioners consider delaying the approval of the Extension contract due to the lack of a 4-H Educator.

Tonya Lemler, 18040 SR 331, Tippecanoe, spoke in favor of 4-H and is seeking help for the children.

Annette Haining, Marshall County Tobacco Education Coordinator, questioned the status of the MOU for Jaylsa Gibson. Attorney Clevenger stated he needs to tweak the contract and then will be ready to request signatures. Ms. Haining explained the proposed change to the Smoking Ordinance is a cleaner representation of defining smoking and requested the Commissioners consider another look at the ordinance.

COMMISSIONER ITEMS

2024 Extension Contractual Services: **Mike Burroughs moved, second by Stan Klotz, to table the 2024 Extension Contract until January 2, 2024. Motion carried 2-0.**

Ordinance 2023-30: Personnel Policies Handbook – Smoking: **Mike Burroughs moved, second by Stan Klotz, to deny Ordinance 2023-30: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook – Smoking on second reading. Motion carried 2-0.**

American Rescue Plan (ARP): Discussion was held concerning the timeline for spending the ARP funds and possible uses.

City of Plymouth Plan Commission Appointment: **Mike Burroughs moved, second by Stan Klotz, to reappoint Mark Gidley to the Plymouth Plan Commission for a term of four years beginning January 1, 2024 through December 31, 2027. Motion carried 2-0.**

Unemployment Tracker Master Services Agreement: **Mike Burroughs moved, second by Stan Klotz, to approve the Master Services Agreement between Trak Holdings, LLC, and Marshall County effective February 1, 2024. Motion carried 2-0.**

Seized Vehicle Auction: President Klotz explained there will be an auction on January 22, 2024 at the Sheriff's Department for seized vehicles.

Owner Occupied Housing – Brown & Brown Construction Contract: **Mike Burroughs moved, second by Stan Klotz, to approve the Marshall County Owner Occupied Housing Rehabilitation Project Independent Contractor Agreement with Brown & Brown Contactors, Inc. in the sum of $115,590. Motion carried 2-0.**

Council on Aging Section 5339 Grant Agreement: **Mike Burroughs moved, second by Stan Klotz, to approve the Indiana Department of Transportation Section 5339 Grant Agreement under Contract #79962 for Project #3401870C to purchase two replacement vans in the sum of $138,226 for the grant period January 1, 2024 through December 31, 2027. Motion carried 2-0.**

Farm Lease: **Mike Burroughs moved, second by Stan Klotz, to accept the Farm Lease between Marshall County and Vories Farms/William Vories. 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 10:46 am. Motion carried 2-0.**

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Stan Klotz, President

_____
Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

_____
Kevin Overmyer, Member

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 29, 2023

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., Friday, December 29, 2023. 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 http://www.youtube.com/@MarshallCountyIN, the Pledge of Allegiance was given and the business at hand was heard.

AUDITOR REPORT

Fall Settlement: Auditor Birchmeier reported that $4,859,514.97 has been distributed between the General, Reassessment, Health, Cum Capital Development, and Cum Bridge funds.

December 18, 2023 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the December 18, 2023 minutes as presented. Motion carried 2-0-1, with Kevin Overmyer abstaining.**

December 20, 2023 Executive Session Minutes-Personnel: **Kevin Overmyer moved, second by Mike Burroughs, to approve the December 20, 2023 executive session minutes-Personnel as presented. Motion carried 3-0.**

December 20, 2023 Executive Session Minutes-Interview: **Mike Burroughs moved, second by Kevin Overmyer, to approve the December 20, 2023 executive session minutes-Interview 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

No public comments were heard.

COMMISSIONER ITEMS

Resolution 2023-14: Resolution Authorizing Marshall County to enter Into a Contract for Programs to Insurance Medical Stop Loss Policies: Attorney Clevenger explained that to protect the County from catastrophic claims and medical losses under the self-insured program it was proposed by Gibson Insurance the County enter a program with Paradigm Holdings to provide medical stop loss policies. A capital contribution of $83,096 will be required for 2024 and 2025 to bind coverage of the stop loss policies. The agreement provides for conditions to return the contribution when exiting the plan. **Kevin Overmyer moved, second by Mike Burroughs, to approve Resolution 2023-14: Resolution Authorizing Marshall County to Enter into A Contract for Programs to Insure Medical Stop Loss Policies. Motion carried 3-0.**

Ordinance 2023-30: Personnel Policies Handbook – Nepotism: Attorney Clevenger explained I.C. 36-1-20.2-10 and in accordance with I.C. 36-1-20.2-9 the County is establishing requirements that are more stringent or detailed in that any person on a Board or Commission that has employed a relative shall avoid any discussions, decisions, or contact with the employee relative and said person shall make and take all necessary steps to screen said person from any said supervision of the relative employee. Likewise, the relative employee shall avoid discussions, decisions, and contact with any Board or Commission member who is a relative of said employee and shall make and take all necessary steps to screen the Board or Commission relative member from acting in any capacity related to the supervision of the relative employee. **Kevin Overmyer moved, second by Mike Burroughs, to approve Ordinance 2023-33: An Ordinance Amending and Restating the County of Marshall, Indiana Personnel Policies Handbook – Nepotism on first reading. Motion carried 3-0.**

Kevin Overmyer moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2023-33: An Ordinance Amending and Restating the County of Marshall, Indiana Personnel Policies Handbook – Nepotism on second and third reading. 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 8:48 am. Motion carried 3-0.**

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Stan Klotz, President

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Mike Burroughs, Vice President

ATTEST: _____ _____
Angela C. Birchmeier, Auditor Kevin Overmyer, Member

MINUTES
MARSHALL COUNTY COMMISSIONERS

EXECUTIVE SESSION MEETING

June 12, 2023

The Marshall County Board of Commissioners met in executive session on June 12, 2023 at 9:00 a.m. The executive session was held in the Commissioner Room located at 112 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to receive and discuss information concerning employee benefits as allowed under Indiana Code I.C. 5-14-1.5-6.1(b)(2).

No subject matter was discussed in the Executive Session other than the subject matters specified in the public notice. The meeting was adjourned at approximately 10:20 a.m.

MARSHALL COUNTY COMMISSIONERS

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Stan Klotz, President

_____
Michael D. Burroughs, Vice-President

_____
Kevin G. Overmyer, Member

_____
Attest: Angela C. Birchmeier
Marshall County Auditor

MINUTES
MARSHALL COUNTY COMMISSIONERS

EXECUTIVE SESSION MEETING

June 15, 2023

The Marshall County Board of Commissioners met in executive session on June 15, 2023 at 10:30 a.m. The executive session was held in the Commissioner Room located at 112 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to receive and discuss information concerning employee benefits as allowed under Indiana Code I.C. 5-14-1.5-6.1(b)(2).

No subject matter was discussed in the Executive Session other than the subject matters specified in the public notice. The meeting was adjourned at approximately 12:00 p.m.

MARSHALL COUNTY COMMISSIONERS

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Stan Klotz, President

_____
Michael D. Burroughs, Vice-President

_____
Kevin G. Overmyer, Member

_____
Attest: Angela C. Birchmeier
Marshall County Auditor

MINUTES
MARSHALL COUNTY COMMISSIONERS

EXECUTIVE SESSION MEETING

June 15, 2023

The Marshall County Board of Commissioners met in executive session on June 15, 2023 at 1:00 p.m. The executive session was held in the Commissioner Room located at 112 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to receive information about and interview prospective employees for the position of Emergency Management Director pursuant to I.C. 5-14-1.5-6.1(b)(5) and (10).

No subject matter was discussed in the Executive Session other than the subject matters specified in the public notice. The meeting was adjourned at approximately 3:30 p.m.

MARSHALL COUNTY COMMISSIONERS

_____
Stan Klotz, President

_____
Michael D. Burroughs, Vice-President

_____
Kevin G. Overmyer, Member

_____
Attest: Angela C. Birchmeier
Marshall County Auditor

MINUTES
MARSHALL COUNTY COMMISSIONERS

EXECUTIVE SESSION MEETING

June 28, 2023

The Marshall County Board of Commissioners met in executive session on June 28, 2023 at 8:00 a.m. The executive session was held in the Commissioner Room located at 112 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to receive information about and interview prospective employees for the position of Emergency Management Director pursuant to I.C. 5-14-1.5-6.1(b)(5) and (10).

No subject matter was discussed in the Executive Session other than the subject matters specified in the public notice. The meeting was adjourned at approximately 9:00 a.m.

MARSHALL COUNTY COMMISSIONERS

_____
Stan Klotz, President

_____
Michael D. Burroughs, Vice-President

_____
Kevin G. Overmyer, Member

_____
Attest: Angela C. Birchmeier
Marshall County Auditor

MINUTES
MARSHALL COUNTY COMMISSIONERS

EXECUTIVE SESSION MEETING

August 29, 2023

The Marshall County Board of Commissioners met in executive session on August 29, 2023 at 10:30 a.m. The executive session was held in the Commissioner Room 205 located at 112 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to discuss implementation of security systems as allowed under I.C. 5-14-1.5-6.1(b)2(C).

No subject matter was discussed in the Executive Session other than the subject matters specified in the public notice. The meeting was adjourned at approximately 11:10 a.m.

MARSHALL COUNTY COMMISSIONERS

_____
Stan Klotz, President

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Michael D. Burroughs, Vice-President

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Kevin G. Overmyer, Member

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Attest: Angela C. Birchmeier
Marshall County Auditor

MARSHALL COUNTY COMMISSIONERS
MINUTES
EXECUTIVE SESSION MEETING

March 8, 2023

The Marshall County Board of Commissioners met in executive session on March 8, 2023 at 1:00 p.m. The executive session was held in the offices of Wyland, Humphrey, Clevenger & Surrisi, LLP, 319 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to discuss job performance evaluation of individual employees and I.C. 5-14-1.5-6.1(b)(4)(6).

The matters advertised for the Executive Session were discussed in the Executive Session, however, a discussion was also held concerning the duties of the Commissioners as county executive and the duties of the County Council as the fiscal body. No decisions were made during the Executive Session. The meeting was adjourned at approximately 3:00 p.m.

MARSHALL COUNTY COMMISSIONERS

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Stan Klotz, President

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Michael D. Burroughs, Vice-President

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Kevin G. Overmyer, Member

MARSHALL COUNTY COMMISSIONERS
MINUTES
EXECUTIVE SESSION MEETING

April 14, 2023

The Marshall County Board of Commissioners met in executive session on April 14, 2023 at 9:00 a.m. The executive session was held at the Commissioner Room located at 112 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session is pending litigation/right-of-way acquisition in accordance with I.C. 5-14-1.5-6.1(b).

No subject matter was discussed in the Executive Session other than the subject matter specified in the public notice. The meeting was adjourned at approximately 9:30 a.m.

MARSHALL COUNTY COMMISSIONERS

Stan Klotz, President

Absent
Michael D. Burroughs, Vice-President

Kevin G. Overmyer, Member

MARSHALL COUNTY COMMISSIONERS
MINUTES
EXECUTIVE SESSION MEETING

April 17, 2023

The Marshall County Board of Commissioners met in executive session on April 17, 2023 beginning at 1:00 p.m. The executive session was held at the Commissioner Room located at 112 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to receive information about and interview prospective employees pursuant to IC 5-14-1.5-6.1(b)(5) and (10) considering appointment of public officials.

No subject matter was discussed in the Executive Session other than the subject matter specified in the public notice. The meeting was adjourned at approximately 3:30 p.m.

MARSHALL COUNTY COMMISSIONERS

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Stan Klotz, President

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Michael D. Burroughs, Vice-President

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Kevin G. Overmyer, Member

MINUTES
MARSHALL COUNTY COMMISSIONERS

EXECUTIVE SESSION MEETING

September 1, 2023

The Marshall County Board of Commissioners met in executive session on September 1, 2023 at 10:00 a.m. The executive session was held in the Commissioner Room 205 located at 112 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to receive and discuss information concerning employee benefits as allowed under I.C. 5-14-1.5-6.1(b)2.

No subject matter was discussed in the Executive Session other than the subject matters specified in the public notice. The meeting was adjourned at approximately 11:35 a.m.

MARSHALL COUNTY COMMISSIONERS

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Stan Klotz, President

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Michael D. Burroughs, Vice-President

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Kevin G. Overmyer, Member

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Attest: Angela C. Birchmeier
Marshall County Auditor

MARSHALL COUNTY COMMISSIONERS
MINUTES
EXECUTIVE SESSION MEETING

January 6, 2023

The Marshall County Board of Commissioners met in executive session on January 6, 2023 at 8:30 a.m. The executive session was held in the offices of Wyland, Humphrey, Clevenger & Surrisi, LLP, 319 W. Jefferson Street, Plymouth, Indiana.

The purpose of the Executive Session was to receive information about and interview prospective employees for the position of Human Resources Administrator pursuant to IC 5-14-1.5-6.1(b)(5).

No subject matter was discussed in the Executive Session other than the subject matter specified in the public notice. The meeting was adjourned at approximately 9:30 a.m.

MARSHALL COUNTY COMMISSIONERS

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Stan Klotz, President

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Michael D. Burroughs, Vice-President

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Kevin G. Overmyer, Member

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JANUARY 11, 2023

The Board of Commissioners of Marshall County, Indiana, met for a special meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Wednesday, January 11, 2023. 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 www.co.marshall.in.us, the Pledge of Allegiance was given and the business at hand was heard.

HUMAN RESOURCES ADMINISTRATOR

An executive session was held on Friday, January 6th to receive information about and interview prospective employees for the position of Human Resources Administrator pursuant to IC 5-14-1.5-6.1(b)(5). The Commissioners thanked the applicants for their interest in applying.
Mike Burroughs moved, second by Stan Klotz, to extend an Offer of Employment to Jennifer Daake as Human Resources Administrator effective January 16, 2023. 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 8:32 am. Motion carried 3-0.**

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Stan Klotz, President

_____
Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

_____
Kevin Overmyer, Member