MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JANUARY 6, 2020

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, January 6, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. Member Mike Burroughs arrived at 8:45 a.m. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

REORGANIZATION OF THE BOARD OF COMMISSIONERS

Stan Klotz moved, second by Kevin Overmyer, to retain Kevin Overmyer as President and Stan Klotz as Vice President of the Marshall County Board of Commissioners for 2020. Motion carried 2-0.

COMMISSIONER DEPARTMENT HEAD APPOINTMENTS

The Commissioners made the following motions for 2020 Department Head appointments.
Stan Klotz moved, second by Kevin Overmyer, to reappoint Clyde Avery as EMA Director. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint Doug Masterson as Buildings & Grounds Supervisor-Courthouse, County Building & Museum. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint John Greer as Buildings & Grounds Supervisor-Jail. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint Linda Rippy as Museum Director. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint Michael Marshall as IT Director. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint Pam Schweizer-Betz as Veterans Service Officer. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint Chuck DeWitt as Building Commissioner. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint Jerry Huss as Weights & Measures Inspector. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint James Clevenger as County Attorney. Motion carried 2-0.

Stan Klotz moved, second by Kevin Overmyer, to reappoint Jason Peters as Highway Superintendent. Motion carried 2-0.

COMMISSIONER BOARD APPOINTMENTS

Culver Plan Commission: **Stan Klotz moved, second by Kevin Overmyer, to reappoint Don Fox to the Culver Plan Commission for a term of four years, from January 1, 2020 to December 31, 2023. Motion carried 2-0.**

Plymouth Plan Commission: **Stan Klotz moved, second by Kevin Overmyer, to reappoint Mark Gidley to the Plymouth Plan Commission for a term of four years, from January 1, 2020 to December 31, 2023. Motion carried 2-0.**

Marshall County Plan Commission: **Stan Klotz moved, second by Kevin Overmyer, to reappoint Stan Klotz to the Marshall County Plan Commission for a term of one year, from January 1, 2020 to December 31, 2020; to reappoint Matt Miller and Dan Voreis to the Marshall County Plan Commission for a term of four years, from January 1, 2020 to December 31, 2023. Motion carried 2-0.**

BZA: **Stan Klotz moved, second by Kevin Overmyer, to reappoint Jeff Gustafson and Matt Miller to the BZA Board for a term of four years, from January 1, 2020 to December 31, 2023. Motion carried 2-0.**

MACOG Board: **Stan Klotz moved, second by Kevin Overmyer, to reappoint Kevin Overmyer to the MACOG Board for a term of one year, from January 1, 2020 to December 31, 2020. Motion carried 2-0.**

MACOG Regional Economic Development Board: **Stan Klotz moved, second by Kevin Overmyer, to reappoint Trend Weldy, Chamber Executive for the Town of Bremen and Joe Martin, Jr., Private Sector Representative to the MACOG Regional Economic Development Board for a term of one year, from January 1, 2020 to December 31, 2020. Motion carried 2-0.**

Sick Bank Board: **Stan Klotz moved, second by Mike Burroughs, to reappoint Rhonda Ferguson, Sheriff Matt Hassel and Mindy Relos-Penrose to the Sick Bank Board for a term of one year, from January 1, 2020 to December 31, 2020. Motion carried 3-0.**

Community Corrections Board: **Mike Burroughs moved, second by Stan Klotz, to reappoint Francis Ellert, James JB Brown, Andy Hartley, Dave Hinderlider, Sam Schlosser, Judy Stone and Lindie Leary to the Community Corrections Board for a term of four years, from January 1, 2020 to December 31, 2023. Motion carried 3-0.**

Safety Committee: **Mike Burroughs moved, second by Stan Klotz, to appoint Stan Klotz as Chairman to the Safety Committee for a term of two years, from January 1, 2020 to December 31, 2021, noting other Board appointments will be made following reorganization. Motion carried 3-0.**

Central Dispatch Committee: **Mike Burroughs moved, second by Stan Klotz, to reappoint Kevin Overmyer to the Central Dispatch Committee for a term of one year, from**

January 1, 2020 to December 31, 2020. Motion carried 3-0.

Unsafe Building Committee: **Stan Klotz moved, second by Mike Burroughs, to appoint Mike Burroughs to the Unsafe Building Committee for a term of one year, from January 1, 2020 to December 31, 2020. Motion carried 3-0.**

Drug Free Board: **Stan Klotz moved, second by Mike Burroughs, to table appointments following review of Board by-laws. Motion carried 3-0.**

US 30 Coalition: **Stan Klotz moved, second by Mike Burroughs, to appoint Mike Burroughs to the US 30 Coalition. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore from Surf Air Wireless on various roads in the Nutmeg Road, Nutmeg Ridge and Muckshaw Road areas, between Oakhill Avenue and Linwood Drive, in Center Township, for fiber optic communications. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore from Surf Air Wireless on various roads in the Nutmeg Road, Nutmeg Ridge and Muckshaw Road areas, between Oakhill Avenue and Linwood Drive, in Center Township, for fiber optic communications. Motion carried 3-0.**

Superintendent Peters presented a road bore from CenturyLink on Michigan Road, between 17th Road and 18th Road, in Walnut Township, for service at 17116 Michigan Road.
Mike Burroughs moved, second by Stan Klotz, to table the road bore from CenturyLink on Michigan Road, between 17th Road and 18th Road, in Walnut Township, for service at 17116 Michigan Road. Motion carried 3-0.

Superintendent Peters presented a road surface cut from Ezra W. Ramer on Elm Road, between 19B Road and 20th Road, in Tippecanoe Township, to improve the value of farm ground via drainage. **Stan Klotz moved, second by Mike Burroughs, to approve a road surface cut from Ezra W. Ramer on Elm Road, between 19Bth Road and 20th Road, in Tippecanoe Township, to improve the value of farm ground via drainage. Motion carried 3-0.**

Superintendent Peters provided a road progress update; explained Call for Projects 2025 has been submitted and have been selected for interviews; Community Crossings applications are due by January 31st; and will be working with Surveyor Cultice in order to provide a legal easement description for the Chris Waidner project on 2B Road.

JIM HULSE

Jim Hulse, 15777 4B Road, Plymouth, read a prepared statement into the record concerning a letter received by the Sheriff and the distribution of Bibles to inmates.

SALE OF COUNTY PROPERTY – 2809 JIM NEU DRIVE, PLYMOUTH

Stan Klotz moved, second by Mike Burroughs, to allow the President of the Commissioners to sign the deed transferring title of ten acres from Marshall County Commissioners to Marshall County Economic Development Corporation. Motion carried 3-0.

SHERIFF

Sheriff Matt Hassel explained the Bible policy at the Jail.

Sheriff Hassel requested permission to allow Jonathan Bryant to attend training in Baltimore, Maryland from April 26, 2020 to May 1, 2020 for the National Interdiction Conference, costs are paid by the Prosecutor for training and the Sheriff pays travel and wages. **Stan Klotz moved, second by Mike Burroughs, to allow Jonathan Bryant to travel to Baltimore, Maryland from April 26, 2020 to May 1, 2020 to attend the National Interdiction Conference. Motion carried 3-0.**

Sheriff Hassel presented the Sheriff's Salary Contract for signature. **Stan Klotz moved, second by Mike Burroughs, to allow the President of the Commissioners to sign the contract between Marshall County and Sheriff Matthew Hassel in the sum of $89,525.80 for the 2020 calendar year. Motion carried 3-0.**

Sheriff Hassel requested permission to renew the contract between Marshall County and Quality Correctional Care. **Mike Burroughs moved, second by Stan Klotz, to approve the Marshall County Jail Health Care Service Contract with Quality Correctional Care pending review by Attorney Clevenger. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Jail Expansion Project: The County Council approved the bond ordinances for financing the jail addition on first reading at its December 9th meeting. Public hearing and second readings are scheduled for January 13, 2020. A special County Council meeting is scheduled for 6:00 p.m. tonight. Arrangements have been made for several county officials and our consultants to attend to provide information and answer questions at that meeting.

Jail Lawsuits

ACLU Lawsuit: An email has been submitted that enumerated and expanded on Marshall County's efforts to reduce the inmate population at the Marshall County Jail. Betty Knight plans to meet with ACLU counsel.

Damage Claim Lawsuits: The number of cases continues to grow.

Marshall County Designation Broadband Ready Ordinance: The ordinance was approved on first reading during the last meeting. It is ready for consideration of approval on second reading.

New Business:

Title VI Nondiscrimination Implementation Plan & Policy: There were minor revisions made to the policy that has been in place for some time. Every local unit of government is required to have this policy.

Amendment to Personnel Policies Handbook: A minor revision to Section 2 concerning maintaining Administrative Personnel files is proposed. The custodian will be the Human Resources Administrator.

AUDITOR REPORT

December 31, 2019 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of December 31, 2019. Motion carried 3-0.**

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

COMMISSIONER ITEMS

Ordinance 2019-27: Marshall County Designation as a Broadband Ready Community: **Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2019-27: Marshall County Designation as a Broadband Ready Community on second reading. Motion carried 3-0.**

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2019-27: Marshall County Designation as a Broadband Ready Community on third reading. Motion carried 3-0.

Ordinance 2020-05: An Ordinance Adopting the Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy: **Stan Klotz moved, second by Mike Burroughs, to pass Ordinance 2020-05: An Ordinance Adopting the Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy on first reading. Motion carried 3-0.**

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-05: An Ordinance Adopting the Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy on second and third readings. Motion carried 3-0.

Ordinance 2020-06: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook: Section 2.10 Personnel Files paragraph 2. Administrative File in the Employee Handbook is hereby amended as follows:

> 2. **Administrative File:** This file shall contain documentation of performance such as performance evaluations, emergency information sheet, educational accomplishments, records of training, disciplinary records, and other documentation concerning disciplinary actions including employee complaints, absences, tardiness, administrative leaves, copies of valid driver's license for employees required to drive a county vehicle in the performance of job duties, and other related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Human Resources Administrator, with copies provided to the elected official/department head.

Stan Klotz moved, second by Mike Burroughs, to pass Ordinance 2020-06: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook on first reading. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-06: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook on second and third readings. Motion carried 3-0.

Commissioner Klotz explained that the first No Thru Truck ticket has been issued and suggests implementation of the patrol, requiring an interlocal agreement.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 9:28 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JANUARY 21, 2020

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 21, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs; County Attorney, James Clevenger and Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

In lieu of Highway Superintendent Jason Peters absence, President Overmyer presented a road bore from CenturyLink at 5436 Gumwood Road, between 5B Road and 6th Road, in German Township, for the purpose of providing service to customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore from CenturyLink at 5436 Gumwood Road, between 5B Road and 6th Road, in German Township, for the purpose of providing service to customer. Motion carried 3-0.**

President Overmyer presented a road bore from CenturyLink at 17116 Michigan Road, between 17th Road and 18th Road, in Walnut Township, for the purpose of providing service to customer.
Mike Burroughs moved, second by Stan Klotz, to approve the road bore from CenturyLink at 17116 Michigan Road, between 17th Road and 18th Road, in Walnut Township, for the purpose of providing service to customer. Motion carried 3-0.

President Overmyer presented a road bore from CenturyLink at 7852 Union Road, between Church Street and State Road 30, in West Township, for the purpose of providing service to customer.
Stan Klotz moved, second by Mike Burroughs, to approve the road bore from CenturyLink at 7852 Union Road, between Church Street and State Road 30, in Walnut Township, for the purpose of providing service to customer. Motion carried 3-0.

President Overmyer presented several road bores from Marshall County REMC for various locations, presented as Phase 2, for the installation of fiber optic conduit and cable. **Mike Burroughs moved, second by Stan Klotz, to approve several road bores from Marshall County REMC for various locations, presented as Phase 2, for the installation of fiber optic conduit and cable. Motion carried 3-0.**

President Overmyer provided a Highway Department update concerning work in process; Call for Projects, Bridge 11, North Union Road over Peter Sarber Ditch south of US 6 and Bridge 232, Randolph Street; Presentation was given to INDOT and are waiting to hear if awarded; INDOT/LPA contract for the right-of-way for Bridge #73 King Road was presented for signature; Quarterly Tracking Reports were submitted to MACOG for King Road Bridge, 11th Road Bridge, Union Road Bridge and Bridge Inspections; Quarterly Reports were submitted to INDOT for Bridge #73, Bridge #87, Bridge #120, Bridge Inspections; and the Community Crossings Matching Grant Application for 2020-CCMG-1 Call for Projects, Michigan Road, 3rd Road to Roundabout, was presented for Commissioner signature as Council supported the grant application at their prior meeting.

Stan Klotz moved, second by Mike Burroughs, to approve the Indiana Department of Transportation and Marshall County Project Coordination Contract, EDS #A249-20-L200014, DES No. 1600931, CFDA No. 20.205, for Bridge #73 King Road Bridge over the Yellow River, for the right-of-way property purchase in the total sum of $25,325, which is funded by an 80/20 federal grant.
Motion carried 3-0.

ATTORNEY REPORT

Old Business:

Jail Expansion: The County Council approved the bond ordinances on second reading at its January 13, 2020 meeting.

Jail Lawsuits: Betty Knight's office has filed an Answer to the ACLU complaint. Some of the pleadings included Indiana Jail Standards. Thus, those were denied. Allegations that included any reference to unacceptable living conditions were denied. We have been requested to provide additional information to the ACLU lawyers and are in the process of obtaining that information. We continue to encourage all to do what can be done to reduce the inmate population.

Attorney Clevenger attended the Indiana Senate Judiciary Committee hearing on the Senate Bill that would add a fourth court to Marshall County. The Bill was approved by the Committee.

Damage Claim Lawsuits: The number of cases continues to grow. Those cases have all been referred to Betty Knight's office. An answer has been filed to all of the pro se inmate complaints that have been filed where an answer is due. Except for the new filing last week, she has prepared answers for the two newer complaints that are due within the next two weeks. She will complete an answer on the latest filing and timely respond.

New Business:

Attorney Contract: The contract is identical to the 2019 contract.

MicroVote Contract: The contract is identical to the 2019 contract.

Stan Klotz moved, second by Mike Burroughs, to approve the Duties and Compensation Agreement between Marshall County Attorney and the Board of Commissions of Marshall County, Indiana. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve the 2020 Infinity Voting System Annual Maintenance Agreement between Marshall County and MicroVote in the annual sum of $12,000. Motion carried 3-0.

SHERIFF DEPARTMENT

Sheriff Matt Hassel presented the Equitable Sharing Agreement and Certification for approval.
Mike Burroughs moved, second by Stan Klotz, to approve the Equitable Sharing Agreement and Certification. Motion carried 3-0.

AUDITOR REPORT

January 6, 2020 Minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Minutes from January 6, 2020 as presented. Motion carried 3-0.**

Claims: **Stan Klotz moved, second by Mike Burroughs, to approve the claims for payment as presented. Motion carried 3-0.**

Auditor Fox stated that the revenues received as of December 31, 2019, for all funds were $91,406,475.08 and the total expenses were $88,357,606.99

COMMISSIONER ITEMS

Jail Expansion Project: Commissioner Klotz stated that he did speak with Samantha Goodson, Indiana Office of Court Services about the possibility of conducting a study of our criminal justice process.
Mike Burroughs moved, second by Stan Klotz, to allow Stan Klotz to contact Samantha Goodson of Indiana Office of Court Services to conduct a study of our criminal justice process.
Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to recommend that Council hold off on the third reading of the bond ordinances. Motion carried 3-0.

PUBLIC COMMENT

Ed Allyn, 1535 Thorn Road, Culver, read a prepared statement into the record, stating that he has questions regarding the solar ordinances and is not in favor of solar farming in Marshall County.

Dennis Thornton, 590 Juniper Road, Bremen, past-president of the Marshall County Plan Commission and BZA read a prepared statement into the record, stating that he is concerned about health issues and the decommissioning of the solar units.

Adam Thada, 1065 Park Lane, Plymouth, stated that he works for Ancilla College and assisted in their installation of solar panels and would be willing to assist the County with their work on the ordinances.

Kraig Mackey, 15764 Thorn Road, Culver, stated that fields surround three sides of his property and he enjoys the scenery and wildlife, expressing concerns of decreased property values.

Deb VanDeMark, 14750 Tulip Road, Culver, stated that she was approached a year ago by Invenergy regarding leasing their farm ground, stating Invenergy currently has 1,272 acres under contract, is concerned about agriculture and questioned what will happen when federal dollars run out.

Don Fox, 301 N. Shore Lane, Culver, thanked the Commissioners for their vote earlier in the meeting concerning the jail expansion project and encouraged the Commissioners to hold evening meetings.

Tracy Fox, 301 N. Shore Lane, Culver, also thanked the Commissioners for their vote earlier today and is hopeful that mental health and drug issues are addressed, also encouraging evening meetings.

Stan Klotz moved, second by Mike Burroughs, to recommend to the Marshall County Plan Commission to place a moratorium on the solar ordinances to allow time to conduct a study regarding decommissioning, water and ground quality. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to deny Ordinance 2019-25: An Ordinance Amending Ordinance commonly known as The Marshall County Zoning Ordinance 2007-10, as amended. Motion carried 3-0.

County Attorney stated that the Plan Commission should look at this issue with some urgency and would suggest including members of the community to assist with the study.

Commissioner Klotz stated that the Health Department is interested in purchasing a vehicle and will be coming before the Commissioners for approval.

ADJOURNMENT

With no further business to come before the board, **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:56 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Stan Klotz, Vice President

Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
FEBRUARY 3, 2020

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 3, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore from Precision Utilities Group at 14375 Nutmeg Road, between 14B Road and 14th Road, in Green Township, for customer requesting CenturyLink service. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore from Precision Utilities Group at 14375 Nutmeg Road, between 14B Road and 14th Road, in Green Township, for customer requesting CenturyLink service. Motion carried 3-0.**

Superintendent Peters provided a department update stating 250 tons of patch will be purchased; millings are being obtained from 5C Road; stated bridge inspections were completed; provided a flood repair summary and stated that funding will be requested from Council for the flood repair.

HISTORICAL SOCIETY

Director Linda Rippy and Mike Miley provided the Quarterly Report and the 2020 Historical Society budget with $42,360 in income and expenses of $86,570; The Historical Society was again featured in Country Woman Magazine, Cookbook Classics; almost 10,000 visitors were received last year and had 6,000 volunteer hours; membership is at 480 with 57 out-of-state members. The annual dinner will be held in May with guest speaker Kristin Garvey, the topic will be Susan B. Anthony.

ATTORNEY REPORT

Old Business:

Jail Expansion Project: The project is on hold and have notified Betty Knight and the finance team. Will be meeting with IJC to review county programs on either March 4th or March 18th, Commissioner Klotz will coordinate the date and time.

Jail Lawsuits
ACLU Lawsuit: Attorney Clevenger submitted additional information to Betty Knight and Lisa Baron with the assistance of Sgt. Andrew Holcomb at the jail.

Damage Claim Lawsuits: No new case filings since the last Commissioner meeting. Holding at 21 cases.

House Bill 1346 – Jail Overcrowding: Commissioner Overmyer forwarded Attorney Clevenger a legislative summary from IACC of numerous bills filed in this year's General Assembly. A bill requires the Indiana Criminal Justice Institute to receive data from Sheriffs concerning jail populations and statistics with the goal to develop incarceration alternatives to alleviate jail and prison overcrowding.

Solar Energy Regulations: Director Ty Adley and Plan Commission Counsel Derek Jones are meeting with the County Attorney next week to discuss zoning amendment regulations for small, residential systems and to discuss regulations for larger, commercial solar farm systems. Attorney Clevenger has also been in contact with a lawyer from Barnes & Thornburg concerning assistance on the regulations for larger systems, Barnes & Thornburg can present options for how Marshall County may want to address regulations on the large systems. The plan is to have the Plan Commission make a recommendation to the Commissioners early so that regulations may be enacted timely.

AUDITOR REPORT

January 21, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of January 21, 2020. Motion carried 3-0.**

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

SHERIFF

Sheriff Hassel requested permission to apply for the Marine Patrol Assistance Grant, which provides funding for marine patrol on Lake Maxinkuckee. The grant period will begin May 22, 2020 and expire on September 29, 2020. It was discussed that the job description needs to be finalized.

Sheriff Hassel requested permission to apply for the FY2020 SAVE (Stop Arm Violation Enforcement) Grant through Indiana Criminal Justice Institute, which reimburses wages. The goal of the traffic safety grant is to prevent stop arm violations through high visibility enforcement by following school buses and stopping violators. The program will include two operational periods from March 15, 2020 through May 1, 2020 and August 1, 2020 through September 15, 2020.

Mike Burroughs moved, second by Stan Klotz, to allow Sheriff Hassel permission to apply for the Marine Patrol Assistance Grant. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to allow Sheriff Hassel permission to apply for the FY2020 SAVE (Stop Arm Violation Enforcement) Grant. Motion carried 3-0.

Sheriff Hassel stated that Porter County would be able to take ten inmates and St. Joseph County may possibly be able to take inmates. The Sheriff will be working on establishing inter local agreements.

COMMISSIONER ITEMS

Commissioner Overmyer stated that they are close to approving the Clock Tower Plan and anticipate the project will be going out for bids the first of March.

Commissioner Klotz provided a Telamon update stating a letter was sent in regards to the final payment of invoices totaling $16,287.40, a reduction was taken in the sum of $1,167.50. A letter was also issued to Telamon regarding the type of bulb used in the stairwells.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:04 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Stan Klotz, Vice President

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Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
FEBRUARY 17, 2020

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 17, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore from Precision Utilities Group at 14857 12th Road, between 12B Road and Olive Trail, in Center Township, for customer requesting CenturyLink service. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore from Precision Utilities Group at 14857 12th Road, between 12B Road and Olive Trail, in Center Township, for customer requesting CenturyLink service. Motion carried 3-0.**

Superintendent Peters provided a department update stating Council voiced support in submitting an additional appropriation for $600,000 reflecting the remaining 2018 Flood appropriation to fund remaining projects. Quarterly Bridge Reports were submitted for the Countywide Bridge Inspections, King Road, 11th Road, Upas Road and Hickory Road Bridges. Call for Projects were awarded for Bridge #11 Union Road in the sum of $1,080,960 and Bridge #232, Randolph Street in the sum of $2,254,480, both requiring a 20% match.

PLAN COMMISSION

Director Ty Adley displayed a PowerPoint presentation providing an overview of Ordinance 2020-07: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, which amends 6.040.J (Surface Water).

Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Ordinance 2020-07. Motion carried 3-0.

No comment was heard.

Stan Klotz moved, second by Mike Burroughs, to close the public hearing on Ordinance 2020-07. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to pass Ordinance 2020-07: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance on first reading, which amends 6.040.J (Surface Water). Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-07: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, which amends 6.040.J (Surface Water) on second and third reading. Motion carried 3-0.

Director Adley displayed a PowerPoint presentation providing an overview of Ordinance 2020-08: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, Exhibit A including articles pertaining to Solar Energy. Attorney Clevenger stated that he has discussed the Ordinance with Barnes & Thornburg.

Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Ordinance 2020-08. Motion carried 3-0.

Russel Allyn, 15315 Thorn Road, Culver, Indiana provided documentation concerning environmental progress, 2019 Indiana Renewable Energy Resources Study by Purdue University and an article published on www.Forbes.com on May 23, 2018 entitled "If Solar Panels Are So Clean, Why Do They Produce So Much Toxic Waste?" Mr. Allyn is in favor of supporting the moratorium.

Chris Kline, 20435 Queen Road, Culver, Indiana, stated that he works for JF New Company, a global environmental engineering firm and has 35 years' experience in environmental oversight, explaining that solar waste is not a concern and solar is an efficient source of energy in this geographic area. Mr. Kline stated that he is not in favor of the moratorium as we are trying to attract individuals and other businesses into the Marshall County community, stating the moratorium sends the wrong message establishing an unfriendly environment, restricting economic growth by limiting commercial scale solar development, which will create jobs.

Adam Thada, 10650 Park Lane, Plymouth, Indiana, offered project management services to the County. Explaining long range planning reserves agriculture property for recommissioning benefiting future generations, stating that he is in support of passing the ordinance and the economics surrounding solar energy.

Stan Klotz moved, second by Mike Burroughs, to close the public hearing on Ordinance 2020-08. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to pass Ordinance 2020-08: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, Exhibit A including articles pertaining to Solar Energy on first reading. Motion carried 3-0.

Commissioner Burroughs stated that he would like to allow Barnes and Thornburg time to further update the Commissioners on standards for solar projects.

Director Adley displayed a PowerPoint presentation providing an overview of Ordinance 2020-09: An Ordinance Establishing Fees Required by the Marshall County Zoning Ordinance, In Article 11, Section 010, C. Application Amending Fee Ordinance (Ordinance 2012-17).

Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Ordinance 2020-09. Motion carried 3-0.

No comment was heard.

Mike Burroughs moved, second by Stan Klotz, to close the public hearing on Ordinance 2020-09. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to pass Ordinance 2020-09: An Ordinance Establishing Fees Required by the Marshall County Zoning Ordinance, In Article 11, Section 010, C. Application Amending Fee Ordinance (Ordinance 2012-17) on first reading. Motion carried 3-0.

Director Adley displayed a PowerPoint presentation providing an overview of Ordinance 2020-10: An Ordinance to Establish a Moratorium Concerning the Development of Solar Farms on Property within Marshall County, Indiana. Discussion was held concerning the bonding process and the length of time a bond may be held. Attorney Clevenger recommends that any landowners being presented with a lease to contact an attorney for review of the contract. It was discussed that if the questions are answered prior to the moratorium expiring, the moratorium may be lifted.

Stan Klotz moved, second by Mike Burroughs, to pass Ordinance 2020-10: An Ordinance to Establish a Moratorium Concerning the Development of Solar Farms on Property within Marshall County, Indiana on first reading. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-10: An Ordinance to Establish a Moratorium Concerning the Development of Solar Farms on Property within Marshall County, Indiana on second and third readings. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to appoint Stan Klotz to the Commissioners Task Force for Solar Review. Motion carried 2-1, with Stan Klotz voting no.

EMA

Director Clyde Avery presented the EMA Director's Quarterly Report (December 3, 2019 – February 16, 2020) stating that he has received the 2020 EMA Assessment from the Indiana Department of Homeland Security and distributed it to the members of the EMA Advisory Council for review and feedback.

Director Avery presented the Marshall County Board of Commissioners Letter of Promulgation (Amendment to Document Number 201901107 – Dated 3/18/2019 – Due to New Commissioner) for approval. **Mike Burroughs moved, second by Stan Klotz, to accept the Marshall County Board of Commissioners Letter of Promulgation. Motion carried 3-0.**

The Commissioners discussed the AIC presentation on cybersecurity and the Secretary of State endorsed FireEye, which provides cybersecurity at no cost to Indiana counties through 2022.

MARSHALL COUNTY PARK BOARD

Deb VanDeMark and Curt Palmer requested the Commissioners consider establishing a Park Board; designating Memorial Forest as a County Park and connecting the municipalities with walking trails. Mr. Palmer explained that the Park Board would have to be established according to I.C. 36-10-3 and that by having a formal board, grant funding opportunities would be available. The Commissioners support having an Ordinance presented establishing a Park Board.

TREASURER

Treasurer Angie Birchmeier requested permission to extend the office hours for 2020 Property Tax Collection.

Spring Collection (due May 11th):
Friday, May 8th from 8:00 am to 6:00 pm
Saturday, May 9th from 9:00 am to 12:00 pm
Monday, May 11th from 8:00 am to 6:00 pm

Fall Collection (due November 10th):
Saturday, November 7th from 9:00 am to 12:00 pm
Monday, November 9th from 8:00 am to 6:00 pm
Tuesday, November 10th from 8:00 am to 6:00 pm

Mike Burroughs moved, second by Stan Klotz, to allow the extended office hours as presented for 2020 property tax collection. Motion carried 3-0.

Treasurer Birchmeier explained that there will be new tax statements for 2020.

COMMUNITY CORRECTIONS

Director Ward Byers presented two estimates for the purchase of a vehicle:
Oliver Ford - 2017 Ford Taurus, 13,400 miles, in the sum of $20,000
Country Auto - 2019 Chevrolet Equinox, 11,000-15,000 miles in the sum of $19,850
Explaining that funding has been appropriated in the Community Transition Fund 1123.
Mike Burroughs moved, second by Stan Klotz, to approve the purchase of a 2017 Ford Taurus in the sum of $20,000 from Oliver Ford. Motion carried 3-0.

Director Byers requested the purchase be allowed as a pre-payment. **Stan Klotz moved, second by Mike Burroughs, to authorize the pre-payment to Oliver Ford for the vehicle purchase. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Jail Expansion Project: Angie Hensley and Samantha Goodsen from Indiana Court Services will be meeting with the County judicial officials on March 4, 2020. The services to be provided will be an assessment of our County's pretrial practices. Ms. Hensley has already spoke with Chief Probation Officer James Bendy and is aware that our County is already following practices that

court services would recommend. Ms. Hensley and Ms. Goodsen will review other practices to see if we cannot reduce the number of inmates that are being held in the jail while awaiting trial. Ms. Hensley emphasized that their assessment and final report will not make a recommendation as to whether or not the County needs to expand the jail.

Jail Lawsuits
ACLU Lawsuit: Lisa Barron has been working with Chief Jailer Andrew Holcomb in order to provide the last of the materials requested by the ACLU counsel. Much of the supplemental information had to do with jail staffing. Ms. Barron had some additional questions about the Sheriff adding jailers. She was going to send the last of the information to the ACLU counsel by the end of last week. Our strategy is to schedule an ACLU visit to the Marshall County Jail in March with the hope that thereafter, we can reach an agreement to stay the case. Our inmate count last week was two less than the number of permanent beds.

Damage Claim Lawsuits: Nothing new to report.

Senate Bill 256: This bill that establishes a third superior court in Marshall County has passed out of the Senate and has been referred to the House. We have received mixed reviews of how that bill will be received by the House of Representatives.

Solar Energy Regulations: The Plan Commission adopted some modified regulations concerning the establishment of solar energy systems. For the most part, the regulations related to small users are the same, regulations for large commercial solar farms were enhanced.

New Business:
County Park Board: Judge Palmer provided a proposed ordinance establishing a Marshall County Park and Recreations Department.

New ERA Technology: New ERA Technology proposes to renew their Polycom Video Conferencing System service plan with the Marshall County courts and jail. The one (1) year price is $4,740 and the three (3) year price for the same services is $11,925, a savings of $2,295. **Mike Burroughs moved, second by Stan Klotz, to approve the New ERA Technology Polycom Maintenance Renewal for a three year term in the sum of $11,925. Motion carried 3-0.**

Jail/Quality Correctional Care Contract: The new contract with QCC is different than previous contracts. Attorney Clevenger will need to meet with the Sheriff and propose some changes to that contract.

AUDITOR REPORT

February 3, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of February 3, 2020. Motion carried 3-0.**

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

COMMISSIONER ITEMS

Commissioner Overmyer stated that an incentive check was received from NIPSCO for our participation in the NIPSCO CUSTOM/PRESCRIPTIVE Incentive Program in the sum of $10,640 for completion of the lighting project.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:59 am. Motion carried 3-0.**

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Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MARCH 2, 2020

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 2, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented six road bore and right-of-way cuts from Marshall County Fiber, LLC on 11th Road in various locations between Michigan Road and US 31, in Center Township, for installation of fiber optic conduit and cable. **Stan Klotz moved, second by Mike Burroughs, to approve the six road bore and right-of-way cuts from Marshall County Fiber, LLC on 11th Road in various locations between Michigan Road and US 31, in Center Township, for installation of fiber optic conduit and cable. Motion carried 3-0.**

Superintendent Peters presented a road bore from Surf Air Wireless on Nutmeg Road between Linwood Road and 12th Road, in Center Township, for fiber optic communications. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore from Surf Air Wireless on Nutmeg Road between Linwood Road and 12th Road, in Center Township, for fiber optic communications. Motion carried 3-0.**

Superintendent Peters provided a department update stating that he is working with Attorney Clevenger to add new verbiage to the road cut application; the State salt contracts will be released today for pricing; and are in the process of sending out RFP's for the Call for Projects, Bridge #232 Randolph Street and Bridge #11 Union Road.

Attorney Clevenger stated that he met with Superintendent Peters to discuss the 5C Road property and suggested meeting in an executive session concerning the Highway's use and the neighbor's use of driveways on county right of way or easement and possible prescriptive easement claims or defense thereof.

HEALTH DEPARTMENT

Public Health Nurse Lisa Letsinger requested permission to apply for the ISDH Immunization Vaccines for Children Grant stating that it is a federal reimbursable grant in the sum of $60,601.86 to be used for storage equipment, language lines and contract nursing to expand clinics. The grant period is from July 1, 2020 through June 30, 2021, with potential funding through 2024 with a cooperative funding agreement between Centers for Disease Control and Indiana State Department of Health. **Mike Burroughs moved, second by Stan Klotz, to allow the Health Department to apply for the ISDH Immunization Vaccines for Children Grant in the sum of $60,601.86.**

Ms. Letsinger informed the Board that they are having bi-weekly calls with the State for updates concerning the Coronavirus, explaining that there are travel alerts in place, no cases currently reported in Indiana, supportive care would be similar to influenza treatment, recommends washing hands and disinfecting, any suspected cases will be tested through the State. Further suggesting the Emergency Management Plan be reviewed and updated.

Maintenance Supervisor Doug Masterson stated that they have hospital strength disinfectant and hand sanitizer supplies to be dispensed to each Office.

PLAN COMMISSION

Director Ty Adley provided an update to the Solar Task Force. Further stating that the members will be Commissioner Stan Klotz, Adam Thada, Chris Kline, Don Heckford, Ed Allyn and Council's appointment to be named at their next meeting. Meetings will begin by the end of the month.

MARSHALL COUNTY ZONING ORDINANCE 2020-08 AND ORDINANCE 2020-09

Director Adley requested approval of Ordinance 2020-08: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, Exhibit A, including articles pertaining to Solar Energy; and Ordinance 2020-09: An Ordinance Establishing Fees Required by the Marshall County Zoning Ordinance, In Article 11, Section 010, C., Application Amending Fee Ordinance (Ordinance 2012-17).

Mike Burroughs moved, second by Stan Klotz, to suspend the rules and pass Ordinance 2020-08: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, Exhibit A, including articles pertaining to Solar Energy on second and third reading. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-09: An Ordinance Establishing Fees Required by the Marshall County Zoning Ordinance, In Article 11, Section 010, C., Application Amending Fee Ordinance (Ordinance 2012-17) on second and third reading. Motion carried 3-0.

ATTORNEY REPORT

Old Business:

Jail Expansion Project: The project is still on hold. Last Thursday, the inmate population was down to 213. Indiana Court Services is meeting with the Judges, Probation, Community Corrections, Prosecutors and Public Defenders on Wednesday to review pretrial procedures and programs.

The bill that includes the establishment of a fourth court for Marshall County is still progressing through the Indiana General Assembly.

Jail Lawsuits

ACLU Lawsuit: Attorney Clevenger submitted additional information to Betty Knight and Lisa Baron who have in turn passed it along to lawyers for the ACLU. We are trying to arrange a jail

visit this month for the ACLU Representatives. Presumably our inmate count will be below permanent bed capacity and after viewing our facility, the federal class action case can be stayed for a time.

Damage Claim Lawsuits: No new case filings since the last Commissioner Meeting and are currently holding at 21 cases. Attorney Clevenger is working with Lisa Baron concerning strategies for defending the pro se cases.

Solar Energy Regulations: Attorney Clevenger requested attorneys Rick Hall and Thomas Engle of Barnes & Thornburg to provide information, suggested policy considerations and possible additional regulations for plus 10-acre solar energy farms. These items will be provided to the Solar Task Force.

Opioid Litigation: Attorney Clevenger has shared updates with the Commissioners on the County's claim. Indiana Attorney General has joined 12 other Attorney Generals to contest the establishment of a negotiation class in the Multi District Opioid Litigation pending in Ohio Federal court. The Indiana Attorney General initially declined to get involved with the opioid litigation, but now he prefers to do the negotiation for the local Indiana governments that are part of the litigation.

New Business:
Highway – 5C Road Gravel Pit: This item was discussed earlier in the meeting.

AUDITOR REPORT

February 17, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of February 17, 2020. Motion carried 3-0.**

March monthly claims: **Mike Burroughs moved, second by Stan Klotz, to approve the March monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

AT&T FirstNet: Commissioner Overmyer explained that AT&T FirstNet phones have top priority to the airwaves over the public for emergency responders. The Auditors Office is working with the Departments to update the cell phone list. Attorney Clevenger will be reviewing the contract.

Ordinance 2020-11: An Ordinance Establishing a Marshall County Park and Recreation Department and Repeal of All Ordinances in Conflict Therewith: Discussion was held concerning Article Five and the ability of the Board to acquire land. **Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2020-11: An Ordinance Establishing a Marshall County Park and Recreation Department and Repeal of All Ordinances in Conflict Therewith on first reading. Motion carried 3-0.**

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:11 am. Motion carried 3-0.**

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Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MARCH 16, 2020

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 16, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road cut from NIPSCO on Dewey Street between West Street and Old US Highway 31, in Walnut Township, to supply Sequel Wire with new gas service. **Mike Burroughs moved, second by Stan Klotz, to approve the road cut from NIPSCO on Dewey Street between West Street and Old US Highway 31, in Walnut Township, to supply Sequel Wire with new gas service. Motion carried 3-0.**

Superintendent Peters presented a road cut from Legacy Dairy on Redwood Road between 6th Road and 4th Road, in Polk Township, to install a culvert. **Stan Klotz moved, second by Mike Burroughs, to approve the road cut from Legacy Dairy on Redwood Road between 6th Road and 4th Road, in Polk Township, to install a culvert. Motion carried 3-0.**

Superintendent Peters presented a road cut from Homestead Dairy, LLC on 13th Road between US 31 and Maple Road, in Center Township, to replace a culvert with a larger one.
Mike Burroughs moved, second by Stan Klotz, to approve the road cut from Homestead Dairy, LLC on 13th Road between US 31 and Maple Road, in Center Township, to replace a culvert with a larger one. Motion carried 3-0.

Superintendent Peters presented a road cut from Homestead Dairy, LLC on 14th Road between Old US 31 and Jarrah Road, in Center Township, to install a larger culvert for a hose to go under the road. **Stan Klotz moved, second by Mike Burroughs, to approve the road cut from Homestead Dairy, LLC on 14th Road between Old US 31 and Jarrah Road, in Center Township, to install a larger culvert for a hose to go under the road. Motion carried 3-0.**

Superintendent Peters presented a road cut from Legacy Dairy on 6th Road between Queen Road and Redwood Road, in Polk Township, to install a culvert. **Mike Burroughs moved, second by Stan Klotz, to approve the road cut from Legacy Dairy on 6th Road between Queen Road and Redwood Road, in Polk Township, to install a culvert. Motion carried 3-0.**

Superintendent Peters presented a road cut from Legacy Dairy on Queen Road between 6th Road and 4th Road, in Polk Township, to repair a tile and put in a culvert at 5380 Queen Road.
Stan Klotz moved, second by Mike Burroughs, to approve the road cut from Legacy Dairy on Queen Road between 6th Road and 4th Road, in Polk Township, to repair a tile and put in a culvert at 5380 Queen Road. Motion carried 3-0.

Superintendent Peters provided a department update stating Council approved the additional appropriation of $600,000 for flood repairs and are proceeding with work; road cut application will be updated; the State salt contracts are now open and RFP notices are due on April 16th for Bridge #11, N Union Road and Bridge #232, Randolph Street.

SHERIFF DEPARTMENT

Sheriff Matt Hassel stated that the inmate population is down to 207 and eight inmates were transferred to Indiana Department of Correction this morning.

Sheriff Hassel requested permission to apply for the Jail Chemical Addiction Program provided by the Indiana Attorney General to fund a Jail Chemical Addiction Program for inmates in the Marshall County Jail to treat addicts and reduce the recidivism rate. The grant request is in the sum of $90,000 to help pay for a new position, if approved by Council. **Stan Klotz moved, second by Mike Burroughs, to allow the Sheriff's Department to apply for the Jail Chemical Addiction Program in the sum of $90,000. Motion carried 3-0.**

Sheriff Hassel informed the Board that one employee was exposed to the Coronavirus, had not displayed any symptoms, but had been quarantined. As of today, the employee has returned to work. Sheriff Hassel explained that the exposure occurred outside of Marshall County and there aren't any reported cases in Marshall County.

Sheriff Hassel presented a request to prepay Country Auto for the purchase of five 2020 Dodge vehicles in the total sum of $112,036. Sheriff Hassel explained that $32,000 will be paid from the General Fund; $70,000 will be paid from the Misdemeanant Fund and $10,036 will be paid from the Commissary Fund. **Mike Burroughs moved, second by Stan Klotz, to approve the prepay request to Country Auto for the purchase of five vehicles in the total sum of $112,036. Motion carried 3-0.**

JIM HULSE

Jim Hulse was not present.

ROWLAND DESIGN

Neil Hoerstman of Rowland Design gave a PowerPoint presentation on the Marshall County Courthouse Building Envelope Study & Tower Restoration stating the building is in excellent condition for its age. Mr. Hoerstman provided detailed photos explaining the damages and items in need of repair. Further recommending that a professional energy audit be completed for the building.

Kurt Garner, Member of the Clock Tower Study Committee, explained that the Grant funding the Clock Tower Restoration requires a report due April 10th. Mr. Garner explained that comments have been added to the report and would like permission to submit to the State. **Mike Burroughs moved, second by Stan Klotz, to accept Rowland Design Report and submission to the State of Indiana. Motion carried 3-0.**

Mr. Garner further stated that Gibson Insurance has reviewed the plan and some work may need to be completed for safety purposes prior to the restoration work beginning.

MAINTENANCE DEPARTMENT

Jail Maintenance Supervisor, John Greer, presented a contract from Control Solutions, Inc. to upgrade the controls on the nine Aon units and boiler system at the Jail, in the total sum of $27,373 and an additional $5,492 for sensors. **Mike Burroughs moved, second by Stan Klotz, to approve the Control Solutions, Inc. contract in the total sum of $32,865 for control units. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Jail Lawsuits

Damage Claim Lawsuits: A former female inmate has sent us a tort claim notice alleging damages due to overcrowding and improper medical assistance while at the jail. The tort claim notice was done pro se, but she obviously had assistance in completing it or had a very good online form. The case has been referred to Bliss McKnight. We could have another damages claim based primarily on overcrowding at the jail.

Attorney Clevenger explained that Vigo County has a very old jail and now a new $53 million jail under construction. Vigo County has recently settled 16 overcrowding damage claims after settling the ACLU case in which the County admitted the old jail had out served its purpose. Circumstances were much different and understand that most of the settlements were for nuisance value (less than $2,000) and as a result of mediation through the Federal magistrate.

ACLU Lawsuit: We are still trying to arrange for an on-site inspection with ACLU counsel.

Fourth Court: Judge Colvin stated that the Legislature has passed the Fourth Court effective July 1, 2021. The initial Judge will be the Governor's selection and subsequently will be selected during the General Election held following 2021.

Quality Correctional Care: The Quality Correctional Care Contract is ready for Commissioner approval. The annual fee is $167,410 to be paid monthly. The hours of on-site nursing care have been increased to 70 hours. Most of the other terms have remained the same as previous contracts. The indemnification terms that were modified have been approved by Bliss McKnight. The term of the agreement is four years.

Solar Energy Regulations: Attorney Clevenger is waiting to hear from Barnes & Thornburg and does not know if the committee assigned to review the solar farm regulations has met.

Highway – 5C Road Gravel Pit: An Executive Session is scheduled for today after this meeting to discuss the driveway encroachment that has been going on for years at the site.

New Business:

iCompass Diligent Services Agreement: The Auditor proposes entering into a new service agreement with Diligent Corporation for meeting management, agenda notes, audio and document management. Attorney Clevenger would propose the following modifications to the agreement: remove the automatic renewal provisions, interest fees on late payments provision, and the term that Diligent may revise the agreement at any time at its sole discretion. Further noting the agreement calls for annual increases with notice to the County.

Resolution 2020-01: Resolution Establishing County Workforce Guidance Related to COVID-19 Matters: The Resolution establishes County workforce guidelines related to COVID-19 work and off work policies that are modified from our existing policies. The policies match those adopted by the Governor for the State of Indiana. The Resolution provides that the County can review situations on a case-by-case basis. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2020-01: Resolution Establishing County Workforce Guidance Related to COVID-19 Matters. Motion carried 3-0.**

AUDITOR REPORT

March 2, 2020 minutes: Submitted for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Commissioner minutes of March 2, 2020. Motion carried 3-0.**

March monthly claims: **Stan Klotz moved, second by Mike Burroughs, to approve the March monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Sick Bank Board Appointment: The Sick Bank Board Appointment has been tabled.

Ordinance 2020-11: An Ordinance Establishing a Marshall County Park and Recreation Department and Repeal of All Ordinances in Conflict Therewith: **Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-11: An Ordinance Establishing a Marshall County Park and Recreation Department and Repeal of All Ordinances in Conflict Therewith on second and third reading. Motion carried 3-0.**

Curt Palmer reminded the Board that they have two members to appoint to the Park and Recreation Board.

Commissioner Klotz thanked the judicial system for the great job in bringing down the inmate population. Attorney Clevenger reported on the ICJI meeting held last week stating no definitive direction was suggested for the County. Commissioner Overmyer suggested the Board think about the jail expansion project. A recommendation will need to be made back to Council if we want to proceed.

Commissioner Overmyer stated they are in contact with Dr. Holm and there aren't any COVID-19 cases in Marshall County. Reminded everyone to be mindful of their surroundings, wash hands and practice social distancing. The local hospitals and Health Department are prepared.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 11:05 am. Motion carried 3-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
APRIL 6, 2020

The Board of Commissioners of Marshall County, Indiana, met for a virtual regular meeting, due to COVID-19 public gathering restrictions, in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, April 6, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President (telephonically) and Mike Burroughs, Member (telephonically); County Attorney, James Clevenger (telephonically); and County Auditor, Julie A. Fox. Members of the media were present telephonically. The meeting was opened and the business at hand was heard.

HEALTH DEPARTMENT

Dr. Byron Holm (telephonically) commended the Health Department staff for all of their hard work. Public Health Nurse Lisa Letsinger (telephonically) stated that they are monitoring eight cases of the coronavirus and all are at home recovering. Further stating that test results are delayed up to 14 days and are working with the surrounding County Health Departments and that they are watching the State trending and the next two to three weeks will be telling. Administrator Ashley Garcia (telephonically) stated that they are seeing some very creative activity and the community is remaining strong. Further explaining that an Order has been established for funerals using the CDC guidelines; an Executive Order has also been implemented to close campgrounds to discourage high risk travelers from state-to-state travel; local parks have been closed in an attempt to protect the children; nursing homes continue to monitor the situation, adopting telemedicine and having nurses care for the same patients. Mrs. Garcia explained that they are working closely with the Sheriff's Department to keep everyone safe by implementing best practices. Further explaining that the Sheriff does have an emergency plan in place and is supporting the enforcement of the Executive Orders. Mrs. Garcia reminded everyone to be mindful to wash their hands; stay at home to flatten the curve and stop the spread.

HIGHWAY DEPARTMENT

President Overmyer presented three road bore and four right-of-way cuts from Marshall County Fiber, LLC in various locations. **Stan Klotz moved, second by Mike Burroughs, to approve the seven road bore and right-of-way cuts from Marshall County Fiber, LLC in various locations. Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.**

President Overmyer presented two road bore and right-of-way cuts from CenturyLink in various locations. **Mike Burroughs moved, second by Stan Klotz, to approve the two road bore and right-of-way cuts from CenturyLink in various locations. Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Jail Lawsuits

Damage Claim Lawsuits: Two more inmate pro se damage claims have been filed thru Federal Court based upon overcrowding conditions in August and September, 2019. One of the inmates also claims separate damages against QCC. The claim against QCC requests damages for injury to the inmate's mental health. The second case is based upon overcrowding with a requirement to sleep on an old mat on the floor for many days causing numbness to his limbs. Both cases were referred to Bliss McKnight, who has referred them to Lisa Baron who is counsel with Betty Knight and is handling the other damage cases.

ACLU Lawsuit: The jail population dipped below 200 for a time. The COVID-19 pandemic has put a hold on our hosting the ACLU lawyers. Also, the ACLU filed a separate petition with the Indiana Supreme Court that requested that all prisoners in state prisons and all inmates in county jails that meet certain criteria be released during the pandemic. The Indiana Supreme Court has thus far declined to act on the petition, but in an order the end of last week instructed local courts to review the status of inmates in jail to see if some inmates could be released in certain circumstances and with certain conditions.

Fourth Court: The first local meeting was postponed.

Highway – 5C Road Gravel Pit: Attorney Clevenger has not received a response from the neighbor to the gravel pit concerning her use of the Highway Department's driveway.

New Business:

COVID-19 Resolution/Executive Orders: Attorney Clevenger has shared with the Commissioners, other county officials, county employees in many cases and media the eleven resolutions or resolutions/executive orders in response to the COVID-19 Public Health Emergency. One of those orders was the initial Public Health Disaster Emergency Declaration. By statute, such a declaration is only good for seven days. Thus, the Commissioners have extended the declaration twice, the last being Friday, April 3rd. Additional extensions may need to be completed if that is the intention of the Commissioners. Since most of the resolutions or orders were completed after the last meeting and some have been signed only by Commissioner Overmyer in his capacity as President, it is recommended that we ratify the previous declarations, resolutions, and orders at today's meeting and formally ratify them again at the first regular meeting conducted after the stay at home orders have been lifted.

Erikson & Misener v County: Two inmates arrested in August and September 2019 have filed a proposed class action case against the county alleging they were arrested without a warrant and were held in the jail without having been timely advised of the charges against them. An Attorney in Fort Wayne has filed the action for them. Sheriff records seem to show the inmates were read probable cause affidavits in a timely fashion. We have referred this case to Bliss McKnight and it has been assigned to Betty Knight and her firm.

Clerk – Primary Election: By State Order, the primary election has been rescheduled to June 2, 2020. Clerk VanDeMark advises that the State Election Commission is strongly considering vote by mail.

Resolution 2020-02: Public Health Disaster Emergency Declaration
Resolution 2020-09: Public Health Disaster Emergency Declaration Extension
Resolution 2020-12: Public Health Disaster Emergency Declaration Extension:

Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2020-02: Public Health Disaster Emergency Declaration; Resolution 2020-09: Public Health Disaster Emergency Declaration Extension and Resolution 2020-12 Public Health Disaster Emergency Declaration Extension.
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

Resolution 2020-03: Establishment of Special Emergency Powers Related to COVID-19
Resolution 2020-04: Emergency Paid Sick Leave for Marshall County
Resolution 2020-05: Emergency Family Medical Leave Expansion
Resolution 2020-06: Closing and Restricting of Public Access to County Buildings
Resolution 2020-07: Emergency Closure of All County Facilities

Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2020-03: Establishment of Special Emergency Powers Related to COVID-19; Resolution 2020-04: Emergency Paid Sick Leave for Marshall County; Resolution 2020-05: Emergency Family Medical Leave Expansion; Resolution 2020-06: Closing and Restricting of Public Access to County Buildings and Resolution 2020-07: Emergency Closure of All County Facilities.
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

Resolution 2020-08: Change of Primary Election/Change of Primary Election Holiday
Resolution 2020-10: Conditions for Employees and Others Entering County Facilities after COVID-19 Diagnosis
Resolution 2020-11: County Employees Returning From Out of State Travel

Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2020-08: Change of Primary Election/Change of Primary Election Holiday; Resolution 2020-10: Conditions for Employees and Others Entering County Facilities after COVID-19 Diagnosis and Resolution 2020-11: County Employees Returning From Out of State Travel.
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

Resolution 2020-13: Conducting Business through Uniform Electronic Transactions

Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2020-13: Conducting Business through Uniform Electronic Transactions.
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

Resolution 2020-14: Continuing Emergency Closure of All County Facilities

Discussion was held to continue the Emergency Closure of All County Facilities from April 7th through April 20th. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2020-14: Continuing Emergency Closure of All County Facilities from April 7th through April 20th. Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.**

Baker-Tilly: The Continuing Disclosure Services Agreement related to jail bonds was presented for the required federal annual disclosure reports in the sum of $3,400.
Mike Burroughs moved, second by Stan Klotz, to approve Continuing Disclosure Services Agreement with BakerTilly in the sum of $3,400.
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

AUDITOR REPORT

March 16, 2020 Minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of March 16, 2020.**
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

March 20, 2020 Special Called Department Head Meeting Minutes: Submitted for approval.
Mike Burroughs moved, second by Stan Klotz, to approve the Special Called Department Head Meeting Minutes of March 20, 2020.
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

March 24, 2020 Special Called Department Head Meeting Minutes: Submitted for approval.
Stan Klotz moved, second by Mike Burroughs, to approve the Special Called Department Head Meeting Minutes of March 24, 2020.
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

April monthly claims: **Stan Klotz moved, second by Mike Burroughs, to approve the April monthly claims as presented. Motion carried 3-0.**
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

COMMISSIONER ITEMS

Sick Bank Board: Commissioner Overmyer explained that employee Mindy Relos-Penrose has resigned her position with Marshall County thereby vacating a seat on the Sick Bank Committee. Commissioner Overmyer recommended Sharon Dotta, Victim Assistance Coordinator fill the unexpired term through December 31, 2020. **Mike Burroughs moved, second by Stan Klotz, to appoint Sharon Dotta to the Sick Bank Board to fill the unexpired term through December 31, 2020.**
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

WIC Coordinator: Discussion was held concerning the grant funding additional hours during the pandemic for the WIC Coordinator concluding that would be a State agency decision.

Commissioner Overmyer thanked everyone, including the media in relaying news to Marshall County citizens and stated that the I.T. Department is looking into video conferencing abilities.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:26 am.**
Roll call vote: Klotz-Aye, Burroughs-Aye, Overmyer-Aye. Motion carried 3-0.

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
APRIL 20, 2020

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 20, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, 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 Marshall County Fiber on 11th Road, between State Road 331 and Cedar Road, in Bourbon Township, to install fiber optic conduit and cable. **Stan Klotz moved, second by Mike Burroughs, to approve the right of way cut from Marshall County Fiber on 11th Road, between State Road 331 and Cedar Road, in Bourbon Township, to install fiber optic conduit and cable. Motion carried 3-0.**

Superintendent Peters presented a road bore from Precision Utilities Group at 9216 Suter Road, between 9A Road and 9th Road, in Center Township, to provide customer CenturyLink service. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore from Precision Utilities Group at 9216 Suter Road, between 9A Road and 9th Road, in Center Township, to provide customer CenturyLink service. Motion carried 3-0.**

Superintendent Peters provided a department update stating due to the anticipated reduction in revenues as a result of COVID-19, seasonal mowers will not be employed this year and the full-time employees will be mowing; RFP notices have been posted for the Call for Projects, Bridge #232, Randolph Street and Bridge #11, Union Road which will need to be scored and awarded; and Community Crossings 2020-1 request for bids have been posted and advertised to open at the May 4th Commissioner meeting.

HEALTH DEPARTMENT

Administrator Ashley Garcia provided a COVID-19 update stating the Health Department is utilizing media to keep the public informed and are requesting the donation of homemade masks. Further stating preparedness plans are being revised; limited to essential travel only; encouraging individuals to stay at home, wear masks and disinfect; there have been 280 deaths; met with restaurant owners to formulate best practices; employers are required to pay 80 hours of COVID-19 time to employees from April 1, 2020 through December 31, 2020; the State has added an additional reporting requirement beginning April 19th to report all cases; Westville Correctional Facility held a Marshall County inmate, arrangements were made to alleviate the need to transport the inmate to Marshall County; the negative air pressure room at the jail has been repaired; continue to work with St. Joseph Regional Medical Center to reopen bed space, indicating ventilators and bed space are sufficient; working with EMA for alternative situations if needed and Ancilla College dormitories may be available.

Commissioner Overmyer presented Dr. Holm's COVID-19 Prevention Actions:

(1) Separate by 6 feet
(2) Wash and sanitize hands frequently
(3) Do not touch your face
(4) Cover your mouth when you cough or sneeze
(5) Wear mask when close
(6) If you have a temperature, cough or are sick, stay home
(7) You are contagious one day before symptoms and five days after
(8) It is your responsibility to prevent the spread
(9) Keep Marshall County safe

Commissioner Overmyer further stated the building will remain closed to the public, reminding the public to telephone and email County offices to continue conducting business and for department heads to notify human resources if an employee becomes ill.

CLERK

Clerk Deb VanDeMark provided an updated 2020 Indiana Election Calendar following the Indiana Election Commission postponing the 2020 Primary Election to June 2, 2020 stating the Election Board will be meeting soon to finalize additional election details.

TREASURER

Treasurer Angie Birchmeier requested permission to have a Security Officer stationed in the Treasurer's Office once the County Building is reopened to the public to limit the number of patrons in the Treasurer's Office to four or five at a time. **Mike Burroughs moved, second by Stan Klotz, to allow a part-time Security Officer be stationed in the Treasurer's Office during tax collection. Motion carried 3-0.**

Ms. Birchmeier stated part-time employees are not working; taxpayers are utilizing the payment drop box; TCU, First Merchants and the Bremen Clerk/Treasurer are collecting payments; new this year, tax bills were mailed to landowners who have their payments escrowed, which caused some confusion.

ATTORNEY REPORT

Old Business:

Jail Lawsuits

Damage Claim Lawsuits: Noting there is nothing new to report.

ACLU Lawsuit: The jail population remains well below capacity. The jail must follow the Long-Term Care Facility Guidelines of the Centers for Disease Control (CDC) and then some, which means no visitors, no ACLU inspection. The jail is under capacity so no mattresses are on the floor.

New Business:

COVID-19 Resolution/Executive Orders:

Resolution 2020-16: Public Health Disaster Emergency Declaration: The Commissioners extended the Public Health Disaster Emergency Declaration for another seven days on Friday,

April 17th. The Commissioners should ratify in a public meeting that the declaration was extended. **Mike Burroughs moved, second by Stan Klotz, to ratify Resolution 2020-16: Public Health Disaster Emergency Declaration Extension. Motion carried 3-0.**

Resolution 2020-17: Closing and Restricting of Public Access to County Buildings: On March 20th, Resolution/Executive Order 2020-06 was issued that closed the county facilities to the public except for essential services by appointment. All county employees were to report to work unless they were exercising leave under County policies. That policy was modified on March 24th by Resolution 2020-07 with the closure of all County facilities except for Elected Officials, Judges and Department Heads and the need for essential employees. The closure was until April 6th.

On April 6, 2020, during the last Commissioner meeting, the closure with only essential employees was extended until today, April 20, 2020 by Resolution/Executive Order 2020-14.

As for County facilities and County employees, a new resolution/executive order needs to be adopted if the plan is to continue a limitation on public access to the County facilities. **Mike Burroughs moved, second by Stan Klotz, to pass Resolution 2020-17: Closing and Restricting of Public Access to County Buildings. Motion carried 3-0.**

Health Department: The Health Department has received some pushback concerning the order that keeps the county campgrounds closed. Dr. Holm views the campgrounds almost the same way as the long-term care facilities.

Conflict of Interest Waiver/Culver Foreclosure: Attorney Clevenger stated that he represents the Town of Culver. The Town demolished and cleaned-up the fire destroyed structure at 415 Lakeshore Drive, Culver. The court order provided for the Town to recover its expenses for the clean-up. Attorney Clevenger intends to foreclose on the lien. There are unpaid and delinquent County real estate taxes owed on the real estate. By statute, the real estate taxes have priority over the lien. The Town recognizes the lien is junior to the real estate taxes. It is not a conflict if successful, as the Sheriff's sale will provide for the payment of the real estate taxes first and then payment of the liens. (The Town also holds sewage liens.) A request was made to the Commissioners to approve a conflict of interest waiver. The Town of Culver will also have to consent and waive. **Mike Burroughs moved, second by Stan Klotz, to approve the Conflict of Interest Waiver for James Clevenger of Wyland, Humphrey, Clevenger & Surrisi in regards to the 415 Lakeshore Drive, Culver foreclosure. Motion carried 3-0.**

Notice of Tort Claim: A Tort claim was received for recovery, which has been sent to the County insurance carrier.

Older Adult Services: Older Adult Services will be present at the next meeting to present a transit grant.

AUDITOR REPORT

April 6, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of April 6, 2020. Motion carried 3-0.**

March 16, 2020 Executive Session minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the Executive Session minutes of March 16, 2020. Motion carried 3-0.**

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

COMMISSIONER ITEMS

COVID-19 Response Program: Marshall County has applied for assistance in response to the COVID-19 pandemic through the Community Development Block Grant Funds (CDBG) from the Office of Community and Rural Affairs (OCRA) in the amount of $250,000 from the COVID-19 Response Program to purchase electronic message boards for each community in Marshall County to make countywide communication more accessible. **Mike Burroughs moved, second by Stan Klotz, to ratify the request to apply for assistance in response to the COVID-19 pandemic through the Community Development Block Grant Funds (CDBG) from the office of Community and Rural Affairs (OCRA) in the amount of $250,000 from the COVID-19 Response Program. Motion carried 3-0.**

PUBLIC COMMENT

Plan Commission Director Ty Adley explained that a BZA public meeting is scheduled for May 12th and there are about ten cases that need to have notifications mailed this week and requested Commissioner guidance. Discussion was held concerning holding a virtual meeting and the possibility of holding multiple meetings. Commissioners suggested that he consult with the BZA Board.

Commissioner Klotz stated that AIC sent an email concerning the supplemental financial package that includes $29.5 billion for Counties and the need to contact legislative bodies to request supporting counties and the units financially.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 10:54 am. Motion carried 3-0.**

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Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MAY 4, 2020

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 4, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

MARSHALL COUNTY COUNCIL ON AGING

Executive Director Jackie Wright presented Resolution 2020-22: Authorizing Filing of an Application for a Grant under Section 5311/5330 of the Federal Transit Act for the calendar year 2021 whereby Marshall County acts as the pass-through agency. The Operating Budget is $480,002, with revenues consisting of local match in the sum of $161,682; State PMTF Allocation in the sum of $56,007 and Federal FTA 5311 in the sum of $211,313 for total revenues in the sum of $480,002. The Capital Project Budget is $142,000, with revenues consisting of a local match in the sum of $15,000; Federal FTA in the sum of $113,600 and Other-General Fund in the sum of $13,400 for total revenues in the sum of $142,000.
Ms. Wright explained that due to COVID-19, funding is moving to Cares Act for 2020-2021 and operations have continued during the pandemic at 30% of the normal operation. Ms. Wright stated with the pandemic and unknown factors concerning funding, the revenues and expenditures will be reviewed and adjustments made as required. Local funding is anticipated in the sum of $15,000. **Mike Burroughs moved, second by Stan Klotz, to adopt Resolution 2020-22: Resolution Authorizing Filing of an Application for a Grant under Section 5311/5339 of the Federal Transit Act, as Amended and to authorize the Board President to sign necessary documentation. Motion carried 3-0.**

JIM HULSE

Jim Hulse was not present.

HEALTH DEPARTMENT

Administrator Ashley Garcia provided a COVID-19 update: Marshall County has confirmed 31 cases and one death; the Indiana Department of Health will be centralizing contact tracing; orders pertaining to campgrounds will be revised; encouraging donations of PPE to the Health Department; guidance will be provided to restaurants which may reopen on May 11th at 50% capacity, with no bar seating available; churches may open on May 8th with social distancing; continue to work with industries, golf courses and Sheriff Department. Ms. Garcia provided "Stop Do Not Enter If:" door signs for County Departments.

Public Health Nurse Lisa Letsinger stated the Indiana Department of Health will conduct drive-thru COVID-19 testing at Plymouth High School from 9:00 a.m. to 6:00 p.m. May 6th through May 9th and the Armory has been selected as a site for Optum testing in mid-May with more information to follow.

BROADBAND PLANNING STUDY

Shannon McLeod explained Marshall County has received $50,000 in federal Community Development Block Grant dollars from the Indiana Office of Community and Rural Affairs to fund the Broadband Planning Study and Marshall County has a local match of $5,500.

Culver Town Manager Jonathan Leist acknowledged the Marshall County Broadband Committee members. Dave Lattiere of Data Communications Leader presented the Broadband Infrastructure Planning Study explaining that the goals established by the committee include increasing the number of residences in Marshall County that have access to reliable broadband internet speeds and establish Marshall County as a certified broadband ready community under the IEDC, which has been completed. The committee provided three deployment options for consideration and recommended the option to establish preferred governmental policies to encourage infrastructure investment by service providers, providing tax exemption on infrastructure investments, streamlining the building permit process, and creating an annual reporting process to track deployment progress by service providers. It is the opinion of the Broadband Planning Committee that we will see an increase in the percentage of residents in Marshall County with broadband level internet service from 27% indicated on our countywide survey currently, to approximately 45% by 2024, and 65% by 2029.

Ms. McLeod presented Resolution Number 2020-20: County of Marshall Broadband Planning Study for consideration.

Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Resolution 2020-20: County of Marshall Broadband Planning Study. Motion carried 3-0.

No public comment was heard.

Stan Klotz moved, second by Mike Burroughs, to close the public hearing on Resolution 2020-20: County of Marshall Broadband Planning Study. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2020-20: County of Marshall Broadband Planning Study with corrections noted.

BUILDING DEPARTMENT

Building Commissioner Chuck DeWitt presented the 2020 1st Quarter Comparison Report stating the numbers have increased from last year.

ATTORNEY REPORT

Old Business:

Jail Lawsuits

Damage Claim Lawsuits: A new case was filed and the total are at 24 cases. Insurance counsel is still considering strategies for defense.

ACLU Lawsuit: The jail population remains well below capacity. The jail must follow the Long-Term Care Facility Guidelines of the Centers for Disease Control (CDC) and then some,

which means no visitors and no ACLU inspection. The jail is under capacity so no mattresses are on the floor.

New Business:

COVID-19 Resolution/Executive Orders:

Resolution 2020-18: Public Health Disaster Emergency Declaration; Resolution 2020-19: Public Health Disaster Emergency Declaration and Resolution 2020-21: Restricting Public Access to County Buildings. The Commissioners will want to ratify the most recent orders.

Health Department Order: The Governor extended campground closures. The Health Department had received numerous complaints before the extended closing order. Expect more on that front in the next couple of weeks.

Council on Aging – INDOT Transit Application: Jackie Wright attended today's meeting to discuss and obtain approval to apply for the Operating and/or Capital Assistance Program under Section 5311 of the Federal Transit Act. This application is requested every year. Other local funds are used for the local sharing requirements to purchase vehicles and supply drivers.

RESOLUTION 2020-18
PUBLIC HEALTH DISASTER EMERGENCY DECLARATION

Mike Burroughs moved, second by Stan Klotz, to ratify Resolution 2020-18: Public Health Disaster Emergency Declaration executed on April 24, 2020. Motion carried 3-0.

RESOLUTION 2020-19
PUBLIC HEALTH DISASTER EMERGENCY DECLARATION

Stan Klotz moved, second by Mike Burroughs, to ratify Resolution 2020-19: Public Health Disaster Emergency Declaration executed on May 1, 2020. Motion carried 3-0.

RESOLUTION 2020-21
RESTRICTING PUBLIC ACCESS TO COUTY BUILDINGS

Mike Burroughs moved, second by Stan Klotz, to ratify Resolution 2020-21: Restricting Public Access to County Buildings executed on May 1, 2020. Motion carried 3-0.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented three road bores/right of way cuts from United Telephone of Indiana, DBA CenturyLink on Quince Road, between 1st Road and US 6 and on 1st Road, between Queen Road and Quince Road, in Polk Township, to place fiber to upgrade DSL service to rural customers. **Stan Klotz moved, second by Mike Burroughs, to approve three road bores/right of way cuts from United Telephone of Indiana, DBA CenturyLink on Quince Road, between 1st Road and US 6, and on 1st Road, between Queen Road and Quince Road, in Polk Township, to place fiber to upgrade DSL service to rural customers. Motion carried 3-0.**

Superintendent Peters presented a right of way cut from United Telephone of Indiana, DBA CenturyLink on Pine Road, between US 6 and 3rd Road, in Polk Township, to place fiber to upgrade DSL service to rural customers.

Mike Burroughs moved, second by Stan Klotz, to approve the right of way cut from United Telephone of Indiana, DBA CenturyLink on Pine Road, between US 6 and 3rd Road, in Polk Township, to place fiber to upgrade DSL service to rural customers. Motion carried 3-0.

Superintendent Peters presented a road bore from CenturyLink at 12411 Peach Road, between Menominee Drive and Pine Road, in West Township, to provide customer CenturyLink service. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore from CenturyLink at 12411 Peach Road, between Menominee Drive and Pine Road, in West Township, to provide customer CenturyLink service. Motion carried 3-0.**

Superintendent Peters provided a department update: effective today the Highway Department schedule will be adjusted to a four day workweek; Call for Project letters of interest for Bridge #232, Randolph Street, and Bridge #11, N. Union Road, have been scored. United Consultant was the top firm for Bridge #11, DES No. 1902809, and USI Consultants was the top firm for Bridge #232, Des No. 1902820.

Superintendent Peters presented the Indiana Department of Transportation – Local Public Agency Project Coordination Contract Amendment Number 1, EDS No. A249-20-L200014, CFDA #20.205 between INDOT and Marshall County providing for services required in connection with INDOT DES No. 1600931 for the Replacement of Bridge #73 carrying King Road over the Yellow River. Federal-aid funds made available by INDOT will be used to pay 80% of the eligible Project costs. The maximum amount of federal funds allocated to the project is $32,000. **Stan Klotz moved, second by Mike Burroughs, to approve the Indiana Department of Transportation – Local Public Agency Project Coordination Contract Amendment Number 1, EDS No. A249-20-L200014, CFDA #20.205 between INDOT and Marshall County providing for Services required in connection with INDOT Des No. 1600931 for the Replacement of Bridge #73 carrying King Road over the Yellow River. Motion carried 3-0.**

Superintendent Peters presented the Local Road and Bridges Matching Grant Agreement, Contract #AG249-20-LG200040 between Indiana Department of Transportation and Marshall County for the purpose of enabling the State to award a grant of $1,000,000, representing 75% of the eligible costs of HMA Overlay on Michigan Road from 3rd Road to 1026' south of 7th Road. The Community Crossings Matching Grant Fund 2020-1 Award Letter was issued on April 17, 2020, DES No. 2001221.

The following bids for Community Crossing Paving Projects 2020-1 North Michigan Road from 3rd Road to 1026' south of 7th Road were received and opened:

Phend & Brown, Inc.	$1,495,948.15
Rieth-Riley Construction Co., Inc.	$1,389,000.00
Walsh & Kelly, Inc.	$1,299,577.48
E&B Paving, LLC	$1,500,451.69

Stan Klotz moved, second by Mike Burroughs, to approve the Walsh & Kelly, Inc. contract in the sum of $1,299,577.48 contingent upon review by Highway Department Superintendent. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve the Local Road and Bridges Matching Grant Agreement, Contract #AG249-20-LG200040 between Indiana Department of Transportation and Marshall County for the purpose of enabling the State to award a grant of $1,000,000, representing 75% of the eligible costs of HMA Overlay on Michigan Road from 3rd Road to 1026' south of 7th Road and allow the Board President to sign the contract. Motion carried 3-0.

AUDITOR REPORT

April 20, 2020 minutes: Submitted for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Commissioner minutes of April 20, 2020. Motion carried 3-0.**

May monthly claims: **Stan Klotz moved, second by Mike Burroughs, to approve the May monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Indiana Court Services Assessment: It was noted that a written report has not been received from Indiana Court Services following the pretrial practices assessment meeting with County judicial officials on March 4, 2020.

Park and Recreation Board Appointments: The Board of Commissioners are required to appoint two members, which must be affiliated with different political parties. **Stan Klotz moved, second by Mike Burroughs, to appoint Richard Markley (D) to the Park and Recreation Board for an initial term of two years ending December 31, 2021. Motion carried 3-0.**

Mike Burroughs moved, second by Stan Klotz, to appoint Greg Hildebrand (R) to the Park and Recreation Board and to serve as Chairman until formal organization of the board, for a term of four years ending December 31, 2023. Motion carried 3-0.

Broadcast Public Meetings: Commissioner Burroughs would like to pursue audio streaming/broadcasting the Board meetings and will be discussing possibilities with IT Director Michael Marshall.

PUBLIC COMMENT

Building Maintenance Supervisor Doug Masterson explained the Custodian/Maintenance position has been vacant since January and would like permission to pursue with Council and subcommittee to change the job description to include electrician requirements and increase the hourly rate of pay. Jim Griewank, a certified electrician, has expressed interest in this position but would need to earn an additional $12,000 per year to the currently established annual salary of $39,166. Commissioner Overmyer noted, if approved, the position would have a higher hourly rate than the Supervisor positions. **Stan Klotz moved, second by Mike Burroughs, to allow the Building Maintenance Supervisor to pursue an adjustment to the**

Custodian/Maintenance job description and pay classification with Council and subcommittee. Motion carried 3-0.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 10:01 am. Motion carried 3-0.**

Kevin Overmyer, President

Stan Klotz, Vice President

Mike Burroughs, Member

ATTEST:

Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MAY 18, 2020

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 18, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HEALTH DEPARTMENT

Administrator Ashley Garcia presented the Record of Appointment of Local Health Officer requesting Dr. Joel Schumacher be appointed to serve as Co-Health Officer for a term beginning May 18, 2020 and expiring on a date as determined by Marshall County Health Officer Dr. Byron Holm MD. **Mike Burroughs moved, second by Stan Klotz, to appoint Dr. Joel Schumacher as Co-Health Officer for a term beginning May 18, 2020 and expiring on a date as determined by Marshall County Health Officer Dr. Byron Holm MD. Motion carried 3-0.**

Public Health Nurse Lisa Letsinger provided a COVID-19 update stating the trace tracking begins today at the State level; testing begins at Menominee School; there are currently 43 cases in Marshall County and the bed availability at the hospital is good with alternative sites available. Food Sanitarian/Environmentalist Dean Schmidlapp is receiving complaints concerning personal protective equipment (PPE) usage; observed a lot of activity this weekend; and noted the regulations are constantly changing.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore from MapleNet on 11th Road, between Nutmeg Road and Aubrie Road, in Center Township, to provide high speed internet. **Mike Burroughs moved, second by Stan Klotz, to approve a road bore from MapleNet on 11th Road, between Nutmeg Road and Aubrie Road, in Center Township, to provide high speed internet. Motion carried 3-0.**

Superintendent Peters presented a road bore from Langfeldt Excavating LLC on Chestnut Road, between 7th Road and 8th Road, in Bourbon Township, to install tile to drain foundation. **Mike Burroughs moved, second by Stan Klotz, to approve a road bore from Langfeldt Excavating LLC on Chestnut Road, between 7th Road and 8th Road, in Bourbon Township, to install tile to drain foundation. Motion carried 3-0.**

Superintendent Peters presented a road bore from Precision Utilities Group at 16834 7th Road, between Queen Road and Plymouth-LaPorte Trail, in Polk Township, to provide CenturyLink service. **Stan Klotz moved, second by Mike Burroughs, to approve a road bore from Precision Utilities Group at 16834 7th Road, between Queen Road and Plymouth-LaPorte Trail, in Polk Township, to provide CenturyLink service. Motion carried 3-0.**

Superintendent Peters presented a road bore from Precision Utilities Group at 13465 5C Road, between Michigan Road and Pine Road, in Polk Township, to provide CenturyLink service. **Stan Klotz moved, second by Mike Burroughs, to approve a road bore from Precision Utilities Group at 13465 5C Road, between Michigan Road and Pine Road, in Polk Township, to provide CenturyLink service. Motion carried 3-0.**

Superintendent Peters presented a right of way cut from Frontier Communications on Blackford Road, between IN-331 and Hartz Drive, in Tippecanoe Township, to provide Telecom service drop. **Mike Burroughs moved, second by Stan Klotz, to approve a right of way cut from Frontier Communications on Blackford Road, between IN-331 and Hartz Drive, in Tippecanoe Township, to provide Telecom service drop. Motion carried 3-0.**

Superintendent Peters presented a road surface cut from Marshall County REMC on 18th Road, between Queen Road and E. Shore Drive, in Union Township, to upgrade electric. **Stan Klotz moved, second by Mike Burroughs, to approve a road surface cut from Marshall County REMC on 18th Road, between Queen Road and E. Shore Drive, in Union Township, to upgrade electric. Motion carried 3-0.**

Superintendent Peters stated Marshall County REMC would like to move the existing overhead electric line, which is scheduled for replacement, on Lincoln Highway from Beech Road to Kosciusko County line. The Commissioners stated Marshall County REMC should proceed with a formal permit request.

Superintendent Peters provided a department update: mowing has begun and looking to hire three part-time seasonal mowers; calcium has been sprayed on gravel roads; preparing for chip, seal and paving; Call for Projects letters of interest for Bridge #232, Randolph Street, and Bridge #11, N. Union Road, have been reviewed and accepted. USI Consultants was selected for Bridge #232, Randolph Street, and United Consultant was selected for Bridge #11, N. Union Road; the Walsh & Kelly bid was reviewed and awarded for the Community Crossings Grant 2020-1, Michigan Road from 3rd Road to 1026' south of 7th Road. Mr. Peters reviewed the distribution revenues for the MVH fund and Local Road & Street Fund and each are down, $54,689 in the MVH Fund and $4,518 in the Local Road & Street Fund.

BOYS & GIRLS CLUB OF PLYMOUTH AND BREMEN

Plymouth Chief Executive Officer Andrew Fitspatrick stated the Boys & Girls Club is celebrating its 25th anniversary; the facility has been closed due to COVID-19; continue to serve snacks; Plymouth facility is looking at reopening on June 15th at 50% capacity; Bremen facility may be opening July 6th or canceling. Mr. Fitspatrick stated Culver is staying with the Northwest Branch; however, Bourbon and Rochester have shown interest in joining the Plymouth-Bremen alliance. The club is anticipating a major increase in operating costs due to the pandemic and is requesting the Board consider an additional $13,000 contribution. The County is currently contributing $12,000 per year, $6,000 to each facility.

MARSHALL-STARKE DEVELOPMENT CENTER

CEO Jodie Smith provided the Board with the FY2020 financial status report; due to COVID-19 the facility has been closed to consumers since March 23rd, management is still working in the

facility. The Center applied for and received a PPP loan for payroll, health insurance and utilities. Ms. Smith explained the federal government has adjusted the percentages paid by Medicaid due to changes in services, which has negatively affected the operating budget. The revenue will begin to increase as services increase. The residents have remained at home and will continue to remain at home until July, they are reopening on June 1st with a small group of individuals. One person with disabilities, who is living in the family home, has tested positive for COVID-19.

EMERGENCY MANAGEMENT AGENCY

Director Clyde Avery presented the Quarterly Report (February 18, 2020 – May 17, 2020) stating the 2019 EMPG Grant Agreement has been signed locally and returned to the State. This grant will reimburse the County for 50% of the EMA Director's salary for 2019 in the amount of $23,839.79. The Marshall County Blueberry Festival Security has requested to utilize the Emergency Operations Center from September 2, 2020 through September 7, 2020. **Stan Klotz moved, second by Mike Burroughs, to allow the Marshall County Blueberry Festival Security to utilize the Emergency Operations Center from September 2, 2020 through September 7, 2020. Motion carried 3-0.**

The Commissioners thanked Mr. Avery for all his hard work during the pandemic. Discussion was held concerning the purchase of personal protective equipment for future use and renewal of the Emergency Declaration.

SHERIFF DEPARTMENT

Sheriff Matt Hassel presented a request to apply for the FY2021 CHIRP Grant explaining it is a federal reimbursable grant administered by the Indiana Criminal Justice Institute (ICJI). The grant allows for officers to work additional hours focusing on traffic violations, occupant protection laws and impaired driving enforcement. This program was previously known as Operation Pull- Over and is utilized by many agencies in Marshall County, including Bremen, Bourbon, Plymouth, Argos and Culver police departments. The Bremen Police Department is the host agency and the Marshall County Auditor is designated as the fiscal agency to distribute funds received from ICJI to the departments. Sheriff Hassel further requested that the grant reimbursement be allowed to be processed as a pre-payment. **Mike Burroughs moved, second by Stan Klotz, to allow Sheriff Hassel to apply for the FY2021 CHIRP Grant and to allow reimbursements be processed as a pre-payment. Motion carried 3-0.**

Sheriff Hassel stated the jail population is at 147 this morning and measures are in place to quarantine inmates for a 14-day period. Sheriff Hassel further stated he is in favor of the jail expansion project.

PROBATION DEPARTMENT

Chief Probation Officer James Bendy requested permission to apply for the 2020 Indiana Office of Court Services (IOCS) Grant for the purpose of providing financial assistance to certified pretrial service agencies pursuant to IC 35-33-8. If awarded, grant funds would be disbursed for a 12-month budget cycle beginning on July 1, 2020 and ending June 30, 2021. The grant request includes wages and benefits for two full-time positions, Pre-trial Probation Officer and Criminal Justice Intake Specialist, as well as training, travel, equipment and other costs for clients in the

total grant request of $182,690. Mr. Bendy clarified the grant is funded by the State and is advance funding. **Stan Klotz moved, second by Mike Burroughs, to allow Chief Probation Officer Bendy to apply for the 2020 IOCS Grant in the sum of $182,690 for pretrial services. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Superintendent Peters presented the Annual Operational Report for Local Roads, Streets and Bridges for the fiscal year ending December 31, 2019. **Mike Burroughs moved, second by Stan Klotz, to accept the Annual Operational Report for Local Roads, Streets and Bridges for the fiscal year ending December 31, 2019. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

County Park & Recreation Board: Judge Palmer has appointed Deborah VanDeMark to the County Park & Recreation Board. The Council made its appointments last week. It was suggested that a Commissioner attend the first meeting to provide guidance and direction.

New Business:

COVID-19 Resolution/Executive Orders:

Resolution 2020-23: Public Health Disaster Emergency Declaration; Resolution 2020-24: Restricting Public Access to County Buildings and Resolution 2020-25: Public Health Disaster Emergency Declaration: The Commissioners will want to ratify the most recent orders.

Stan Klotz moved, second by Mike Burroughs, to ratify Resolution 2020-23: Public Health Disaster Emergency Declaration executed on May 8, 2020; Resolution 2020-24: Restricting Public Access to County Buildings executed on May 12, 2020 and Resolution 2020-25: Public Health Disaster Emergency Declaration executed on May 15, 2020.
Motion carried 3-0.

Koorsen Fire Contract: The contract is for inspections of the Jail kitchen as required by law. The proposed fee is $1,500 annually, which includes two inspections and some replacement of tubing required to be replaced every three years. The contract calls for an automatic renewal if the County does not provide notice at least 60 days before the expiration of the contract. It provides in the event of early termination, the County would pay 50% to 100% of the annual fee. The vendor can increase fees up to 5% after the first year but in the event of an increase, the County can terminate the agreement if notice is given within 15 days. Attorney Clevenger would prefer the automatic renewal provision be eliminated and to allow the County to terminate with 30 days notice and no payment. The County may terminate with 30 days notice if service is unsatisfactory but must first notify vendor to allow change to cure. The agreement includes a limit of liability of next to nothing. **Mike Burroughs moved, second by Stan Klotz, to approve the Koorsen Fire Contract in the sum of $1,500 contingent upon County Attorney discussing modifications with Koorsen. Motion carried 3-0.**

AT&T/FirstNet: Exhibit D Participation Agreement was presented for approval.
Mike Burroughs moved, second by Stan Klotz, to approve the AT&T/First Net Exhibit D Participation Agreement. Motion carried 3-0.

AUDITOR REPORT

May 4, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of May 4, 2020. Motion carried 3-0.**

May monthly claims: **Mike Burroughs moved, second by Stan Klotz, to approve the May monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Congressional School Fund Annual Report: **Mike Burroughs moved, second by Stan Klotz, to approve the Congressional School Fund Annual Report, reflecting the fund balance of $21,222.93. Motion carried 3-0.**

Grant Approval and Administration Policy: Commissioner Overmyer stated the importance of Department Heads following Ordinance 2013-15: An Ordinance Adopting a Marshall County Grant Approval and Administration Policy. Explaining every grant request needs to be formally presented to the Board of Commissioners and Council for approval.

Indiana Court Services Assessment: Commissioner Klotz stated a reply has not been received from Indiana Court Services following the pretrial practices assessment meeting with judicial officials on March 4, 2020.

Health Insurance: Commissioner Klotz stated he would like to meet with others to discuss the option of joining with other County units to form a group for health insurance benefits.

Broadcast Public Meetings: Commissioner Burroughs has met with IT Director Michael Marshall about streaming audio to board meetings through a YouTube channel.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 11:07 am. Motion carried 3-0.**

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Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JUNE 1, 2020

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 1, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

RESOLUTION 2020-26
COMMUNITY DEVELOPMENT BLOCK GRANT
OWNER OCCUPIED REHABILITATION

SRKM Architecture Co-Owner Brent Martin presented Resolution 2020-26: Resolution of the Board of County Commissioners of Marshall County Authorizing the Submittal of the Community Development Block Grant Owner Occupied Rehabilitation ("CDBG OOR") Application to the Indiana Housing and Community Development Authority ("IHCDA"). Mr. Martin explained the grant award will not exceed $500,000, which is to address repairs to low and moderate income homeowner's dwellings in Marshall County. The grant does not require matching funds from the County or homeowner and administrative fees are also paid by the grant award. Further explaining this is the first step in the process and will present the full application to apply to both the Board of Commissioners and Council. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2020-26: Resolution of the Board of County Commissioners of Marshall County Authorizing the Submittal of the Community Development Block Grant Owner Occupied Rehabilitation ("CDBG OOR") Application to the Indiana Housing and Community Development Authority ("IHCDA") in the sum of $500,000. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore from CenturyLink at 2604 State Road 331, between State Road 331 and Dogwood Road, in German Township, to provide CenturyLink service to customer. **Mike Burroughs moved, second by Stan Klotz, to approve a road bore from CenturyLink at 2604 State Road 331, between State Road 331 and Dogwood Road, in German Township, to provide CenturyLink service to customer. Motion carried 3-0.**

Superintendent Peters explained the City of Plymouth is requesting use of 7B Road as a detour due to construction on Pioneer Road from US 30 to City Limits. The detour route would be 7B Road to Pine Road, south to Pioneer. Plymouth City Engineer Rick Gaul explained it will be a two month closure and will be holding a pre-bid meeting on Thursday. Mr. Gaul stated the City will either secure a bond or prepare an Intergovernmental Agreement. **Stan Klotz moved, second by Mike Burroughs, to support an Intergovernmental Agreement between Marshall County and the City of Plymouth for the use of 7B Road as a detour route. Motion carried 3-0.**

Superintendent Peters provided a department update: The first round of mowing will be completed this week; chip and seal has begun; the first batch of patch in pug mill has been generated; begin reclaiming roads; Bridge 11 teams meeting with United Consultants has been held; and King Road is not ready for bid yet, construction will begin next year.

Discussion was held concerning signage in subdivision off 9A Road as semitrailers are using cul-de-sac as a turn around.

PLAN COMMISSION

Director Ty Adley presented the 2019 Annual Report for Marshall County Plan Commission and Board of Zoning Appeals citing increased numbers in permits, valuation and cases. Director Adley stated Culver has completed the zoning updates, Bremen is nearly complete and Argos is beginning the update process. Further stating TRC held 20 meetings with 109 cases reviewed by the Board. **Mike Burroughs moved, second by Stan Klotz, to accept 2019 Annual Report for Marshall County Plan Commission and Board of Zoning Appeals. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

County Park & Recreation Board: The Board is holding its organizational meeting Thursday, June 4, 2020 at 6:00 p.m. at the Rotary Shelter in Centennial Park, Plymouth.

Koorsen Fire Contract: The Koorsen representative agreed to modify the contract pending approval from her supervisor, indicating that the revisions proposed were common requests and have been approved by Koorsen in the past. The Auditor has returned the modified agreement to Koorsen.

COVID-19: A proposal has been received from Barnes & Thornburg to serve as COVID-19 Response and CARES Act Reimbursement Counsel for Marshall County at a set fee of $7,500. **Stan Klotz moved, second by Mike Burroughs, to approve the Engagement Letter authorizing Barnes & Thornburg to serve as COVID-19 Response and CARES Act Reimbursement Counsel in the sum of $7,500. Motion carried 3-0.**

Jail Lawsuits: Betty Knight, Lisa Baron and our insurance adjuster have agreed to file a motion to consolidate the pro se damage claims for discovery purposes only. The idea is to allow one set of discovery to be issued by the Defendants (Sheriff and various named deputies). The later plan is to file Motions for Summary Judgement in hopes those Plaintiffs' whose claim is five inmates in a cell with only four beds and sitting on the toilets to eat will be dismissed by the trial court. That will reduce the number of cases. We had 24 filings, but one pro se Plaintiff filed two cases that will be consolidated into one case and another Plaintiff case has been dismissed for failure to pay the pro-rated filing fee.

Commissioner Klotz stated that he has not received a written response from Indiana Court Services regarding the assessment and is not anticipating receipt of one.

New Business:

Clerk-Election: The Clerk, as of Friday, had almost 1,700 absentee ballots by mail. The Clerk informed Attorney Clevenger that there will be additional boards to count the ballots and has received approval to start earlier on Election Day. The Secretary of State announced last Friday that some counties may not have election results until Thursday or Friday due to the increased number of mailed in ballots.

FireEye Security Participation Agreement: The Secretary of State has contracted with a cybersecurity company to provide cybersecurity to each county at no cost. The idea is for this company to protect County voting systems from attack and to report attacks with the other 91 counties. An Agreement will need to be executed to participate in the fall election.

Regional Stellar: This item was discussed previously in the meeting.

AUDITOR REPORT

May 18, 2020 minutes: Submitted for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Commissioner minutes of May 18, 2020. Motion carried 3-0.**

June monthly claims: **Stan Klotz moved, second by Mike Burroughs, to approve the June monthly claims as presented. Motion carried 3-0.**

2021 Budgets: The 2021 Budget requests will be distributed to Departments in the next week.

Spring Tax Collection: The Treasurer certified the spring tax collection at approximate $28.5 million which is $2.5 million less than normally received. The Auditors Office will be distributing the tax dollars later this month.

COMMISSIONER ITEMS

Executive Session – Personnel Matter: An Executive Session will be held Thursday, June 4th at 8:00 a.m. in Attorney Clevenger's Office to discuss a personnel matter.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 9:24 am. Motion carried 3-0.**

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Kevin Overmyer, President

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Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JUNE 15, 2020

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 9:48 a.m., Monday, June 15, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, 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 CenturyLink at 10170 W. County Line Road, between 10B Road and 9B Road, in West Township, to provide CenturyLink service to customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from CenturyLink at 10170 W. County Line Road, between 10B and 9B Road, in West Township, to provide CenturyLink service to customer. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink at 19870 1C Road, between Union Road and Thorn Road, in Polk Township, to provide CenturyLink service to customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink at 19870 1C Road, between Union Road and Thorn Road, in Polk Township, to provide CenturyLink service to customer. Motion carried 3-0.**

Superintendent Jason Peters presented a road bore request from Marshall County REMC on Filbert Road, between 7th Road and 6th Road, in German Township, to install an upgrade underground electric service. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from Marshall County REMC on Filbert Road, between 7th Road and 6th Road, in German Township, to install an upgrade underground electric service. Motion carried 3-0.**

Superintendent Peters provided a department update: The first round of mowing will be completed this week. Triple chip and seal is complete on Jarrah Road, between 9A and 7th Road; Hickory Road from 8th Road to 9B Road; Juniper Road from 12B Road to 14th Road and County Line Road from 12B Road to 9B Road. Single seal is complete on Hickory Road from 7th Road to 8th Road (up to the bridge approach) and 12B Road from King Road to Elm Road. June MVH Distribution has been received in the sum of $264,406.79, which is down $90,951.04 from 2019 and Local Road & Street Distribution has been received in the sum of $48,796.46, which is down $16,026.13 from 2019.

Superintendent Peters presented a Uniform Conflict of Interest Disclosure Statement with Vendor, Chain of Lakes Services, for approval. **Mike Burroughs moved, second by Stan Klotz, to accept the Uniform Conflict of Interest Disclosure Statement with Chain of Lakes Services. Motion carried 3-0.**

UNSAFE BUILDING

Building Inspector Chuck DeWitt presented Ordinance 2020-12, which repeals and replaces Ordinance 2015-12. Mr. DeWitt explained the new Ordinance restructures the Membership of the Unsafe Building Board and adds fees for noncompliance, following I.C. 36-7-9.
Mike Burroughs moved, second by Stan Klotz, to accept proposed Ordinance 2020-12, with the First Reading to be heard on July 20, 2020. Motion carried 3-0.

COMMUNITY CORRECTIONS

Director Ward Byers requested permission to apply for the 2021 Indiana Department of Corrections Grant and presented a letter of support. The grant request is in the sum of $319,229 for Community Corrections, $39,500 for Jail Treatment and $61,964 for Prosecutor Diversion, for a total grant request of $420,693. **Stan Klotz moved, second by Mike Burroughs, to approve the 2021 IDOC Grant request in the sum of $420,693 and to sign the letter of support. Motion carried 3-0.**

CITY OF PLYMOUTH

City Engineer Rick Gaul stated that Attorney Sean Surrisi is working on the Intergovernmental Agreement for Pioneer Drive detour and it will be presented for consideration in July.

PLAN COMMISSION

Director Ty Adley presented 20-PC-04 Sickmiller, requesting to subdivide 4.88 acres from a 19.78 acre parcel at 19589 Elm Road, Tippecanoe, IN. Based on the information provided and required by ordinance, Staff and TRC would recommend approval of the proposed two lot subdivision.

Mike Burroughs moved, second by Stan Klotz, to open the public hearing for 20-PC-04. Motion carried 3-0.

No comment was heard.

Stan Klotz moved, second by Mike Burroughs, to close the public hearing for 20-PC-04. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to approve 20-PC-04, re-plat of 19589 Elm Road, Tippecanoe to accept the right-of-way. Motion carried 3-0.

CORONER

Coroner John Grolich discussed the need for a County morgue, stating we have no means to store bodies; the case load has increased with COVID-19; 16 autopsies were performed in 2019 and 18 have completed year-to-date. Coroner Grolich requested Commissioners support for construction of a 40x64 building on the jail property in the sum of $200,000 - $210,000. Discussion was held concerning the possibility of meeting COVID-19 grant requirements for reimbursement.

John Oliver voiced support in favor of constructing a morgue and provided a spreadsheet of the Township Rainy Day and Assistance Fund balances from the DLGF Gateway for fiscal years 2015 through 2019, stating the units have combined excess funds in the sum of $1,943,787.

Mr. Oliver suggested contacting the Trustees, as they have discretion to allocate funding, to determine if they would be willing to contribute to the construction costs.

Stan Klotz moved, second by Mike Burroughs, to recommend Council support the construction of a morgue in the sum of $250,000 on the jail property. Motion carried 3-0.

DLZ INDIANA, LLC

Vice President Laurie Johnson, PE, presented a Professional Services Letter Agreement Proposal to assist Marshall County in the development of a study to address building issues with respect to the CARES Act and the US Department of Labor Occupational Safety and Health Administration (OSHA) Guidance on Preparing Workplaces for COVID-19. DLZ will review the HVAC systems in the Marshall County Courthouse, County Building and Historical Museum and suggest improvements to reduce airborne exposures; as well as review the existing communications infrastructure to assess the systems capability to allow for remote telework usage. **Stan Klotz moved, second by Mike Burroughs, to approve the DLZ Indiana, LLC, Professional Services Letter Agreement in the sum of $8,000. Motion carried 3-0.**

MARSHALL COUNTY COMMUNITY FOUNDATION AND UNITED WAY

Executive Director Linda Yoder explained there was a large demand for food assistance at the beginning of the COVID-19 shutdown and demand is starting to increase again. Northern Indiana Food Bank has offered nine bonus food distribution events in Marshall County since mid-April. Ms. Yoder stated the cost is $6,000 per week for a capacity of 500 per drop; 1,569 households have been served by those food drops. Three more distributions are scheduled in Bremen, Plymouth and Culver. Fund the Essentials program has been awarded over $60,000 to local organizations with $45,783 of that to assist food pantries and organizations supplying food to those in need of assistance. Commissioner Overmyer stated that a donation may be reimbursable under the CARES Act, if designated for food distribution. **Stan Klotz moved, second by Mike Burroughs, to approve a donation of $20,000 to Fund the Essentials designating it be appropriated for food. Motion carried 3-0.**

ATTORNEY REPORT

New Business:

SRI Contract: SRI presented two Agreements, one includes a contract extension for tax sale services. Either way the Auditor and Treasurer would like to proceed is acceptable. Attorney Clevenger encourages contracting with SRI as they provide valuable specialized services to the County and to those offices. **Stan Klotz moved, second by Mike Burroughs, to approve the Agreement between SRI, Incorporated and Marshall County with the automatic renewal option. Motion carried 3-0.**

AUDITOR REPORT

June 1, 2020 minutes: Submitted for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Commissioner minutes of June 1, 2020. Motion carried 3-0.**

June 4, 2020 Executive Session minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Executive Session minutes of June 4, 2020. Motion carried 3-0.**

June monthly claims: **Mike Burroughs moved, second by Stan Klotz, to approve the June monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Bourbon Public Library Appointment: **Stan Klotz moved, second by Mike Burroughs, to reappoint Gary M. Price to the Bourbon Public Library Board for a four-year term, from May 1, 2020 to April 30, 2024. Motion carried 3-0.**

Park and Recreation Board: Auditor Julie Fox received direction from State Board of Accounts concerning the creation of a Park and Recreation Department in the General Fund, along with a receipting line entitled Park & Recreation Donations within the General Fund.

Walsh and Kelly Agreement: Highway Superintendent Jason Peters presented an Agreement between Marshall County and Walsh and Kelly for North Michigan, 1026' more or less south of 7th Road to 3rd Road, for signature.

PUBLIC COMMENT

Commissioner Overmyer introduced Ruth Baker who recently won the primary race for Commissioner in Cass County.

Ginger Calhoun presented concerns regarding the CFO/CAFO Application to the Indiana Department of Environmental Management (IDEM) at Ironwood Road and 18th Street, which proposes the construction of a 2,200 head wean to finish hog barn that will be totally enclosed. Ms. Calhoun is concerned about the increased traffic, flooding on the curve and narrow road, which will be used for large trucks and semis.

John Oliver stated with the Commissioners contribution today of $20,000, United Way's initial goal of $400,000 has been exceeded as $500,000 has been raised to date. Mr. Oliver thanked the Commissioners for setting the example for others to follow and the contribution exposed the generosity of the County.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 11:01 am. Motion carried 3-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JULY 6, 2020

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 6, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

EAST SHORE CONSERVANCY DISTRICT

Alan Hux, Attorney for Petitioners of the East Shore Conservancy District as approved through Court order in Cause No. 50C01-1908-MI-000071, explained that a Board of Directors needs to be appointed for the newly established District and members must be qualified freeholders. The District has been divided into five areas with a recommended appointment for each area and upon expiration of the initial terms, the board would be elected by the general public. Mr. Hux explained three of the individuals wishing to be appointed to the Board were initially against the establishment of the District.

Peter Cleveland, 1054 E. Shore Drive, Culver, Indiana, spoke on behalf of numerous freeholders to be included in the East Shore Conservancy District, but who lawfully use existing septic tank systems and are not currently members of the East Shore Corporation or users of the private force main sewer system that has failed. Mr. Cleveland explained many are in favor of a conservancy district, but this matter arose from an emergency and due to the expedition, lack of information forced individuals to remonstrate. Mr. Cleveland offered nominations for appointment to represent those not initially involved in the District. Mr. Cleveland does not feel Area 1 should be the shortest appointed term.

Brian Welch, 2348 E. Shore Lane, Culver, Indiana, explained the assignment of length of term was independent of the proposal and the individual initially proposed as Director was only willing to serve for a short term. Therefore, the length of terms may be changed by Area. James Bremner of Area 5, is willing to accept the one year appointment and allow the Area 1 term to expire in 2023.

Stan Klotz moved, second by Mike Burroughs, to appoint Peter D. Cleveland to Area 1 of the East Shore Conservancy District with the initial term to expire at the annual meeting in 2023. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to appoint Whitney Johnson to Area 2 of the East Shore Conservancy District with the initial term to expire at the annual meeting in 2022. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to appoint William F. Steck, III, to Area 3 of the East Shore Conservancy District with the initial term to expire at the annual meeting in 2024. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to appoint Brian Welch to Area 4 of the East Shore Conservancy District with the initial term to expire at the annual meeting in 2024. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to appoint James Bremner to Area 5 of the East Shore Conservancy District with the initial term to expire at the annual meeting in 2021. Motion carried 3-0.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore request from Majority Builders, Inc. on Union Road, between 9B Road and 9th Road, in West Township, for the purpose of sanitary force main. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from Majority Builders, Inc. on Union Road, between 9B Road and 9th Road, in West Township, for the purpose of sanitary force main. Motion carried 3-0.**

Superintendent Peters presented the following right of way requests from CenturyLink: 1st Road, between Queen Road and Quince Road; Quince Road, between US 6 and Roy Street; Pine Road, between US 6 and 3rd Road; and 1st Road, between Pine Road and Quince Road, all in Polk Township. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore requests from CenturyLink: 1st Road, between Queen Road and Quince Road; Quince Road, between US 6 and Roy Street; Pine Road, between US 6 and 3rd Road; and 1st Road, between Pine Road and Quince Road, all in Polk Township.**
Motion carried 3-0.

Superintendent Peters presented a road bore request from CenturyLink at 6414 7th Road, between Hickory Road and Filbert Road, in German Township, to provide service to customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink at 6414 7th Road, between Hickory Road and Filbert Road, in German Township, to provide service to customer. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink at 405 Zillmer Road, between Sunrise Drive and Alex Patrick Drive, in German Township, to provide service to customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink at 405 Zillmer Road, between Sunrise Drive and Alex Patrick Drive, in German Township, to provide customer service. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Marshall County REMC on 10th Road, between Gumwood Road and Fir Road, in Bourbon Township, to upgrade underground electric. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from Marshall County REMC on 10th Road, between Gumwood Road and Fir Road, in Bourbon Township, to upgrade underground electric. Motion carried 3-0.**

Ben Beers, USI Consultants, Inc., presented the Consulting Contract for Marshall County PE Bridge #232: Randolph Drive over Yellow River, DES # 1902820, in a sum not to exceed $353,800. The completion of the construction contract is estimated to be December 31, 2025.

Mike Burroughs moved, second by Stan Klotz, to approve the Consulting Contract between Marshall County and USI Consultants, Inc. for PE Bridge #232: Randolph Drive over Yellow River, DES #1902820, in a sum not to exceed $353,800, contingent upon review by County Attorney. Motion carried 3-0.

Matt Lee, Team Leader of the Bridge Department for United Consulting, presented the Consulting Contract for Replacement of Marshall County Bridge No. 11: Union Road over Peter Sarber Ditch, DES #19028009, in a sum not to exceed $308,100. Mr. Lee provided a brief timeline of the project, which is estimated to be six years. **Mike Burroughs moved, second by Stan Klotz, to approve the Consulting Contract between Marshall County Commissioners and United Consulting for Replacement of Marshall County bridge No. 11: Union Road over Peter Sarber Ditch, DES #1902809, in a sum not to exceed $308,100, contingent upon review by County Attorney. Motion carried 3-0.**

Discussion was held concerning the appointment of a Commissioner liaison to each bridge project. **Mike Burroughs moved, second by Stan Klotz, to appoint Mike Burroughs as the liaison to Bridge #232, Randolph Drive. Motion carried 3-0.**

Mike Burroughs moved, second by Stan Klotz, to appoint Stan Klotz as the liaison to Bridge # 73, King Road. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to appoint Kevin Overmyer as the liaison to Bridge #11, Union Road. Motion carried 3-0.

Superintendent Peters provided a department update: Triple chip and seal is complete on Jarrah Road, between 9A and 7th Road; Hickory Road from 8th Road to 9B Road; Juniper Road from 12B Road to 14th Road; County Line Road from 12B Road to 9B Road; County Line Road from 9B Road to 7th Road (section north in need of repairs); Gumwood Road, 1st to County Line Road; Ule Trail from 1st Road to County Line Road and 4B Road, from Rose Road to Olive Road. Single seal is complete on Hickory Road from 7th Road to 8th Road (up to the bridge approach); 12B Road from King Road to Elm Road; 3B Road from SR 331 to County Line Road and 4B Road from Rose Road to Olive Road; further stating roughly 28 miles have been completed.

INTERGOVERNMENTAL AGREEMENT PIONEER DRIVE DETOUR

The Memorandum of Understanding between Marshall County and the City of Plymouth regarding Pioneer Drive has been reviewed and is ready for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Memorandum of Understanding between Marshall County and the City of Plymouth regarding Pioneer Drive Detour. Motion carried 3-0.**

HIGHWAY DEPARTMENT CONTINUED

Discussion was held concerning contacting Walsh & Kelly for an estimate to pave 7B Road from Pine Road to Oak Road. Superintendent Peters requested Commissioner's support to present a request to Council for additional funding for projects as a second Call for Projects will not be offered by the State. **Stan Klotz moved, second by Mike Burroughs, to support the Highway Department in approaching Council for financial support for road projects off N. Michigan Road. Motion carried 3-0.**

BUILDING & GROUNDS

Maintenance Supervisor Doug Masterson requested Commissioner's support to approach Council for an additional appropriation to finish the sidewalk from the Courthouse patio east to Center Street, replace sidewalks surrounding the County Building and replace the doors on north and south ends of the County Building in the sum of $132,000. **Mike Burroughs moved, second by Stan Klotz, to support Buildings & Grounds in approaching Council for financial support for sidewalks and doors in the sum of $140,000. Motion carried 3-0.**

Maintenance Supervisor John Greer presented a quote from Herrman & Goetz, Inc. in the sum of $9,890 to install a new exhaust fan at the jail, noting the price does not include the roof opening or flashing once the unit is set. Mr. Greer explained the costs will be covered by the Sheriff's budget. **Stan Klotz moved, second by Mike Burroughs, to approve the proposal from Herrman & Goetz, Inc., in the sum of $9,890 for the installation of a roof mounted fan. Motion carried 3-0.**

OLDER ADULT SERVICES

Director Janis Jeffers Holiday presented a Grant Agreement between Marshall County and Indiana Department of Transportation Section 5311/5339, EDS #A249-20-G200054, Project #1803970O, explaining the term has been extended from July 1, 2020 to July 1, 2022 due to CARES Act Funding. The budget and revenue are in the sum of $717,399. **Mike Burroughs moved, second by Stan Klotz, to approve the Grant Agreement between Marshall County and Indiana Department of Transportation Section 5311/5339, EDS #A249-20-G200054, Project #1803970O and to allow the Board President sign the Agreement.**
Motion carried 3-0.

HAROLD JUNKER

Harold Junker, 4046 Liberty Street, Bremen, Indiana explained his concern at Liberty Street, specifically the road access point to a certain area residents have been mooring their boats via piers they erected many years ago. At the same time, additional unidentified boat owners are doing the same and this activity has increased this summer. Mr. Junker requested the Commissioners revisit the June 18, 2018 Commissioner Meeting Minutes, there is reference to very similar complaints at the same location. Mr. Junker expressed the opinion that no individual, regardless of property tax status, should be erecting piers from the edge of the County right of way, without prior written and reproducible documentation from the County Commissioners allowing such construction. Doing so would be in direct conflict of the findings of Egenlauf decision that the water location is to remain open as intended and should not be impeded.

Plan Commission Director Ty Adley stated piers are an issue, there is no easement at this location or adjacent ground. Discussion was held concerning issuing letters or posting a notice.

ATTORNEY REPORT

New Business:

Restrict Home Address: Ordinance 2016-15 was previously adopted by reference to the State statute that restricts home address information for certain groups. The Ordinance referred to Exhibit A as the form to be filed with the appropriate county agencies. A new form is being proposed due to minor changes in the law. The form may be approved via a motion, amending the Ordinance is unnecessary since there are no terms being changed in the Ordinance, only on

the form. **Stan Klotz moved, second by Mike Burroughs, to adopt "Exhibit A" replacing the original form under Ordinance 2016-15: Request to Restrict home Address Access of a Covered Person pursuant to IC 36-1-8.5. Motion carried 3-0.**

Jail Overcrowding Lawsuits: The insurance carrier has grouped cases by complaint reducing the number of deductibles from 24 cases to 2 cases. The contract renewal premium may reflect the adjustment.

AUDITOR REPORT

June 15, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of June 15, 2020. Motion carried 3-0.**

July monthly claims: **Mike Burroughs moved, second by Stan Klotz, to approve the July monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Enterprise: Commissioner Klotz stated he is working on the vehicle list.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:09 am. Motion carried 3-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JULY 20, 2020

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 20, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore and right-of-way request from Frontier Communications on 10th Road, between Gumwood Road and Fir Road, in Bourbon Township, for the purpose of a Telecom service drop. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore and right-of-way request from Frontier Communications on 10th Road, between Gumwood Road and Fir Road, in Bourbon Township, for the purpose of a Telecom service drop. Motion carried 3-0.**

Superintendent Peters presented a right-of-way request from Frontier Communications on N. 1100 W. Road, between W. 1100 N. Road and W. 1000 N. Road, in Bourbon Township, for the purpose of a Telecom service drop. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way request from Frontier Communications on N. 1100 W. Road, between W. 1100 N. Road and W. 1000 N. Road, in Bourbon Township, for the purpose of a Telecom service drop. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from NIPSCO on Maple Leaf Trailer Court Drive in North Township, to expose and retire a gas main. **Stan Klotz moved, second by Mike Burroughs, to approve the right-of-way request from NIPSCO on Maple Leaf Trailer Court Drive, in North Township, to expose and retire a gas main.**
Motion carried 3-0.

Superintendent Peters provided a road and department update: The PO was received for Bridge #73 right-of-way in the sum of $52,260 and Notice to Proceed was issued to USI. All federal projects, including Countywide Bridge Inspections, King Road Bridge #73, 11th Road Bridge #87 and Upas Road Bridge #120, have been reviewed and approved by Metropolitan Planning Organization (MPO) a/k/a MACOG for quarterly tracking and submitted to INDOT.

UNSAFE BUILDING

Building Inspector Chuck DeWitt presented Ordinance 2020-12, providing for the inspection, repair, or removal of unsafe building and unsafe premises, explaining upon approval will repeal and replace Ordinance 2015-12. The purpose of revising the Ordinance is to update Section 4, Membership and Section 9, Fines.

Mike Burroughs moved, second by Stan Klotz, to open the Public Hearing on Ordinance 2020-12. Motion carried 3-0.

No comments were heard.
Mike Burroughs moved, second by Stan Klotz, to close the Public Hearing on Ordinance 2020-12. Motion carried 3-0.

Attorney Clevenger explained the Town of Culver previously had an Unsafe Building Board, but is now referring cases to the County for action and are supportive of this action. Discussion was held concerning Section 9, Paragraph 3a, and removing the ability of the Building Commissioner to impose monetary fines, allowing only the Unsafe Building Board with the ability to impose monetary fines.

Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2020-12 on First Reading with a revision of removing "Building Commissioner" from Section 9, Paragraph 3a allowing only the Unsafe Building Board with the discretion to impose monetary fines. Motion carried 3-0.

INDIANA, ILLINOIS, IOWA FOUNDATION FOR FAIR CONTRACTING

Policy Director Josh Weger provided a PowerPoint Presentation entitled Indiana Responsible Bidder Ordinances, highlighting the definition of responsible bidders and establishing verifiable standards and objectives.

Highway Superintendent Jason Peters indicated many of the items highlighted are already part of the bidding process as required by the State.

PLAN COMMISSION

Director Ty Adley presented 20-PC-03 Martin, Daniel, a request by Erica and Laura Morris to create a one lot Minor Subdivision approval for Daniel Martin located at 16740 10B Road, Plymouth, IN, West Township, Zoned L-1 (off water).

Mike Burroughs moved, second by Stan Klotz, to open the Public Hearing on 20-PC-03. Motion carried 3-0.

No public comment was heard.

Mike Burroughs moved, second by Stan Klotz, to close the Public Hearing on 20-PC-03. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve 20-PC-03. Motion carried 3-0.

Director Adley presented 20-PC-07 RVH Trucking, a request for a 2-lot minor subdivision, located at 1260 20th Street, Tippecanoe, IN, Zoned I-1.

Mike Burroughs moved, second by Stan Klotz, to open the Public Hearing on 20-PC-07. Motion carried 3-0.

No public comment was heard.

Stan Klotz moved, second by Mike Burroughs, to close the Public Hearing on 20-PC-07. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve 2020-PC-07.
Motion carried 3-0.

HEALTH DEPARTMENT

Health Administrator Ashley Garcia presented a request to apply for the SARS-CoV-2 Community-based Testing Support; available with the support of federal funds from CK19-1904 Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infection Diseases Grant, Project NU50CK000503 in the sum of up to $50,000, which is based on the current population of Marshall County. Further explaining the grant provides support to local health departments to expand efforts for community-based testing for COVID-19 for the period of September 1, 2020 through June 30, 2021.

Administrator Garcia presented a request to apply for the Public Health Emergency Preparedness Grant in the sum of $31,895. Further explaining the grant is designed to assist Health Departments with various activities aimed at enhancing state and local preparedness in order to better respond to public health and healthcare emergencies. These activities include the development of an all-hazards emergency operations plan, training and exercise planning, point of dispensing exercises and information management.

Stan Klotz moved, second by Mike Burroughs, to approve the Health Department's request to apply for the SARS-CoV-2 Community-based Testing Support in the sum of up to $50,000. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve the Health Department's request to apply for the Public Health Emergency Preparedness Grant in the sum of up to $31,895. Motion carried 3-0.

Public Health Nurse Lisa Letsinger explained the Health Department Public Health Order No. 01-2020 mandating face covering and the concept of risk reduction. Marshall County is listed number one in the State for increase in COVID-19 cases per capita.

The Commissioners encourage businesses to ask individuals to wear a mask and the goal is to support the Health Department. Attorney Clevenger indicated enforcement of the mask order needs to be coordinated with the Sheriff and other units of government.

Jack Roose, 15300 6th Road, Plymouth, stated with additional testing it may skew the numbers because more individuals are being tested. Discussion was held concerning initially trace tracking was investigated by our local health department and is now being monitored by the State.

Erin Jones, 10620 Oriole Ln, Plymouth, stated she and her husband are active in their church and appreciate the difficult decision made by the Health Officer; however, the Order was issued late on Friday afternoon to be implemented the following Monday morning at 12:01 a.m., which left little time for questions to be addressed during normal business hours.

Stephanie Thomas, 8295 7th Road, Plymouth, voiced concerns about potential civil liberties and HIPPA laws being violated during a pandemic.

BIS DIGITAL

Commissioner Burroughs explained the potential need to live stream board meetings and that reimbursable funding may be available under the CARES Act. BIS Digital has provided an estimate in the sum of $21,771.60, which includes new cameras. IT Director Michael Marshall stated the existing cameras probably would not work for livestreaming as they are used for Security. Director Marshall will work with EMA Director Clyde Avery to prepare a project proposal to present to Barnes & Thornburg for approval.

LINDA HALL & JAMES HALL

Linda Hall, 4115 Lipton Street, Bremen and son, James Hall, 1027 Bowdoin Drive, Mishawaka, addressed the Board to respond to Mr. Harold Junker's presentation at the prior meeting concerning piers at Lake of the Woods. Ms. Hall stated the pier has been in place for years, it has been re-built over the years, her husband and son built the seawall and for the most part do store the boats on the north end; however, it does not block traffic or create congestion. The Commissioners stated their only concern is the right of way remaining open.

ATTORNEY REPORT

New Business:

Rowland Architect Contract: The proposed contract has been reviewed and have a few comments for possible modification or clarification.

AUDITOR REPORT

July 6, 2020 minutes: Submitted for approval. **Mike Burroughs moved, second by Stan Klotz, to approve the Commissioner minutes of July 6, 2020. Motion carried 3-0.**

July claims: **Stan Klotz moved, second by Mike Burroughs, to approve the claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Safety Committee: Commissioner Klotz stated the current members of the Safety Committee in addition to himself are the Coroner, EMA Director, Highway Department, Maintenance Supervisors, Sheriff, Human Resources, Mike Miley and Gibson Insurance. Commissioner Klotz will review the Marshall County Safety Procedures and Emergency Protective Measures to determine if additional members need appointed or the plan revised.

PUBLIC COMMENT

Jim Masters requested clarification concerning the piers at Lake of the Woods. The Commissioners confirmed that the goal is to keep the right-of-way open.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 11:16 am. Motion carried 3-0.**

Kevin Overmyer, President

Stan Klotz, Vice President

Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
AUGUST 3, 2020

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 3, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

USI CONSULTANTS

USI Consultants, Representatives Phil Beer and Greg Wendling, presented a Preliminary Project Cost Estimate for Veterans Parkway Corridor, Phase II, Pioneer Road east to Michigan Road, explaining the City of Plymouth desires to proceed with the Call for Projects in the fall for federal funding. Mr. Beer explained an Intergovernmental Agreement between Marshall County and the City of Plymouth would be required with Marshall County being the lead agency. The estimated cost for the project is $7 million for construction, $938,000 for preliminary engineering and $1,700,000 for other miscellaneous costs for a total sum of $9,750,000. If awarded the federal grant, the County's share of 20% would be payable as follows: $130,200 in 2021, $50,000 in 2022, $70,000 in 2023, $100,000 in 2024, $1,500,000 in 2025 and $150,000 in 2026. The Call for Projects is anticipated to be announced in October or November.

City of Plymouth Mayor Mark Senter explained the City held an Executive Council meeting to discuss the project and it will be voted on at a future meeting. Commissioner Overmyer stated he is a proponent of finishing the project; further explaining upon approval by the City Council, the project would need to be presented to both the Marshall County Commissioners and Council for approval. Commissioner Klotz voiced concerns about funding this project, rather than using the funds to work on other public roads and indicated an aggressive road plan will be presented for 2021. Plymouth City Attorney Sean Surrisi indicated he would draft the Intergovernmental Agreement and provide to Attorney Clevenger for review.

HIGHWAY DEPARTMENT

Highway Superintendent, Jason Peters, presented a road bore and right-of-way cut request from Comcast Cable on Pretty Lake Road in West Township, for the purpose of installing new CATV cable. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore and right-of-way cut request from Comcast Cable on Pretty Lake Road in West Township, for the purpose of installing new CATV cable. Motion carried 3-0.**

Superintendent Peters provided a road and department update: Chip and seal projects are ongoing; Millings are being hauled from Culver and N. Michigan Street to be used on other projects and the Community Crossings Project, N. Michigan Road from 3rd Road to 7th Road will be completed soon.

EMA

EMA Director, Clyde Avery, presented the Quarterly Report (May 18, 2020 – August 2, 2020) and requested permission to apply for the 2020 EMPG Salary Reimbursement Grant, which reimburses the County 50% of the EMA Director's salary for 2020 in the sum of $26,260. **Mike Burroughs moved, second by Stan Klotz, to allow the EMA Director to apply for the 2020 EMPG Salary Reimbursement Grant in the sum of $26,260. Motion carried 3-0.**

Director Avery stated that Barnes and Thornburg is reviewing the CARES Act funding requests with the Indiana Finance Authority (IFA) and the proposed projects have exceeded the grant award of $1,500,000. Director Avery indicated the morgue and BIS audio/video streaming have been pre-approved as eligible costs by IFA.

UNSAFE BUILDING BOARD

Building Inspector, Chuck DeWitt, presented Ordinance 2020-12, providing for the inspection, repair, or removal of unsafe building and unsafe premises, explaining upon approval this Ordinance will repeal and replace Ordinance 2015-12. The purpose of revising the Ordinance is to update Section 4, Membership and Section 9, Fines. **Mike Burroughs moved, second by Stan Klotz, to suspend the rules and pass Ordinance 2020-12, providing for the inspection, repair, or removal of unsafe building and unsafe premises on second and third reading. Motion carried 3-0.**

The Commissioners noted the Ordinance needs to be published and fines can then be imposed after a 30-day waiting period.

PROBATION DEPARTMENT

Chief Probation Officer, Jim Bendy, requested permission to apply for the Justice Partners Addiction Response Grant FY2021 in the sum of $60,000. Further explaining Marshall County was awarded the same amount for FY2020. **Mike Burroughs moved, second by Stan Klotz to approve the Probation Department's request to apply for the Justice Partners Addiction Response Grant FY2021 in the sum of $60,000. Motion carried 3-0.**

IT

IT Director, Michael Marshall, explained the BIS live streaming and hosting has been preapproved by IFA as an eligible expense and he has a meeting with them later this week. Director Marshall explained the retention period will need to be established once the system is in place. **Stan Klotz moved, second by Mike Burroughs, to approve the BIS live streaming and hosting quote in the sum of $21,771.60 and to allow the Board President to sign the agreement. Motion carried 3-0.**

HAROLD JUNKER AND KEITH & NATASHIA JUNKER

Harold Junker, 4046 Liberty Street, Bremen and Keith & Natashia Junker, 4112 Liberty Street, Bremen, presented their concerns regarding the right-of-way on Liberty Street being impeded and obstructions created, along with exhibits referencing the July 20, 2020 Pilot News article, Commissioner Minutes from May 3, 2010, June 7, 2010 and June 21, 2010 explaining their belief Liberty Street can be compared to the Egenlauf decision, Addison Street in 2010. Attorney Clevenger explained Commissioner Klotz has been working on this matter and provided numerous items, including a survey showing this location is different than many of the other Lake of the Woods accesses. Most accesses are right-of-ways that are extensions of public

roads leading into the lake or of private easements leading into the lake. Liberty Street runs adjacent to a portion of Quiet Harbour Channel. The survey suggests there is land between the right-of-way and the water. Commissioner Overmyer suggested the County Surveyor stake the County right-of-way.

ATTORNEY REPORT

New Business:

Lake of the Woods Regional Sewer Board Appointment: Regional Sewer Districts are governed by a different set of laws than conservancy districts under the DNR. Thus, when a vacancy occurs on a sewer district board, the appointing authority should appoint a replacement to complete the term of the person resigning within 30 days. Sewer district directors are appointed rather than elected. Jon Oswald resigned from the sewer board as of July 21, 2020 and the sewer board is requesting the Commissioners appoint Mary Wood to finish the unexpired term. Discussion was held concerning a possible conflict of interest as Ms. Wood may be a part-time employee of the sewer board. The Auditor will seek clarification from the sewer board and the appointment may be made at the July 17th meeting.

Tort Claim Notices: Two tort claim notices were received not related to the jail. One claim is in regards to an auto accident involving one of the Sheriff Deputies. The other claim is threatening a counterclaim stemming from a lawsuit filed by the Plan Commission against a property owner. Both claims have been referred to our insurance carrier.

AUDITOR REPORT

July 20, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of July 20, 2020. Motion carried 3-0.**

August claims: **Mike Burroughs moved, second by Stan Klotz, to approve the claims as presented. Motion carried 3-0.**

The Budget Hearing is scheduled for August 10th following the regular Council meeting.

COMMISSIONER ITEMS

Responsible Bidder Ordinance: Discussion was held concerning the need for a Responsible Bidder Ordinance. Nicholas Cline, 56345 Chapel Lane, South Bend, stated the ordinance is likened to an insurance policy that covers the taxpayers and should be considered a safety net for the Commissioners. Mr. Kline stated the ordinance would not prohibit anyone from bidding. The Commissioners requested clarification that the public works dollar value is at $250,000.

Safety Committee: Commissioner Klotz stated no changes to the Safety Committee Members will be made and membership is based on the Marshall County Safety Procedures and Emergency Protective Measures, Article VII, Organization and Assignment of Responsibilities. Members include a Commissioner appointment, Sheriff, Surveyor, Human Resources, Buildings & Grounds, Courts, Health Department, Highway Department, Court Security, EMA and Recorder.

PUBLIC COMMENT

Marshall County Health Department: Administrator Ashley Garcia requested the appointment of Matthew Miller to the Marshall County Board of Health to fill the unexpired term of Sandra Read. **Stan Klotz moved, second by Mike Burroughs, to appoint Matthew Miller to the Marshall County Board of Health for the term of August 3, 2020 ending December 31, 2021. Motion carried 3-0.**

Administrator Garcia stated Marshall County is seeing a decline in the number of COVID-19 cases and Dr. Holm has been discussing recommendations with school officials concerning the start of the school year.

Commissioner Overmyer stated his term as Commissioner began in July, 1999, being caucused in following Jean Birchmeier's resignation and is celebrating 21 years of service along with Attorney Clevenger who began in January, 1999.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 10:05 am. Motion carried 3-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
AUGUST 17, 2020

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 10:00 a.m., Monday, August 17, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

COVID-LED MESSAGE BOARD PROJECT

Project Coordinator, Shannon McLeod of Priority Project Resources, Inc., explained Marshall County applied to the Indiana Office of Community and Rural Affairs (OCRA) for a grant from the State Community Development Block Grant (CDBG) COVID 19 Relief Phase 1 Program in the sum of $150,000. The grant funds are to purchase six (6) LED Message Boards to be installed in each community within the County's corporate boundaries for the purpose of transmitting emergency messaging and updates.

Mike Burroughs moved, second by Stan Klotz, to open the public hearing for COVID-19 LED Message Board Project. Motion carried 3-0.

No public comment was heard.

Stan Klotz moved, second by Mike Burroughs, to close the Public Hearing for COVID-19 LED Message Board Project. Motion carried 3-0.

Ms. McLeod presented Resolution 2020-27: Resolution of the County Commissioners of the County of Marshall, Indiana, Authorizing the Submittal of the LED Emergency Message Boards Application to the Indiana Office of Community and Rural Affairs and Addressing Related Matters along with a Third Party Authorization, which allows Shannon McLeod to act as an agent of Marshall County while performing duties in connection with recording minutes of Public Hearings regarding the LED Emergency Message Board Project to the Office of Community and Rural Affairs.

Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2020-27: Resolution of the County Commissioners of the County of Marshall, Indiana, Authorizing the Submittal of the LED Emergency Message Boards Application to the Indiana Office of Community and Rural Affairs and Addressing Related Matters. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve the Third Party Authorization, allowing Shannon McLeod to act as an agent of Marshall County while performing duties in connection with recording minutes of Public Hearings regarding the LED Emergency Message Board Project to the Office of Community and Rural Affairs. Motion carried 3-0.

Ms. McLeod opened the following bids for the LED Emergency Message Boards:

Vendor	Single Unit Price	Total (Single)	Double Unit Price	Total (Double)
Premiere Signs	$16,656.00	$99,936.00	$24,769.00	$148,614.00
Bowman Displays	$21,601.84	$129,611.00	$34,350.91	$206,105.45
Vanadco Signs	$15,920.00	$95,520.00	$23,740.00	$142,440.00
Burkhart Sign Systems, LLC	$18,366.67	$110,200.00	$26,083.33	$156,500.00
Graycraft Signs Plus	$14,549.39	$87,296.34	$21,388.68	$128,332.08

Stan Klotz moved, second by Mike Burroughs, to accept the bids for the LED Emergency Message Boards and take them under advisement for a final decision at the Commissioners meeting on September 8, 2020. Motion carried 3-0.

HIGHWAY DEPARTMENT

Highway Superintendent, Jason Peters, presented a road bore request from CenturyLink at 12482 Olive Trail, between Hillcrest Circle and Olive Lane in Center Township, for the purpose of providing customer service. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from CenturyLink at 12482 Olive Trail, between Hillcrest Circle and Olive Lane in Center Township, for the purpose of providing customer service. Motion carried 3-0.**

Superintendent Peters submitted the Local Public Agency Project Coordination Contract between Indiana Department of Transportation and Marshall County for Bridge #232, Randolph Street over the Yellow River, DES #1902820, for Preliminary Engineering. The maximum amount of federal funds allocated to the project is $283,040. **Mike Burroughs moved, second by Stan Klotz, to approve the Local Public Agency Project Coordination Contract between Indiana Department of Transportation and Marshall County for Bridge #232, Randolph Street over the Yellow River, DES #1902820, for Preliminary Engineering. Motion carried 3-0.**

Superintendent Peters provided a road and department update: Community Crossings Project on N. Michigan Street will be completed and the road reopened tomorrow; Millings are being hauled from Culver and N. Michigan Street to be used on other projects and provided a list of projects in process and upcoming.

Commissioner Overmyer commended the Highway Department for the cleanup effort following the storm, stating there were 75 trees down, and the coordination effort with utility companies.

PLAN COMMISSION

Director, Ty Adley, presented 20-PC-08 Jimenez Joe, a request for a vacation of the alley between lots four and five of Lee & Dickinson Addition; located at 7511 11A Road, Plymouth, Center Township, Zoned T-1 and Ordinance 2020-13: An Ordinance Vacating the Alleyway between Lots 4 & 5 in Lee and Dickinson Addition to Inwood, Center Township, Marshall County, Indiana.

Mike Burroughs moved, second by Stan Klotz, to open the Public Hearing for 20-PC-08 and Ordinance 2020-13. Motion carried 3-0.

No public Comment was heard.

Stan Klotz moved, second by Mike Burroughs, to close the Public Hearing for 20-PC-08 and Ordinance 2020-13. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve 20-PC-08 and Ordinance 2020-13: An Ordinance Vacating the Alleyway between Lots 4 & 5 in Lee and Dickinson Addition to Inwood, Center Township, Marshall County, Indiana on first reading. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass 20-PC-08 and Ordinance 2020-13: An Ordinance Vacating the Alleyway between Lots 4 & 5 in Lee and Dickinson Addition to Inwood, Center Township, Marshall County, Indiana on second and third reading. Motion carried 3-0.

TOWN OF CULVER

Culver Town Manager, Jonthan Leist, presented an Intergovernmental Agreement between Marshall County and the Town of Culver regarding funding for The Marshall County Crossroads Regional Planning Team's Fund the Essentials Campaign for Local COVID-19 Relief. Mr. Leist explained the contributions were completed in the spring, but due to the pandemic the execution of the agreement was delayed. **Mike Burroughs moved, second by Stan Klotz, to approve the Intergovernmental Agreement between Marshall County and the Town of Culver regarding funding for The Marshall County Crossroads Regional Planning Team's Fund the Essentials Campaign for Local COVID-19 Relief in the sum of $10,000. Motion carried 3-0.**

CAROL YOUNG

Carol Young, 8487 1st Road, Bremen, expressed concern over the condition of 1st Road. Highway Superintendent Jason Peters confirmed 1st Road west of Miami Road is on the list for work to be completed this year.

ATTORNEY REPORT

Old Business:

Lake of the Woods Pier – Junker v Hall: Attorney Clevenger presented a memorandum to the Commissioners explaining that unlike the other easements in Lake of the Woods that are preserved by the County, this particular situation does not appear to run into the lake and there is no clear dedication of land to the County that connects with the lake. The footage at the channel is not public and landowners in the Thayer's Addition may have acquired this small strip by adverse possession. It was determined to be a matter addressed privately between the landowners in this area of Lake of the Woods and is not within the County's jurisdiction to make a determination.

Lake of the Woods Regional Sewer Board Appointment: Jon Oswald resigned from the sewer board as of July 21, 2020 and the sewer board is requesting the Commissioners appoint Mary Wood to finish the unexpired term. It was determined that Ms. Wood does not work for the district. **Stan Klotz moved, second by Mike Burroughs, to appoint Mary Woods to fill the unexpired term of Jonathan Oswald, ending December, 2023. Motion carried 3-0.**

Palta v Marshall County Deputies: This case claimed excessive force by our deputies while our deputies and an Indiana State police officer were attempting to make an arrest will soon be

dismissed. The plaintiff did not timely prosecute the case. Lisa Baron of Betty Knight's office successfully pressed the case and forced a dismissal with the assistance of our GIE adjuster. The case should not have been filed in the first place, but is nice to put a case behind us and behind the deputies.

New Business:

Treasurer – Copier Agreement: Attorney Clevenger has reviewed the proposed maintenance agreement with Adams Remco and is ready for Commissioner consideration. **Mike Burroughs moved, second by Stan Klotz, to approve the Copier Maintenance Agreement with Adams Remco. Motion carried 3-0.**

AUDITOR REPORT

August 3, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of August 3, 2020. Motion carried 3-0.**

August claims: **Mike Burroughs moved, second by Stan Klotz, to approve the claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Treasurer: Treasurer, Angie Birchmeier, clarified a copier will be purchased from Adams Remco in the sum of $3,781.46. **Mike Burroughs moved, second by Stan Klotz, to approve the purchase of a copier from Adams Remco in the sum of $3,781.46.**

PUBLIC COMMENT

Marshall County Economic Development Corporation, Jerry Chavez and Plymouth City Attorney, Sean Surrisi, explained the Industry Growth and Entrepreneurship Commission, Marshall County Crossroads and Marshall County Economic Development Corporation are working to accomplish their goal by establishing a micro-loan program throughout Marshall County. Mr. Chavez requested permission to apply for the OCRA COVID-19 funding in the sum of $250,000, explaining this is not part of the CARES Funding award the County received in the sum of $1,500,000. Discussion was held concerning a public hearing to be scheduled at the September 8th and September 21st meeting to hear the Resolution and to have Marshall County serve as the pass through agency. **Mike Burroughs moved, second by Stan Klotz, to support Marshall County Economic Development Corporation in applying for the OCRA COVID-19 Funding in the sum of $250,000. Motion carried 3-0.**

Auditor Fox explained that property taxes collected from May 12th to July 10th have been certified by the Treasurer and in review of the numbers determined an advance of the December settlement will be made to the units, excluding the TIF areas.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 11:05 am. Motion carried 3-0.**

Kevin Overmyer, President

Stan Klotz, Vice President

Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
SEPTEMBER 8, 2020

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 8, 2020. Present were Commissioners, Kevin Overmyer, President; Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. Stan Klotz, Vice President was not present. The meeting was opened, 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 CenturyLink at 18906 Lincoln Highway, between Tulip Road and Rose Road in West Township, for the purpose of providing customer service. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from CenturyLink at 18906 Lincoln Highway, between Tulip Road and Rose Road in West Township, for the purpose of providing customer service. Motion carried 2-0.**

Superintendent Peters presented a road bore request from CenturyLink at 4463 Beech Road, between 4B Road and 4th Road in German Township, for the purpose of providing customer service. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from CenturyLink at 4463 Beech Road, between 4B Road and 4th Road in German Township, for the purpose of providing customer service. Motion carried 2-0.**

Superintendent Peters provided a road and department update: FEMA letter was sent to INDOT requesting funds for Bridge 232, Randolph Street; Phase II of the Countywide Bridge Inspection PO was issued and a Notice to Proceed was issued to USI; Community Crossings N. Michigan Road Project was completed $2,500 under budget; Millings from N. Michigan Road are being used on various road projects; 2020 Road Program work in process projects are Thorn Road, 17B Road, from 331 to Cedar Road; 2 miles on 1st Road; 8th Road from 331 to County Line Road; Pine Road, from 7B Road to 7th Road; An additional appropriation has been submitted to Council for consideration in the sum of $250,000 for projects at King Road, from 10th Road to E&B Plant, 11th Road, from S. Michigan to Railroad and Castle Drive, from 11th Road to Lupine Lane.

THOMAS MONHAUT

Thomas Monhaut explained Michael Stillson is the landowner of farm ground located in the 7500 block of 1st Road, Bremen, and as the tenant is using the County owned right-of-way as an entry point, which is in need of improvement. Mr. Monhaut presented an estimate for repairs; however, Mr. Stillson is hesitant to invest in improving the access point without owning the land. Mr. Monhaut explained the only other access point is Gilbert Lane, which is very difficult to maneuver and the large equipment may destroy the integrity of the street. Mr. Monhaut requested the County consider selling the right of way to Mr. Stillson. Commissioner Overmyer and Attorney Clevenger explained the County has to follow certain procedures in order to sell property, including having the property appraised and receiving sealed bids. It was further

explained there would be no guarantee that Mr. Stillson would be the low bidder and receive the property.

JIM HULSE

Jim Hulse, 15777 4B Road, Plymouth, presented a letter to the Commissioners concerning the effectiveness of the mask mandate and believes our government officials have overreacted. Commissioner Overmyer explained the mask mandate was issued by Governor Holcomb and the County has not implemented any additional restrictions.

MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

Jerry Chavez, President, requested approval of Resolution 2020-28: Authorizing the submittal of the CDBG COVID-19 Grant Application by the Marshall County Economic Development Corporation to the Indiana Office of Community and Rural Affairs (OCRA). The Resolution authorizes MCEDC to prepare and submit an application for grant funding to address COVID-19 effects on employees of local businesses; and to execute and administer a micro-loan program including requisite general administration and project management, contracts and agreements pursuant to regulations of OCRA and U.S. Department of Housing and Urban Development. Mr. Chavez further explained the grant request is in the sum of $250,000, the funding will pass through Marshall County to MCEDC, which will have a loan grant board with representation from each town.

Mike Burroughs moved, second by Kevin Overmyer, to open the public hearing for Resolution 2020-28: Authorizing the submittal of the CDBG COVID-19 Grant Application by MCEDC to OCRA. Motion carried 2-0.

No public comment was heard.

Mike Burroughs moved, second by Kevin Overmyer, to close the public hearing for Resolution 2020-28: Authorizing the submittal of the CDBG COVID-19 Grant Application by MCEDC to OCRA. Motion carried 2-0.

Mike Burroughs moved, second by Kevin Overmyer, to pass Resolution 2020-28: Authorizing the submittal of the CDBG COVID-19 Grant Application by MCEDC to OCRA. Motion carried 2-0.

JON LANGFELDT

Jon Langfeldt appeared on behalf of landowner Taiclet LLC concerning a 20'x 241.02' of road right-of-way at 6679 Linden Road, Plymouth, Indiana. Mr. Langfeldt explained David Taiclet has split a parcel into two parcels for residential and farming; the property is in the two mile zone and the plat has been approved and signed by the City of Plymouth Planning Commission and Mr. Taiclet. Mr. Langfeldt is requesting Commissioner acceptance of the right-of-way.
Mike Burroughs moved, second by Kevin Overmyer, to accept the right-of-way transfer from Taiclet LLC on Linden Road. Motion carried 2-0.

COVID-LED MESSAGE BOARD PROJECT

Project Coordinator, Shannon McLeod of Priority Project Resources, Inc., explained Marshall County applied to the Indiana Office of Community and Rural Affairs (OCRA) for a grant from the State Community Development Block Grant (CDBG) COVID 19 Relief Phase 1 Program in

the sum of $150,000. The grant funds are to purchase six (6) LED Message Boards to be installed in each community within the County's corporate boundaries for the purpose of transmitting emergency messaging and updates. Bids were opened on August 17, 2020 and taken under advisement. Ms. McLeod reviewed all of the bid documents and recommends awarding the project to the low bidder, Graycraft Signs Plus, Warsaw, IN, for six LED double-sided emergency message boards in the total sum of $128,332.08. It was further discussed the Reese Theatre is included in the project and any adjustments to the signs will be done separately by the community and any change orders will need Commissioner approval. **Mike Burroughs moved, second by Kevin Overmyer, to accept the bid from Graycraft Signs Plus for six LED double-sided emergency message boards in the sum of $128,332.08. Motion carried 2-0.**

EMA

Director, Clyde Avery, presented a Master Service Agreement between BOLDplanning, Inc. and Marshall County in the sum of $28,470.40 for a Continuity of Operations Plan, which identifies offices to provide critical services in any type of disaster. Director Avery explained the plan will be completed in six phases and elected officials will participate in the process. The service has been identified as CARES reimbursable and will have an annual maintenance fee of $6,050. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Master Service Agreement between BOLDplanning, Inc. and Marshall County in the sum of $28,470.40 for a Continuity of Operations Plan. Motion carried 2-0.**

ST. JOSEPH MEDICAL CENTER

Annette Haining, Tobacco Education Coordinator, explained tobacco usage is the leading preventable cause of disease and death, a high cost to Hoosiers in annual health costs and numerous statistics. Ms. Haining is assisting local employers to adopt a smoke free policy on grounds and in vehicles, which creates a safer, healthier workplace and provides more reason for those individuals trying to quit smoking and in turn employers will see higher productivity and reduced health care costs.

DLZ INDIANA, LLC

Laurie Johnson, P.E., Vice President, presented the CARES Act Study for Marshall County Courthouse, County Building and Historical Museum along with an assessment, probable costs, photographs and recommendations for implementation and next steps. The final recommendation is to have a workshop in order to provide clarification and direction. Ms. Johnson is seeking clarification from IFA concerning CARES Act deadlines.

ATTORNEY REPORT

Old Business:

Courthouse Tower: Rowland Design agreed with our proposed changes to its employment agreement with the County. The surcharge on purchased items was dropped. The reimbursable costs were capped at $2,500, although they are not expected to be that high. A few other minor items were modified. Rowland Design has begun the work in anticipation of the Agreement being approved. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Agreement between Rowland Design, Inc. and Marshall County in the sum of $98,615 for Marshall County Courthouse – Building Envelope & Tower Construction Documents. Motion carried 2-0.**

Litigation Cases Update:

Jail Overcrowding Cases: Attorney Lisa Baron of Betty Knight's office reported 10 of the cases have been dismissed. Knight's office filed pleadings that required responses. The pro se plaintiffs failed to respond, even after prompting by the court which led to court dismissal orders. The only claim in all of the dismissed cases was overcrowding as distinguished from some claims that charge overcrowding and unsuitable medical care. A motion for summary judgement has been submitted on behalf of the jail on one of the overcrowding/medical neglect cases.

ACLU: Case is still pending.

Parker Estate: This is the motorcycle accident on Maple Road in which the estate claims the young man's death was caused by poor maintenance of the road. Depositions of the investigating deputies have been scheduled for September 21st. Also, the court has ordered mediation. A mediator is being selected from a panel of former judges.

New Business:

EMA BOLDplanning: Attorney Clevenger has reviewed the proposed agreement for services between EMA and BOLDplanning. Comments were provided and suggested changes sent to Clyde. The contract was revised to some extent.

AOD Pilot Agreement: Attorney Clevenger has reviewed the proposed agreement for a prototype time clock for employee recordkeeping and payroll. Comments were provided to the Auditor. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Agreement between AOD and Marshall County as presented. Motion carried 2-0.**

Community Corrections Relocation: If the County is interested in purchasing real estate, it needs two appraisals and can offer no higher than the average of the two appraisals. The Commissioners will need to authorize hiring two appraisers and specify if there is a preference on the appraisers. **Mike Burroughs moved, second by Kevin Overmyer, to authorize the hiring of two appraisers, selected by Attorney Clevenger, for Community Corrections relocation. Motion carried 2-0.**

Jail Holding Corporation: The annual meeting is scheduled for Monday, September 21st at 11:30 a.m. in the Commissioners Room 203.

AUDITOR REPORT

August 17, 2020 minutes: Submitted for approval. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Commissioner minutes of August 17, 2020. Motion carried 2-0.**

September claims: **Mike Burroughs moved, second by Kevin Overmyer, to approve the claims as presented. Motion carried 2-0.**

COMMISSIONER ITEMS

Boys & Girls Club of Plymouth and Bremen: Discussion was held concerning the Boys & Girls Club request for additional funding earlier in the year. The current budget allows for $6,000 to each club.

Presidential Memorandum on Deferring Payroll Tax due to COVID-19: Commissioner Burroughs explained the President's Order to defer the withholding, deposit and payment of

certain payroll tax obligations and explained if the County were to defer the taxes, it may become a hardship for the employee at time of repayment. **Mike Burroughs moved, second by Kevin Overmyer, to not defer the withholding of certain payroll tax obligations. Motion carried 2-0.**

PUBLIC COMMENT

Sheriff Matt Hassel requested permission to purchase a vehicle and presented three estimates: Oliver Ford Lincoln for a 2021 Ford AWD Utility Interceptor in the sum of $32,747; John Jones for a 2020 Dodge Durango PPV in the sum of $33,338; and Country Auto Center for a 2021 Dodge Durango Pursuit in the sum of $34,077 and a 2021 Dodge RAM SSV Crew Cab 4x4 in the sum of $27,764. **Mike Burroughs moved, second by Kevin Overmyer, to purchase the 2021 Ford AWD Utility Interceptor from Oliver Ford Lincoln in the sum of $32,747. Motion carried 2-0.**

Jack Roose, 15300 6th Road, Plymouth, stated the proposed purchase of a Winnebago for the Health Department is a great idea, however feels the cost is excessive. Mr. Roose suggested consideration of a pull behind trailer at a lessor cost, which will allow funding to assist others who have been affected by COVID-19. Commissioner Overmyer explained the funding is earmarked for taxing units.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Kevin Overmyer to adjourn the meeting at 10:11 am. Motion carried 2-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
SEPTEMBER 21, 2020

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 21, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President; Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

COUNTY MORGUE

Board President, Kevin Overmyer, explained a Notice to Bidders was published for the construction of a morgue on the property located at 1400 Pioneer Drive, Plymouth, Indiana and made one last call for bids. Attorney Clevenger opened the one bid received from R. Yoder Construction, Inc. of Nappanee, Indiana, in the sum of $271,530. **Stan Klotz moved, second by Mike Burroughs, to accept the bid from R. Yoder Construction, Inc. in the sum of $271,530 and allow the Board President to sign the documents, contingent upon review of bid documents. Motion carried 3-0.**

PLAN COMMISSION

Director, Ty Adley, presented 20-PC09 Yoder, requesting a right-of-way Yoder's Cedar Road 2 Lot Minor Subdivision; located at 6664 Cedar Road, Bremen, Indiana Zoned A-1., German Township.

Stan Klotz moved, second by Mike Burroughs, to open the Public Hearing for 20-PC-09. Motion carried 3-0.

No comment was heard.

Mike Burroughs moved, second by Stan Klotz, to close the Public Hearing for 20-PC-09. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve 20-PC-09, Yoder right-of-way acquisition. Motion carried 3-0.

Director Adley explained a moratorium was passed earlier this year concerning the solar ordinance and presented 20-PC-10 Marshall County Plan Commission – various amendments to Articles 3, 6 and 13 in the Marshall County Zoning Ordinance are proposed to be revised as it pertains to the requirements for Solar Farms.

Mike Burroughs moved, second by Stan Klotz, to open the Public Hearing for 20-PC-10. Motion carried 3-0.

Deb VanDeMark, 14750 Tulip Road, Culver, stated she likes the changes; however, still has concerns about leasing farm ground and the definition of "marginal" and corporations leasing farm ground.

Mike Burroughs moved, second by Stan Klotz, to close the Public Hearing for 20-PC-10. Motion carried 3-0.

Commissioner Klotz stated as a member of the Committee the changes made are good and shared Ms. VanDeMark's concerns with the Committee. Further stating he is concerned about decommissioning and recycling the materials.

Mike Burroughs moved, second by Stan Klotz, to pass Ordinance 2020-14: An Ordinance Amending 2007-10 commonly known as "The Marshall County Zoning Ordinance", as amended on first reading. Motion carried 3-0.

The second hearing will be held Monday, October 19, 2020.

HIGHWAY DEPARTMENT

Highway Superintendent, Jason Peters, presented a road bore and right-of-way request from Ryan Cotes, Surf Broadband, on Nutmeg Road, between 11B Road and 12th Road in Center Township, for the purpose of fiber optic duct and handhole placement. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore and right-of-way request from Ryan Coates, Surf Broadband, on Nutmeg Road, between 11B Road and 12th Road in Center Township, for the purpose of fiber optic duct and handhole placement. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from NIPSCO on 1st Road, between 1st Road and Ash Road, in German Township, for the purpose of locating and inspecting a valve for future emergency valve installation. **Mike Burroughs moved, second by Stan Klotz, to approve the right-of-way cut request from NIPSCO on 1st Road, between 1st Road and Ash Road in German Township, for the purpose of locating and inspecting a valve for future emergency valve installation. Motion carried 3-0.**

Superintendent Peters presented a right-of-way cut request from BSM Groups for QC Communications on S. Center Street, between 2C Road and E. Raymond Street, in German Township, for the purpose of installing cable service to 728 S. Center Street, Bremen. **Stan Klotz moved, second by Mike Burroughs, to approve the right-of-way cut request from BSM Groups for QC Communications on S. Center Street, between 2C Road and E. Raymond Street, in German Township, for the purpose of installing cable service to 728 S. Center Street, Bremen. Motion carried 3-0.**

Superintendent Peters presented a road bore request from CenturyLink at 7651 Rose Road, between US 30 and Plymouth-LaPorte Trail, in West Township, for the purpose of installing service to a customer. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore request from CenturyLink at 7651 Rose Road, between US 30 and Plymouth-LaPorte Trail, in West Township, for the purpose of installing service to a customer. Motion carried 3-0.**

Superintendent Peters presented five road surface cuts and one road bore from Homestead Dairy at the following locations: Juniper Road, between 15th Road and 15B Road; 15th Road, between Juniper Road and Jarrah Road; 12th Road, between King Road and Jute Road; 11th Road, between King Road and Jute Road; 16th Road, between Juniper Road and Ironwood Road; and 12B Road, between King Road and Jarrah Road, all in Center Township, for the purpose of

installing culverts. **Mike Burroughs moved, second by Stan Klotz, to approve the five road surface cuts and one road bore from Homestead Dairy at the following locations: Juniper Road, between 15th Road and 15B Road; 15th Road, between Juniper Road and Jarrah Road; 12th Road, between King Road and Jute Road; 11th Road, between King Road and Jute Road; 16th Road, between Juniper Road and Ironwood Road; and 12B Road, between King Road and Jarrah Road, all in Center Township, for the purpose of installing culverts. Motion carried 3-0.**

Superintendent Peters provided a road and department update: Millings from N. Michigan Road are being used on various road projects and 2020 Road Program work in progress, projects are Thorn Road, 17B Road, from 331 to Cedar Road; 2 miles on 1st Road; 8th Road from 331 to County Line Road; South Shore (Lake Max) and Veterans Parkway.

MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

Jerry Chavez, President, stated he would be presenting additional information concerning the CDBG COVID-19 Grant for the micro-loan program at a future meeting.

WIC

WIC Coordinator, Evelyn Shields, requested permission to apply for the WIC Grant in the sum of $241,267.43, which has been allocated by the Indiana State Department of Health from federal funding. Ms. Shields provided a budget for the grant period of October 1, 2020 to September 30, 2021. **Mike Burroughs moved, second by Stan Klotz, to allow WIC to apply for the WIC Grant for fiscal year 2021 in the sum of $241,267.43. Motion carried 3-0.**

MARSHALL COUNTY PARK BOARD

Chairman, Greg Hildebrand and Secretary, Deb VanDeMark, explained the Park Board has been approached by NIMBA (Northern Indiana Mountain Bike Association) with an interest in establishing and maintaining a mountain bike trail at Mill Pond.

Board Member, Adam Thada, requested procedure guidance and whether an agreement will need to be established between the Park Board and NIMBA or a Memorandum of Understanding with the County.

Attorney Clevenger explained in order for the Park Board to be in a position to reach an agreement for county owned property an agreement would need to be established between the County and Park Board. Commissioners expressed support of the Park Board pursing Quality of Life Standards for residents of Marshall County and Attorney Clevenger in preparing an MOU.

HEALTH DEPARTMENT

Health Administrator, Ashley Garcia, requested permission to apply for CARES Act IT Funding allocated through the Indiana State Department of Health in the sum of $121,287.33 for technology needs related to COVID-19. An itemized list was presented for items in the total sum of $121,254.79. **Mike Burroughs moved, second by Stan Klotz, to allow the Health Department to apply for the CARES Act IT Funding in the sum of $121,254.79. Motion carried 3-0.**

Administrator Garcia requested permission to apply for Indiana Local Health Department Trust Account funding allocated through the Indiana State Department of Health in the sum of

$25,093.93 for the Emergency Preparedness Coordinator/Environmentalist and Public Health Nurse/Health Educator salaries, social security and leased vehicle buy-out. **Stan Klotz moved, second by Mike Burroughs, to allow the Health Department to apply for the Indiana Local Health Department Trust Account funding in the sum of $25,093.93. Motion carried 3-0.**

Administrator Garcia requested permission to apply for Local Health Maintenance Fund allocated through the Indiana State Department of Health in the sum of $33,138 for the Food Sanitarian/Environmentalist and Public Health Nurse/Health Educator salaries and social security. **Mike Burroughs moved, second by Stan Klotz, to allow the Health Department to apply for the Local Health Maintenance Fund in the sum of $33,138. Motion carried 3-0.**

BUILDING MAINTENANCE

Maintenance Supervisors, Doug Masterson and John Greer, explained the high cost of trash hauling services and requested approval to seek alternate proposals. Discussion was held concerning the need for bids if over $50,000. An inventory list will be prepared in order to request proposals to include all county departments.

UNITED CONSULTING

Terry Minix, Client Liaison and Josh Gonya, PE, Project Manager, provided an update on Marshall County Bridge #11, Union Road over Peter Sarber Ditch explaining the project history, scope, status and schedule, with Stage One beginning June, 2021 and Letting beginning November, 2023.

ATTORNEY REPORT

Old Business:

Courthouse Tower: Rowland Design shared a timetable on this project with bid opening scheduled for November 23, 2020.

Community Corrections Relocation: Attorney Clevenger contacted appraisers Steve Harper and Bob Powell. Both plan to have written appraisals submitted by the end of this week and will forward to the Board upon completion.

Coroner Morgue: Attorney Clevenger has been working with Coroner, John Grolich, on a construction contract for the selected contractor. Bids were opened at this morning's meeting.

Highway – 2B Road Drainage: This was discussed at the Drainage Board meeting this morning. Depending on that Board's action, the Highway Department may need direction for proceeding.

New Business:

Treasurer-Innkeeper's Tax: The Treasurer has requested assistance in collecting delinquent innkeeper's taxes.

BIS Digital, Inc.-Court Recording Systems: Attorney Clevenger has received the contracts with BIS Digital for recording systems with each court. Discussion was held concerning Council approving the funding from the General Fund and not reimbursed as part of the CARES Act.

Stan Klotz moved, second by Mike Burroughs, to approve the agreement between BIS Digital, Inc. and Superior Court I in the sum of $45,958.71. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to approve the agreement between BIS Digital, Inc. and Circuit Court in the sum of $39,942.14. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to approve the agreement between BIS Digital, Inc. and Superior Court II in the sum of $39,261.35. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to approve the agreement between BIS Digital, Inc. and Superior Court III in the sum of $69,491.01. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to allow the Board President to sign the four agreements with BIS Digital, Inc. Motion carried 3-0.

Council on Aging Compliance Review Report: The CY2020 INDOT Office of Transit 5311 Program Compliance Review Report has been received from the Indiana Department of Transportation. Comments were made concerning improvements and Commissioner oversight. Director Janis Holiday will address the comments and provide an update to the Commissioners as part of the oversight.

Jail Holding Corporation: The Jail Holding Corporation is holding its annual board meeting at 11:30 a.m. this morning in the Commissioners Room.

AUDITOR REPORT

September 8, 2020 minutes: Submitted for approval. **Mike Burroughs moved, second by Kevin Overmyer, to approve the Commissioner minutes of September 8, 2020. Motion carried 2-1, with Stan Klotz abstaining due to not being in attendance of the September 8th meeting.**

September claims: **Stan Klotz moved, second by Mike Burroughs, to approve the claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

2021 Payroll and Holiday Schedule: Tabled.

Mobile Medical Unit: **Mike Burroughs moved, second by Stan Klotz, to authorize a prepay for the Mobile Medical Unit in the sum of $60,000. Motion carried 3-0.**

The Commissioners recognized Auditor Julie A. Fox for receiving the AIC 2020 Outstanding County Auditor Award of the Year and Council Vice President Penny Lukenbill for being named AIC 2020 Arthur R. Himsel Award Winner.

CARES Act Project List: Commissioners expressed appreciation to Council Members for their action on September 18th to appropriate $1,350,000 for the CARES Act projects. **Stan Klotz moved, second by Mike Burroughs, to support the following list of projects preapproved by IFA: Continuity of Operations in the sum of $30,000; County Morgue in the sum of $230,290 and Storage in the sum of $45,000; COVID-19 rapid test in the sum of $75,000; Mobile Medical Unit in the sum of $383,377.50; Buildings & Grounds for PPE in the sum**

of $14,645 and video streaming in the Commissioners Room 203 in the sum of $21,771.60. Motion carried 3-0.

The Commissioners discussed an email sent to all department heads early in the spring explaining if any COVID related items need to be purchased, approval was required prior to purchase. **Mike Burroughs moved, second by Stan Klotz, to deny claims for PPE not receiving prior Commissioner approval or for mileage reimbursement to pick up such PPE. Motion carried 3-0.**

Commissioners expressed appreciation to EMA Director, Clyde Avery. Director Avery informed the Board the County has received $85,614.59 to date in reimbursements for the CARES Provider Relief Fund.

Commissioner Klotz explained he was not at the prior meeting due to serving as a juror in Circuit Court.

President Overmyer expressed appreciation to Council for retaining the Security Officer position in the budget for 2021.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz to adjourn the meeting at 11:23 am. Motion carried 3-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
OCTOBER 5, 2020

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 5, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President; Mike Burroughs, Member; County Attorney, James Clevenger and First Deputy Auditor, Tori Stull. The meeting was opened, 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 DirectLine Communication, on 17B Trail, across 17B Trail just east of River Ridge Road, in Tippecanoe Township, for the purpose of supplying fiber optic high speed internet to subdivision. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from DirectLine Communications, on 17B Trail, across 17B Trail just east of River Ridge Road, in Tippecanoe Township, for the purpose of supplying fiber optic high speed internet to subdivision. Motion carried 3-0.**

Superintendent Peters presented a LPA – Consulting Contract between Marshall County and USI Consultants, Inc. for Marshall County Bridge #120: South Upas Road over Yellow River – Right of Way Acquisition Services in the sum not to exceed $35,000. The construction completion date is estimated to be December 31, 2024. **Mike Burroughs moved, second by Stan Klotz, to approve the LPA – Consulting Contract between Marshall County and USI Consultants, Inc. for Marshall County Bridge #120: South Upas Road over Yellow River – Right of Way Acquisition Services in the sum not to exceed $35,000. Motion carried 3-0.**

Superintendent Peters presented a LPA – Consulting Contract between Marshall County and USI Consultants, Inc. for Marshall County Bridge #87: 11th Road over Yellow River – Right of Way Acquisition Services in the sum not to exceed $32,500. The construction completion date is estimated to be December 31, 2024. **Mike Burroughs moved, second by Stan Klotz, to approve the LPA – Consulting Contract between Marshall County and USI Consultants, Inc. for Marshall County Bridge #87: 11th Road over Yellow River – Right of Way Acquisition Services in the sum not to exceed $32,500. Motion carried 3-0.**

Superintendent Peters provided a road and department update: Bridge #73 - King Road the construction engineering/inspection information has been received and will send to Attorney Clevenger for review; Explanation was provided concerning federal aid projects having at least three phases: preliminary engineering, right of way acquisitions and construction engineering, and further explaining each phase will have a separate contract; 2020 Road Program completed 17B Road, 1st Road, 8th Road, Pine Road and Fir Road; Thorn Road is in progress; the following paving projects have been subcontracted - King Road, 10th Road to E&B Plant awarded to E&B Paving, 11th Road, South Michigan to Railroad awarded to Walsh-Kelly, Castle Drive, 11th Road to Lopine awarded to Walsh-Kelly. A PowerPoint Presentation was provided with before and after pictures for work completed on the Community Crossings North Michigan Road Project 2020-1.

COMMUNITY CORRECTIONS

Community Corrections Director, Ward Byers, requested permission to purchase and prepay a 2017 Ford Taurus from Oliver Ford Lincoln in the sum of $22,720. Director Byers explained funding has been appropriated by Council in the Community Transition Fund. **Mike Burroughs moved, second by Stan Klotz, to approve Community Corrections purchasing a 2017 Ford Taurus from Oliver Ford Lincoln in the sum of $22,720 and allow the claim be pre-paid. Motion carried 3-0.**

Discussion was held concerning the relocation of Community Corrections from the Courthouse. Director Byers stated the space available in the Community Resource Center is move-in ready as the County network is existing in the building. The property across the street will have challenges and expense to relocate. Mr. Byers stated in order to best accommodate the deadline, the CRC would be the best option, which would allow them time to put a long-term plan in place. The lease payments have been budgeted for 2021 and the grant will cover the lease payment until year four. The full agreement will be forwarded to Attorney Clevenger for review.

ATTORNEY REPORT

Old Business:

Community Corrections Relocation: Attorney Clevenger has been provided an outline of a lease between Community Corrections and Community Resource Center. Questions and comments about the proposed terms will be shared separately with the Commissioners. It was noted that it includes parking lot improvements by the County. An appraisal has been received on the Hite Building, the second appraisal has not been received.

Coroner Morgue: Attorney Clevenger will need to follow-up with the Coroner and contractor on the written construction contract.

MOU with Park Board: An MOU is being drafted between Marshall County and the County Park Board concerning the Park Board's management of County real estate including the Memorial Forest and the Mill Pond plot.

New Business:

Troyer Group Agreement to assist MCEDC with COVID Grant Applications: The proposed agreement for services specifies the scope of the service and the fee for those services at $6,000. This will assist in keeping the County in compliance with the federal requirements related to the grant application process. **Stan Klotz moved, second by Mike Burroughs, to approve the agreement between Marshall County and Troyer Group for COVID Grant Administration in the sum of $6,000. Motion carried 3-0.**

AUDITOR REPORT

September 21, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of September 21, 2020. Motion carried 3-0.**

October claims: **Mike Burroughs moved, second by Stan Klotz, to approve the claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Highway Funding: Commissioner Klotz discussed drafting a letter to the Indiana Legislators concerning the formula for Highway funding.

SRI Tax Sale: Commissioner Klotz reported the delinquent property tax sale on October 1st was very successful. Twenty-two properties remain and he suggested allowing Habitat for Humanity review the parcel list. Attorney Clevenger suggested there are parcels on the list which will never sell and in prior years the Treasurer has approached a neighbor or municipality to see if they would assume the property. Commissioner Klotz stated one of the parcels has been on the unsafe property list for years. Attorney Clevenger will contact Habit for Humanity.

SHERIFF

Sheriff Matt Hassel presented a request to apply for a grant through policegrantshelp.com, which is a grant service, for the purchase of a FARO 3D Scanner in the sum of $67,000.71. The purpose of this equipment is to better serve members of our community, be more efficient and accurate in documenting and measuring an accident scene. Sheriff Hassel explained there is currently one patrol officer trained for reconstruction and would like a second patrolman trained, which takes a year to complete. The agreement includes a maintenance fee of $786, which can be paid from the Accident Report Fund. **Stan Klotz moved, second by Mike Burroughs, to allow the Sheriff to apply for grants to purchase a FARO 3D Scanner in the sum of $67,000.71. Motion carried 3-0.**

Sheriff Hassel explained Council will hear a request for an additional appropriation in November to upgrade the CAD/RMS/JMS systems and server. Further explaining, the current system was purchased 12 years ago and the servers need to be replaced. CentralSquare will provide servers, upgrade software, maintain and backup the system with no upfront costs. The local units will also have to change their service and all are onboard.

Commissioner Overmyer expressed appreciation for having a security officer in the County Building and the public relation service provided.

COMMISSIONER ITEMS - CONTINUED

County Morgue: Commissioner Overmyer and Coroner John Golich will be meeting with R. Yoder Construction this afternoon to execute the contract. Coroner Grolich will inquire about insurance for construction in progress. **Mike Burroughs moved, second by Stan Klotz, to authorize a pre-pay, if required by contract to R. Yoder Construction, Inc. Motion carried 3-0.**

BIS Digital: Commissioner Burroughs stated BIS Digital will be onsite December 9th – 11th for the installation of cameras in Room 203. Beginning in January 2021, public meetings will be live streamed and recorded for replay.

Road Funding: Commissioner Overmyer stated two Council candidates are supporting a more aggressive road plan and questioned Commissioner Klotz what the plan entails. Commissioner Klotz indicated there would be more information coming in January. Commissioner Burroughs questioned how this plan differs from the current road plan. Commissioner Klotz stated the key is funding.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz to adjourn the meeting at 9:21 am. Motion carried 3-0.**

Kevin Overmyer, President

Stan Klotz, Vice President

Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
OCTOBER 19, 2020

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 19, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President; County Attorney, James Clevenger and County Auditor, Julie A. Fox. Mike Burroughs, Member was not present. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent, Jason Peters, presented a road bore and right of way cut request from NIPSCO, on Michigan Road, between 5A Road and 5C Road, in North Township, for the purpose of supplying gas service. **Stan Klotz moved, second by Kevin Overmyer, to approve the road bore and right of way request from NIPSCO, on Michigan Road, between 5A Road and 5C Road, in North Township, for the purpose of supplying gas service. Motion carried 2-0.**

Superintendent Peters presented a road bore request from Earth Exploration, Inc., on North Tamarack Road and North Queen Road, between West 1st Road and County Line Road, in Polk Township, for the purpose of geotechnical analysis for Marshall County's Bridge #5 and #9 replacement projects. **Stan Klotz moved, second by Kevin Overmyer, to approve the road bore request from Earth Exploration, Inc. on North Tamarack Road and North Queen Road, between West 1st Road and County Line Road, in Polk Township, for the purpose of geotechnical analysis for Marshall County's Bridge #5 and #9 replacement projects. Motion carried 2-0.**

Superintendent Peters presented a road bore and right of way cut request from BSM Groups, LLC for QC Communications, on Center Street, between West Street and dead end, in Tippecanoe Township, for the purpose of providing service to 3078 Center Street. **Stan Klotz moved, second by Kevin Overmyer, to approve the road bore and right of way request from BSM Groups, LLC for QC Communications, on Center Street, between West Street and dead end, in Tippecanoe Township, for the purpose of providing service to 3078 Center Street. Motion carried 2-0.**

Superintendent Peters presented a road bore and right of way request from BSM Groups, LLC, on 3B Road, between Fir Road and Elm Road, in German Township, for the purpose of providing service to 4845 3B Road. **Stan Klotz moved, second by Kevin Overmyer, to approve the road bore and right of way request from BSM Groups, LLC, on 3B Road, between Fir Road and Elm Road, in German Township, for the purpose of providing service to 4845 3B Road. Motion carried 2-0.**

Superintendent Peters presented a road surface cut request from NIPSCO, on Pretty Lake Trail, between Quince Road and Queen Road, in West Township, for the purpose of supplying service to 10425 Pretty Lake Trail. **Stan Klotz moved, second by Kevin Overmyer, to approve the road surface cut request from NIPSCO, on Pretty Lake Trail, between Quince Road and Queen Road, in West Township, for the purpose of supplying service to 10425 Pretty Lake Trail. Motion carried 2-0.**

Superintendent Peters presented a directional bore request from NIPSCO, on Ivory Court, in Center Township, for the purpose of boring for electric service. **Stan Klotz moved, second by Kevin Overmyer, to approve the directional bore request from NIPSCO, on Ivory Court, in Center Township, for the purpose of boring for electric service. Motion carried 2-0.**

Superintendent Peters presented Indiana Department of Transportation – Local Public Agency Project Coordination Contract, EDS #A249-21-L200191, Des No. 1702839, CFDA No 20.205, for Marshall County Bridge #87: 11th Road over Yellow River for Right-of-Way. The maximum amount of federal funds allocated to the project is $48,000. **Stan Klotz moved, second by Kevin Overmyer, to approve the Local Public Agency Project Coordination Contract between Marshall County and Indiana Department of Transportation for Marshall County Bridge #87: 11th Road over Yellow River for Right of Way with the maximum amount of federal dollars allocated to the project in the sum of $48,000. Motion carried 2-0.**

Superintendent Peters presented Indiana Department of Transportation – Local Public Agency Project Coordination Contract, EDS #A249-21-L200190, Des No. 1702838, CFDA No 20.205, for Marshall County Bridge #120: South Upas Road over Yellow River for Right-of-Way. The maximum amount of federal funds allocated to the project is $48,000. **Stan Klotz moved, second by Kevin Overmyer, to approve the Local Public Agency Project Coordination Contract between Marshall County and Indiana Department of Transportation for Marshall County Bridge #120: South Upas Road over Yellow River for Right of Way with the maximum amount of federal dollars allocated to the project in the sum of $48,000. Motion carried 2-0.**

Superintendent Peters presented a LPA – Consulting Contract between Marshall County and USI Consultants, Inc. for Marshall County Bridge #73: King Road over Yellow River in the sum not to exceed $227,500. **Stan Klotz moved, second by Kevin Overmyer, to approve the LPA – Consulting Contract between Marshall County and USI Consultants, Inc. for Marshall County Bridge #73: King Road over Yellow River in the sum not to exceed $227,500. Motion carried 2-0.**

Superintendent Peters explained the 2020 CCMG-2 Call for Projects is due prior to the next Council meeting and requested permission to apply for the Community Crossings Matching Grant for the following projects: Michigan Road: 1st Road to Tyler in the sum of $13,712; Elm Road: Lincoln Way to US 30 in the sum of $4,840; and Plymouth-Goshen Trail from U.S. 6 to County Line in the sum of $8,448. The total projects cost $27,000 and local matching funds are twenty-five percent (25%) $6,750. **Stan Klotz moved, second by Kevin Overmyer, to support the submission of the 2020 CCMG-2 in the sum of $27,000 with the County share in the sum of $6,750. Motion carried 2-0.**

Superintendent Peters provided a road and department update: 2020 Road Program - Thorn Road is in progress, Collins Subdivision is completed and Argos Community Building parking lot has been paved as an in-kind contribution. Equipment is being prepared for winter and a culvert pipe on 8B Road, east of Michigan will be replaced with an aluminum box culvert. Annual Highway Bids will be opened at the December 7th Commissioner meeting. Superintendent Peters stated the Highway Department will be advertising to fill a vacant Area Leader position.

Superintendent Peters displayed pictures of a combine with steel wheels and the destruction it made to the road. Discussion was held concerning referring this to the Sheriff's Department to investigate the Indiana Code.

PLAN COMMISSION

Plan Commission Director, Ty Adley, was present for the Second Reading of 20-PC-10/ Ordinance 2020-14: Solar Farms. Discussion was held concerning the importance of this topic and the need for all three Commissioners to be present. **Stan Klotz moved, second by Kevin Overmyer, to table Ordinance 2020-14: An Ordinance Amending Ordinance 2007-10 Commonly Known As "The Marshall County Zoning Ordinance", as Amended. Motion carried 2-0.**

EMERGENCY MANAGEMENT AGENCY

EMA Director, Clyde Avery, stated National Oceanic and Atmospheric Administration (NOAA) has released the U.S. Winter Outlook which predicts cooler, wetter conditions in the North due to an ongoing La Nina. A meeting was scheduled for November 2, 2020 following the Regular Commissioner Meeting to review the Winter Preparedness Plan.

Director Avery presented Resolution 2020-30: Marshall County Disposal of Radio Equipment for review and approval. Further explaining Motorola XTS 2500 radios were purchased with grant funds from the Indiana Department of Homeland Security in 2006 and 2008 and would like to dispose of the property by transferring ownership to the various emergency response agencies in the County. The agencies are in possession of the radios and will be accepted in "as-is" condition, which may have outlived their useful life, may be inoperable, and may have no value except possibly a trade-in value. **Stan Klotz moved, second by Kevin Overmyer, to approve Resolution 2020-30: Marshall County Disposal of Radio Equipment. Motion carried 2-0.**

ELECTION BOARD

Marshall County Clerk, Deb VanDeMark, requested permission for Absentee Ballot Counters, stating pursuant to I.C. 3-11.5-7-2, the per diem is set by the County Commissioners and is requesting the Absentee Ballot Counters receive $145 per diem. **Stan Klotz moved, second by Kevin Overmyer, to set the per diem rate at $145 for Absentee Counters. Motion carried 2-0.**

Clerk VanDeMark stated in June the Secretary of State awarded grant monies for the CARES Act-SOS Election Division Grant for additional costs incurred during the Primary Election season in the sum of $4,231.14. The application was sent to the State and the monies have been received. Further explaining a second application will be available for the General Election. **Stan Klotz moved, second by Kevin Overmyer, to allow for the CARES Act-SOS Election Division Grant in the sum of $4,231.14. Motion carried 2-0.**

SHERIFF DEPARTMENT

Jail Program Director, Josh Pitts, requested permission to apply for the Marshall County Local Coordinating Council Governor's Commission for a Drug-Free Indiana Grant to assist with funding the DARE Program in the sum of $2,500.00 for prevention education classroom supplies. **Stan Klotz moved, second by Kevin Overmyer, to allow the Sheriff's Department to apply for the Marshall County Local Coordinating Council Governor's Commission for a Drug-Free Indiana Grant to assist the DARE Program in the sum of $2,500. Motion carried 2-0.**

Jail Program Director Pitts requested permission to apply for the Marshall County Local Coordinating Council Governor's Commission for a Drug-Free Indiana Grant to assist with funding the Jail Chemical Addiction Program (JCAP) in the sum of $3,500 for office supplies, equipment, and guest speakers related to treatment and intervention. **Stan Klotz moved, second by Kevin Overmyer, to allow the Sheriff's Department to apply for the Marshall County Local Coordinating Council Governor's Commission for a Drug-Free Indiana Grant to assist the JCAP Program in the sum of $3,500. Motion carried 2-0.**

ASSESSOR

Assessor, Deb Dunning, presented the Geographic Information System – Pictometry Data Sharing Agreement between Marshall County and the Michiana Area Council of Governments (MACOG) for review and approval. Assessor Dunning explained MACOG agrees to purchase the Pictometry oblique imagery to be flown in the spring of 2021 providing up to 70% of the funding for the project utilizing Federal Highway Administration Grant funding. The Assessor agrees to pay MACOG thirty percent (30%) or $51,627, to be paid no later than June 30, 2021 for the spring 2021 flight. **Stan Klotz moved, second by Kevin Overmyer, to approve the Geographic Information System – Pictometry Data Sharing Agreement between Marshall County and MACOG in the sum of $51,627 for the spring 2021 flight. Motion carried 2-0.**

ATTORNEY REPORT

Old Business:

Community Corrections Relocation: Attorney Clevenger has reviewed the lease between the County and CRC for space in the building. The lease does not include the paving of the parking lot. Community Corrections Director Ward Byers wishes to have the lease approved for Suite 260, which is 1,104 square feet for a five year term. If operating expenses exceed actual expenses, tenant is responsible for its pro rata share. There is an option for five year renewal. Attorney Clevenger noted it is common for a Judge to require a criminal defendant to go directly to Community Corrections after submission of a plea agreement in order to arrange for CC programming.

Hite Real Estate: Attorney Clevenger stated one of the options under consideration for Community Correction relocation was the Hite Law Office across Jefferson Street. Two appraisals were received as the statute does not permit paying more than the average of the two appraisals. The average appraisal was $138,500 and the owner would sell the real estate for that amount. **Stan Klotz moved, second by Kevin Overmyer, to support the Commissioners requesting Council approval of an appropriation for the purchase of the Hite Law Office. Motion carried 2-0.**

MOU with Park Board: A draft of the MOU between the County and the County Park Board concerning the Park Board's management of County real estate including the Memorial Forest and Mill Pond plot has been prepared and distributed to the Commissioners. Upon receipt of comments, the MOU will be referred to the Park Board for their review.

Unsold Tax Sale Parcels: Attorney Clevenger wrote a letter to Habitat for Humanity as suggested by Commissioner Klotz. The letter was mailed on October 8th and has not received a response; however, the suggestion will probably need to be reviewed by a committee before a response is received.

New Business:

Highway: The LPA Right-of-Way contracts with INDOT for 11th Road and Upas Road bridges over the Yellow River. Each has a time for obligating the funds. INDOT will use federal funds to pay 80% of the right-of-way costs up to $48,000. This item was addressed previously in the meeting.

Assessor: The new Pictometry Data Sharing Agreement with MAOG has been reviewed and addressed earlier in this meeting. The agreement is identical with the previous agreement other than the date.

Shady Rest Farm Lease: The three-year farm lease for the Shady Rest acreage ends this year. We have advertised for bids for a new three-year term starting in 2021. Bids are to be opened at the November 16th meeting.

Recorder/Zillow Matter: A vendor has made demands for the Recorder to modify the Bulk User Agreement. The Recorder and Attorney Clevenger are investigating the significance of the proposed changes. Since litigation has been threatened, an executive session will be held following the November 2nd Commissioner meeting.

AUDITOR REPORT

October 5, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Kevin Overmyer, to approve the Commissioner minutes of October 5, 2020. Motion carried 2-0.**

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

COMMISSIONER ITEMS

2021 Holiday Schedule: **Stan Klotz moved, second by Kevin Overmyer, to approve the 2021 Holiday Schedule. Motion carried 2-0.**

2021 Payroll Schedule: **Stan Klotz moved, second by Kevin Overmyer, to approve the 2021 Payroll Schedule. Motion carried 2-0.**

2021 Meeting Schedule: **Stan Klotz moved, second by Kevin Overmyer, to approve the 2021 Meeting Schedule. Motion carried 2-0.**

Unsafe Building: Auditor Julie Fox stated funding was approved in the Commissioners 2021 budget for Unsafe Building. In review of the Indiana Code and Ordinance 2020-12, a new fund should be established. State Board of Accounts has assigned Fund 1207-Unsafe Building. The Building Inspector will oversee the budget.

Criminal Justice Institute: Commissioner Klotz stated a federal grant is available to Marshall County for COVID related items. Based on population, Marshall County is eligible for $130,260.50. The information has been provided to the Courts, Probation Department and Community Corrections. The deadline to file for the grant is November 9th.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Kevin Overmyer to adjourn the meeting at 11:11 am. Motion carried 2-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
NOVEMBER 2, 2020

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 2, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President; Mike Burroughs, Member; County Attorney, James Clevenger and Auditor, Julie A. Fox. The meeting was opened, 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 Precision Utilities Group, on 14303 5C Road, between Pine Road and Michigan Road, in North Township, for the purpose of providing CenturyLink service to customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from Precision Utilities Group, on 14303 5C Road, between Pine Road and Michigan Road, in North Township, for the purpose of providing CenturyLink service to customer, contingent upon approval by the County Surveyor. Motion carried 3-0.**

Superintendent Peters presented a LPA – Project Coordination Contract between Marshall County and Indiana Department of Transportation (INDOT) for Marshall County Bridge #73: King Road over Yellow River – Bridge Replacement. The maximum amount of federal funds allocated to the project is $1,674,400. The County is responsible for 20%, the sum of $334,880. **Mike Burroughs moved, second by Stan Klotz, to approve the LPA – Project Coordination Contract between Marshall County and Indiana Department of Transportation (INDOT) for Marshall County Bridge #73: King Road over Yellow River – Bridge Replacement in the sum of $334,880. Motion carried 3-0.**

Superintendent Peters requested permission to purchase the timber packages for Bridge #5 ($186,745.33) and Bridge #9 ($112,609.15) this calendar year. **Stan Klotz moved, second by Mike Burroughs, to allow the timber purchase for Bridge #5 in the sum of $186,745.33 and Bridge #9 in the sum of $112,609.15 in the calendar year 2020. Motion carried 3-0.**

Superintendent Peters provided a road program and department update. Further stating the Community Crossings grant application has been submitted. Annual bids due on Friday, December 4th at 1:30 p.m. and are scheduled to be opened at the Commissioner meeting Monday, December 7th, at 10:30 a.m.

OLDER ADULT SERVICES

Executive Director, Janis Jeffirs Holiday, explained pursuant to the Pass-Through Agreement between Marshall County Commissioners and Marshall County Council on Aging executed annually, the financial statement must be presented to the Commissioners on a quarterly basis for review and approval. Ms. Holiday presented the Detail of Expenses for Q3 2020/Q1 CARES for

approval. **Mike Burroughs moved, second by Stan Klotz to approve the Detail of Expenses Q3 2020/Q1 CARES and to review the Detail of Expenses on a quarterly basis. Motion carried 3-0.**

HEALTH DEPARTMENT

Public Health Nurse, Lisa Letsinger, presented estimates for a new vehicle purchase. Oliver Ford submitted an estimate for a 2021 Ford F150 Crew Cab 4x4 pickup with two specification packages in the sum of $33,532 and $34,637. Country Auto Center submitted an estimate for a 2021 RAM Crew Cab 4x4 in the sum of $28,188 offering two extended warranty options. **Stan Klotz moved, second by Mike Klotz, to allow the Health Department to purchase a 2020 RAM Crew Cab 4x4 truck from Country Auto Center in the sum of $31,004, which includes a 10 year, 150,000 mile warranty. Motion carried 3-0.**

Nurse Letsinger explained the State has withdrawn the CARES-LHD IT Grant.

Discussion was held concerning Resolution 2020-33 Public Health Disaster Emergency Declaration expiring tomorrow. **Stan Klotz moved, second by Mike Burroughs, to approve Resolution 2020-34: Public Health Disaster Emergency Declaration. Motion carried 3-0.**

Commissioner Burroughs stated the Commissioners support the Health Department, wearing masks, washing hands and maintaining social distancing.

ELECTION BOARD

Auditor, Julie A. Fox, presented on behalf of Clerk, Deb VanDemark, a request to increase the Election Board Inspector pay from $120 per diem to $140 per diem and Judge (opposite political party of Inspector) from $110 per diem to $130 per diem. **Stan Klotz moved, second by Mike Burroughs, to approve the increase in wages of the Inspector to $140 per diem and Judge (opposite political party of Inspector) to $130 per diem. Motion carried 3-0.**

COMMUNITY CORRECTIONS

Community Corrections Director, Ward Byers, requested permission to apply for the ICJI Coronavirus Emergency Supplemental Funding Program Solicitation FY 2020 Formula Grant, explaining Marshall County has been allotted $103,266.50. Director Byers explained $62,000 will be allocated for computer equipment and $41,266.50 will be allocated for contractual services. The contractual services will be for an app (software program used on smart phone or device) designed to push information to subscribers and first responders. Community Corrections, Health Department, Highway Department, EMA and United Way will be able to push valuable resources available to the public. EMA Director, Clyde Avery, stated the County was previously using NIXEL. Director Byers further stated following the grant period, Community Corrections or the Health Department will be able to continue paying for the contractual services. Discussion was held concerning laptop computers to allow staff to work remotely. It was determined the equipment would be removed from the budget and a revised budget will be submitted. **Mike Burroughs moved, second by Stan Klotz, to allow the submission of the CARES Act grant through ICJI in the sum of $103,266.50. Motion carried 3-0.**

MUSEUM

Museum Director, Linda Rippy, and Historical Society Board Member, Mike Miley, presented the quarterly report. The Heritage Support Grant was received from the Indiana Historical Society and Eli Lilly Foundation in the sum of $40,000 to rebind books. Mr. Miley thanked the staff for all of their hard work this year, explaining the Brown Bag Luncheon series went to a Zoom platform, many virtual programs were provided for the children and programs have been streamed on YouTube.

GIBSON INSURANCE

Gibson Insurance Consultant, Ryan Colvin, provided an update on the 2021 Employee Benefits package. Stating through competitive bidding, Marshall County will not be billed for December, 2020 medical premium. Employee medical payroll deduction will be suspended for one month. Mr. Colvin further explained the plan design and employee contributions will not change in calendar year 2021. A small percentage of enrollees may see some changes to prescription drug tiers, with other options available. The wellness benefits and motion program will continue. $20,000 has been earned in Motion incentive funds this year. **Stan Klotz moved, second by Mike Burroughs, to renew United Healthcare for 2021. Motion carried 3-0.**

PLAN COMMISSION

Director, Ty Adley, presented Ordinance 2020-14: An Ordinance Amending Ordinance 2007-10 commonly known as "The Marshall County Zoning Ordinance", as amended for the second reading. Discussion was held concerning possible changes. **Mike Burroughs moved, second by Stan Klotz, to amend Ordinance 2020-14 as presented and refer back to the Plan Commission for review. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

MOU with MC Park & Recreation Board: **Mike Burroughs moved, second by Stan Klotz, to approve the Memorandum of Understanding between Marshall County and the Marshall County Park and Recreation Board. Motion carried 3-0.**

Community Corrections Relocation: The CRC agreed with the proposed revisions to the lease for the most part. The insurance carrier is looking for clarification of coverage in cases where a claim might be brought against both the landlord and the tenant.

Hite Real Estate: The realtor was advised to hold off on a purchase agreement until after the November 9th County Council meeting.

Recorder/Zillow Matter: A Vendor has made demands for the Recorder to modify the Bulk User Agreement. An Executive Session is scheduled after today's meeting to discuss the threatened litigation.

New Business:

Stellar/LED Message Board Contract: A copy of the Graycraft Signs contract has been reviewed and is now ready for approval by the Commissioners. The agreement was revised to some extent per our request. **Mike Burroughs moved, second by Stan Klotz, to approve the contract with Graycraft Signs for the purchase of six LED Message Board for emergency communication purposes and the Change Order in the total sum of $150,000. Motion carried 3-0.**

Council on Aging-Transportation Grant Oversight: This item was addressed earlier in the meeting.

Sheriff-New CAD System: The Software and Services Subscription from Central Square Technologies, LLC. Has been reviewed. Unlike many agreements where the County purchases software and a maintenance agreement, this agreement has the county subscribing to the software and services. The yearly subscription fee is $115,778.44. After five years, the annual fee will

increase by an amount not to exceed 5% from the prior year. In addition, the Sheriff requested review of the Sheriff's participation in a data platform sharing agreement through TriTech. Further discussion is required with the Sheriff.

SuiteOne and FireEye Cybersecurity Agreement: Further discussion is required. Commissioners request IT Director, Michael Marshall, to be scheduled for an update at the next meeting.

Resolution 2020-32: Public Health Disaster Emergency Declaration: **Mike Burroughs moved, second by Stan Klotz, to ratify Resolution 2020-32: Public Health Disaster Emergency Declaration effective October 20, 2020. Motion carried 3-0.**

Resolution 2020-33: Public Health Disaster Emergency Declaration: **Stan Klotz moved, second by Mike Burroughs, to ratify Resolution 2020-33: Public Health Disaster Emergency Declaration effective October 27, 2020. Motion carried 3-0.**

AUDITOR REPORT

October 19, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Kevin Overmyer, to approve the Commissioner minutes of October 19, 2020. Motion carried 2-0-1, with Mike Burroughs abstaining.**

November claims: **Stan Klotz moved, second by Mike Burroughs, to approve the claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

2021 Employee Benefits Monthly Costs: Human Resources Administrator, Ann Anglin, will present the 2021 Employee Benefits Monthly Costs for approval at the next Commissioner meeting.

Personnel Policies Handbook: Human Resources Administrator, Ann Anglin, explained the Commissioners are working with Waggoner, Irwin, Scheele & Associates on changes to a number of policies in the handbook and is expecting the final documentation next week.

The Commissioners explained the following changes will be effective January 1, 2021:

Vacation Benefits: **Mike Burroughs moved, second by Stan Klotz, to approve the Vacation Benefits Policy. Motion carried 3-0.**

Information Resources Use Policy: **Stan Klotz moved, second by Mike Burroughs, to approve the Information Resources Use Policy. Motion carried 3-0.**

Bereavement Leave: **Stan Klotz moved, second by Mike Burroughs, to approve the Bereavement Leave Policy. Motion carried 3-0.**

Cyber Security: **Mike Burroughs moved, second by Stan Klotz, to approve the Cyber Security Policy. Motion carried 3-0.**

County Credit Card: **Stan Klotz moved, second by Mike Burroughs, to approve the County Credit Card Policy. Motion carried 3-0.**

Mileage: **Mike Burroughs moved, second by Stan Klotz, to approve the Mileage Policy. Motion carried 3-0.**

Probationary Period: **Mike Burroughs moved, second by Stan Klotz, to approve the Probationary Period Policy. Motion carried 3-0.**

Temporary Remote Work Policy, Agreement Form and Log Form: Following discussion, clarification will be sought concerning FMLA with Waggoner, Irwin, Scheele & Associates.

PUBLIC COMMENT

Edward Allyn, 15315 Thorn Road, Culver, Indiana, explained he served on the Solar Task Force Committee and provided several reference materials.

President Overmyer explained the need for an additional vehicle for the Coroner's Office.

ADJOURNMENT

With no further business to come before the board, **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 10:59 am. Motion carried 3-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
NOVEMBER 16, 2020

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 9:50 a.m., Monday, November 16, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President; Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, 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 161 acres, more or less, of Marshall County farm ground. The lease will run from January 1, 2021 through December 31, 2023, and will provide for two lease payments per year due on July 1st and November 1st. The County retains the option to make less acreage available, in which case per-acre rates will apply to actual tillable land. The following three bids were received: Robin Roberts - $188.50 per acre, Diana Schrock and Zachary Schrock - $257.50 per acre and KSF Farms, LLC - $203 per acre. **Stan Klotz moved, second by Mike Burroughs, to accept the bids and award the lease to Diana Schrock and Zachary Schrock in the sum of $257.50 per acre. Motion carried 3-0.**

Attorney Clevenger will prepare the lease agreement for signature.

INFORMATION SYSTEMS

IT Director, Michael Marshall, stated the Cybersecurity Services Agreement between the Indiana Secretary of State, Carahsoft Technology Corp., FireEye, Inc. and FireEye, Inc. DBA "Mandiant" and Marshall County is for the term beginning September 1, 2019 and ending December 31, 2022. The purpose of the agreement is to secure state and county election infrastructure including associated information technology systems and networks. Funding has been provided by 2018 HAVA Election Security Grant Funds. **Mike Burroughs moved, second by Stan Klotz, to approve the Non-Disclosure Agreement between Indiana Secretary of State and Marshall County for election cyber security. Motion carried 3-0.**

Director Marshall explained BIS cannot proceed with the installation of the audio/visual equipment for the Commissioners room until the SuiteOne Media, Inc. Services Agreement is executed. Discussion was held to adjust the agreement to be governed by the laws of the State of Indiana. Installation is scheduled for December 8th – 10th. Further discussion was held concerning the annual fee for services and the recording retention period. Director Marshall will seek additional information.

HIGHWAY DEPARTMENT

Highway Superintendent, Jason Peters, presented a road surface cut from Irrigation Solution, on Hawthorn Road, between 8C Road and 8B Road, in Center Township, for installation of an irrigation electric line.

Mike Burroughs moved, second by Stan Klotz, to approve the road surface cut request from Irrigation Solution, on Hawthorn Road, between 8C Road and 8B Road, in Center Township, for installation of an irrigation electric line. Motion carried 3-0.

Superintendent Peters presented a road bore request from Precision Utilities Group at 8242 7th Road, between Ironwood Road and 7B Road, in Center Township, for the purpose of providing service to customer. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from Precision Utilities Group at 8242 7th Road, between Ironwood Road and 7B Road, in Center Township, for the purpose of providing service to customer. Motion carried 3-0.**

Superintendent Peters presented a road surface request from Stackhouse Farms on Grape Road, between 9B Road and 8B Road, in Bourbon Township, for drainage purposes. **Mike Burroughs moved, second by Stan Klotz, to approve the road surface cut request from Stackhouse Farms on Grape Road, between 9B Road and 8B Road, in Bourbon Township, for drainage purposes. Motion carried 3-0.**

Superintendent Peters provided a road and department update: Bridge Inspection LQR zoom meeting will be held November 18th; an additional appropriation has been submitted for Council approval to purchase lumber packages for Bridge #5 in the amount of $186,745.33 and for Bridge #9 in the amount of $112,609.15. Road projects are being finalized, equipment is being prepared for winter and the Asset Management Plans will be submitted by December 1st in order to be compliance with Community Crossings Grant for 2021.

SICK BANK BOARD

Auditor Payroll Deputy, Jenny Bennitt, on behalf of the Sick Bank Board submitted the 2021 Sick Bank recommendations as follows: All newly joining employees to follow the established guidelines and no days to be donated for existing employees to remain a member of the Sick Bank. It was noted that in 2020, 106 sick bank days were used, 14 days were collected and the projected year-end balance will be 1,123. **Mike Burroughs moved, second by Stan Klotz, to accept the Sick Bank Board recommendation, having all newly joining employees follow the established guidelines and existing employees do not need to donate any days to remain a member. Motion carried 3-0.**

HUMAN RESOURCES

Human Resources Administrator, Ann Anglin, explained Waggoner, Irwin, Scheele & Associates are still working on the personnel policies changes.

Administrator Anglin presented the Employee Benefits Insurance Monthly Costs for 2021. **Mike Burroughs moved, second by Stan Klotz, to approve the Employee Benefits Insurance Monthly Costs for 2021 as presented. Motion carried 3-0.**

BUILDINGS & GROUNDS

Maintenance Supervisor, Doug Masterson, requested permission to seek two appraisals for property located at 716 N. Plum Street, Plymouth, for possible purchase. Supervisor Masterson stated the rent for the storage building east of the County Building is $6,000 per year.

Mike Burroughs moved, second by Stan Klotz, to have Attorney Clevenger seek appraisals from Steve Harper and Bob Powell for real estate located at 716 N. Plum Street, Plymouth. Motion carried 3-0.

PROSECUTOR

Prosecuting Attorney, Nelson Chipman, requested permission to apply for the Edward Byrne Memorial Grant (JAG) in the amount of $40,731. Explaining $15,731.32 will be for equipment/supplies and $25,000 for buy money. This year there is a 25% match either by in-kind or cash contribution and if a cash contribution is required, the Pre-Trial Diversion Fund would support the contribution. **Stan Klotz moved, second by Mike Burroughs, to approve the Prosecutor submission of the Edward Byrne Memorial Grant (JAG) in the amount of $40,731. Motion carried 3-0.**

Prosecuting Attorney Chipman requested permission to apply for the Marshall County Drug Free Community Grant, explaining the original grant request in the sum of $5,000, has been reduced to $2,000 for equipment and buy-money. **Mike Burroughs moved, second by Stan Klotz, to allow the Prosecutor submission of the Marshall County Drug Free Community Grant in the total sum of $2,000. Motion carried 3-0.**

ROY ROUSH

Attorney Roy Roush presented the Deed of Dedication for Espich Minor Subdivision, dedicating the right-of-way portion to the County. **Mike Burroughs moved, second by Stan Klotz, to approve the Deed of Dedication of Espich Minor Subdivision. Motion carried 3-0.**

CORONER

Coroner, John Grolich, requested permission to apply for an Indiana State Department of Health SUID/SDY (Sudden Unexpected Infant Death/Sudden Death in the Young) Grant in the amount of $2,600 for reimbursement of fingerprint cases. **Mike Burroughs moved, second by Stan Klotz, to allow the Coroner submission of the Indiana State Department of Health SUID/SDY Grant in the amount of $2,600. Motion carried 3-0.**

Coroner Grolich explained IPEP is offering an 80/20 Safety Grant in July, 2021, for the purpose of reducing workplace injuries and workers compensation claims. Coroner Grolich requested permission to apply for the grant in the amount of $80,000 for two power load cots and stated an additional appropriation will be necessary in 2021 for the 20% match. **Stan Klotz moved, second by Mike Burroughs, to allow the Coroner submission of the IPEP grant in the amount of $80,000. Motion carried 3-0.**

Coroner Grolich requested permission to pre-pay R. Yoder Construction invoice in the sum of $105,010 from the COVID-19 account. **Stan Klotz moved, second by Mike Burroughs, to authorize a pre-pay to R. Yoder Construction in the amount of $105,010. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Community Corrections Relocation: The lease has been modified slightly and is ready for signature. **Stan Klotz moved, second by Mike Burroughs, to approve the five-year Office Lease Agreement between Community Resource Center of Marshall County, Inc. (CRC) and the Board of Commissioners for Marshall County, Indiana and to allow the Board President to sign. Motion carried 3-0.**

Hite Real Estate: The purchase agreement has been signed and closing is scheduled for December 18, 2020. The County will not have possession until January 1, 2021. **Stan Klotz moved, second by Mike Burroughs, to authorize the Board President to sign the Hite Property paperwork and to allow Coroner, John Grolich, to retrieve fixture/furniture items and the remaining items to be donated to Habitat for Humanity. Motion carried 3-0.**

Shady Rest Farm Lease: This item was addressed earlier in the meeting.

Recorder/Zillow Matter: A vendor has made demands for the Recorder to modify the Bulk User Agreement. The Recorder and Attorney are still working on this matter. Executive Session minutes have been prepared and need to be approved.

Sheriff – CAD System: The new Software and Service Subscription with Central Square Technologies LLC is ready for signing. The yearly subscription fee is $115,778.44, but works out better financially compared to the cost of the prior software and maintenance fees. The Sheriff obtained Council approval for funding on November 9th. The Sheriff also resolved concerns about the data sharing agreement. The agreement will need to be completed so the Marshall County Sheriff can share information with the towns in the County. Marshall County can share with other local counties, if it desires. Marshall County will share data only with local departments.

Sheriff Matt Hassel explained there is also a $0 cost option with TriTech Software Systems to provide crime reports by location on a map. **Stan Klotz moved, second by Mike Burroughs, to approve the Central Square Technologies Agreement in the annual subscription fee of $115,778.44. Motion carried 3-0.**

FireEye CyberSecurity Agreement: This item was addressed earlier in the meeting.

New Business:

Resolution 2020-36: Public Health Disaster Emergency Declaration: The Resolution extends the Emergency Declaration another seven days. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2020-36: Public Health Disaster Emergency Declaration. Motion carried 3-0.**

Palta v Sheriff Deputies: An Order was provided last week dismissing the case. No payment was made to the Plaintiff. This case involved a young man who refused to stop for our deputy and the State Police. He was eventually stopped by a State Trooper in Porter County and refused to get out of his car. The complaint was for excessive force against the State Trooper and our deputies. Prior to filing the lawsuit, the young man pled guilty and served several weeks in the jail.

Campbell v Sheriff: A long-time prisoner, without a lawyer, filed a complaint on October 7, 2020 against the Sheriff (Jail), doctor and nurse of Quality Correction Care (QCC). While awaiting trial, he alleges he received inadequate medical care. His allegation against the Sheriff is that the Sheriff allowed the doctor and nurse to provide the inadequate care. Judge DeGuilio dismissed some of the claims. The Judge allowed Mr. Campbell to proceed for money damages against the doctor and nurse on some of his claims. He allowed Mr. Campbell to proceed on his injunctive relief claim against the Sheriff. Apparently, he wants the Sheriff to terminate QCC. We do not have coverage with Bliss McKnight for claims for injunctive relief, only monetary damages. Bliss McKnight has no duty to defend. Attorney Clevenger will be in touch with QCC to see if its defense counsel will cover the County, but in the meantime and if not, we can enter an appearance or contact Betty Knight's Office to hire her and to enter an appearance and monitor the case.

INFORMATION SYSTEMS - CONTINUED

IT Director, Michael Marshall, stated the BIS Digital, Inc. annual fee for web hosting is $4,400 and live streaming is $1,200 for a total annual cost of $5,600. The video will be held for a twelve-month period. **Mike Burroughs moved, second by Stan Klotz, to approve the one-year contract between BIS Digital, Inc. and Marshall County for video web hosting in the sum of $5,600. Motion carried 3-0.**

EXTENSION

County Extension Director, Karen Richey, provided a presentation outlining the services provided by Purdue Extension to Marshall County. Ms. Richey presented the Extension Contractual Services Agreement between Purdue University and Government of Marshall County, Indiana for the term January 1, 2021 through December 31, 2021 in the sum of $114,500. **Mike Burroughs moved, second by Stan Klotz, to approve the Extension Contractual Services Agreement between Purdue University and Government of Marshall County, Indiana for the 2021 calendar year in the sum of $114,500 and to allow the Board President to sign the agreement.**
Motion carried 3-0.

AUDITOR REPORT

November 2, 2020 minutes: Auditor Fox stated following a conversation with Attorney Clevenger concerning Older Adult Services, the minutes will be presented at the next meeting for approval.

November claims: **Mike Burroughs moved, second by Stan Klotz, to approve the claims as presented. Motion carried 3-0.**

November 2, 2020 Executive Session minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner Executive Session minutes of November 2, 2020. Motion carried 3-0.**

COMMISSIONER ITEMS

Resolution 2020-35: **Mike Burroughs moved, second by Stan Klotz, to ratify Resolution 2020-35: Public Health Disaster Emergency Declaration executed on November 9, 2020. Motion carried 3-0.**

Resolution 2020-37 & Resolution 2020-38: **Stan Klotz moved, second by Mike Burroughs, to ratify Resolution 2020-37: Closing and Restricting Public Access to County Facilities executed on November 13, 2020 and Resolution 2020-38: Requirement of County Elected Officials, County Appointed Officials, and County Employees to Wear Face Coverings in All Marshall County Facilities executed on November 13, 2020. Motion carried 3-0.**

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs to adjourn the meeting at 11:12 am. Motion carried 3-0.**

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Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 7, 2020

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 7, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President; Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

RECOGNITION

A moment was taken to honor and thank all our service men and women on this historic day. A special recognition to Jim DeWitt of Culver who survived the attack on Pearl Harbor.

HIGHWAY DEPARTMENT

Highway Superintendent, Jason Peters, presented a right of way cut request from Keranida on 2A Road, from the intersection of Michigan Road and 2A Road traveling east approximately 745 feet and traveling west approximately 730 feet, for the purpose of installing groundwater monitoring wells. **Mike Burrroughs moved, second by Stan Klotz, to approve the right of way cut request from Keranida on 2A Road, from the intersection of Michigan Road and 2A Road traveling east approximately 745 feet and traveling west approximately 730 feet, for the purpose of installing groundwater monitoring wells. Motion carried 3-0.**

Superintendent Peters presented a road bore request from Maplenet on Crest Lane, between State Road 17 and Olive Trail, in Center Township, for providing high speed internet to local homeowners. **Stan Klotz moved, second by Mike Burroughs, to approve the road bore request from Maplenet on Crest Lane, between State Road 17 and Olive Trail, in Center Township, for providing high speed internet to local homeowners. Motion carried 3-0.**

Superintendent Peters presented the Regular Proposal, Contracts, and Specifications for the Construction of Marshall County Bridges Scour Protection Project as prepared by USI Consultants including the Final Engineer's Estimate for the Flood Damage Bridges for an estimated total construction cost of $216,617. **Mike Burroughs moved, second by Stan Klotz, to accept the Regular Proposal, Contracts, and Specifications for the Construction of Marshall County Bridges Scour Protection Project and estimate in the amount of $216,617. Motion carried 3-0.**

Superintendent Peters provided a road and department update: 2021 Bids will be opened later in the meeting; A photo presentation was given for the 7B Road Culver Replacement, the project was completed in three days at a cost of $56,000; Road projects are being finalized, equipment is being prepared for winter and the Asset Management Plans has been submitted and approved by LTAP; Information was provided to MACOG and updated; The Marshall County PASER Assessment for 2015-2020 was presented and nearly 50% of the roads are categorized as good/average; The rough draft of the 2021 Road Program has been provided to the Commissioners for review.

CORONER

Coroner John Grolich explained an additional charge for morgue construction from R. Yoder Construction for a gas line in the sum of $9,780. Explaining CORE will perform the work. **Mike Burroughs moved, second by Stan Klotz, to approve the additional charge of $9,780 to R Yoder Construction for installation of a gas line. Motion carried 3-0.**

EMERGENCY MANAGEMENT AGENCY

EMA Director, Clyde Avery, presented the Quarterly Report (August 2, 2020 – December 6, 2020) providing an update on the number of responses, community outreach, grants and other topics.

Director Avery requested permission to apply for the Coronavirus Relief Fund Safety Awareness Program in the sum of $165,050.60. This supplemental program will be managed by the Indiana Finance Authority (IFA) and eligible expenses must be incurred and submitted by December 30, 2020 for reimbursement in January 2021. Requests may include costs associated with enforcement and public education/awareness campaign of the immediate need for limiting gatherings, mask protection and social distancing of the Governor's Executive Order 20-48, dated November 13, 2020 and Marshall County Ordinance 2020-21: COVID-19 Face Mask Requirements for Local Workplace Safety and Enforcement, dated November 20, 2020. Marshall County has been allocated $150,046 and may request up to an additional 10% of the original allocation. **Mike Burroughs moved, second by Stan Klotz, to approve the request to apply for Coronavirus Relief Fund Safety Awareness Program in the sum of $165,050.60 for education and compliance campaigns. Motion carried 3-0.**

MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

Greg Hildebrand presented the Indiana Office of Community and Rural Affairs (OCRA) Standard Sub-Recipient Agreement for CDBG-Funded Projects between Marshall County, Board of Commissioners, Marshall County Economic Development Corporation (MCEDC) and the Indiana Office of Community and Rural Affairs for Grant CV-CV-1-227. The COVID-19 grant funds are used to create the Marshall County Crossroads Loan Program, which provides funds to businesses or for employees of businesses that fit into the size standards of less than $1 million in gross annual sales and less than 20 employees. The schedule for completion of the project is December 7, 2021. The program budget is $243,750 for Economic Development and $6,250 for Administration, in the total sum of $250,000. Mr. Hildebrand stated 24 applications have been reviewed and two additional received, each award may be approved up to $7,500. **Stan Klotz moved, second by Mike Burroughs, to approve the Indiana Office of Community and Rural Affairs Standard Sub-Recipient Agreement for CDBG-Funded Projects between Marshall County, Board of Commissioners, MCEDC and the Indiana Office of Community and Rural Affairs for Grant CV-CV-1-227 in the sum of $250,000 and to allow the President to sign on behalf of the Board. Motion carried 3-0.**

Discussion was held concerning the strict reporting requirements both by MCEDC to OCRA as well as MCEDC to the County. The County should receive quarterly status reports among other items set out in the agreement. The County also has duties for monitoring.

OLDER ADULT SERVICES

Executive Director, Janis Jeffirs Holiday, presented the Indiana Department of Transportation (INDOT) Section 5311/5339 Grant Agreement EDS #A249-2-G200172, Project #3400770C between Marshall County Commissioners and Marshall County Council on Aging Public Transit in the sum of $105,200. The funding shall be for One Low Floor Mini Van – Replacement in the sum of $45,700 and One Medium Transit Vehicle – Replacement in the sum of $59,500. The source of funding is as follows, Federal 5339 funds in the sum of $84,160 and PMTF (State) Funds in the sum of $21,040. The Grant Agreement shall be in effect for a period of 18 months, January 1, 2021 through June 30, 2022. **Mike Burroughs moved, second by Stan Klotz, to approve the Indiana Department of Transportation (INDOT) Section 5311/5339 Grant Agreement EDS #A249-2-G200172, Project #3400770C between Marshall County Commissioners and Marshall County Council on Aging Public Transit in the sum of $105,200. Motion carried 3-0.**

CONMMUNITY CORRECTIONS

Director, Ward Byers, presented the Grant Agreement between Indiana Criminal Justice Institute (ICJI), Marshall County and the Marshall County Auditor in the sum of $103,266.50 for the Coronavirus Emergency Supplement Funding Program. The purpose of the grant is to provide personal protection equipment (PPE) for all law enforcement and the Marshall County Jail and the development of a Community Resource App for smartphones, which will allow for emergency information to be pushed to the community. The Grant Agreement begins on January 20, 2020 and will remain in effect through January 19, 2022.

Director Byers presented the OCV, LLC (ThePublicInformationApp.com) proposal cost of the Mobile App for Marshall County in the sum of $43,980 for development and four years of support. The anticipated release date of the app is January 15, 2021 and all are encouraged to download the app in order to receive emergency information.

Mike Burroughs moved, second by Stan Klotz, to approve Grant Agreement between Indiana Criminal Justice Institute (ICJI), Marshall County and the Marshall County Auditor in the sum of $103,266.50 for the Coronavirus Emergency Supplement Funding Program. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to approve the OCV, LLC four-year agreement for the mobile app in the total sum of $43,980. Motion carried 3-0.

Director Byers stated the Community Corrections Office will be moving from the Courthouse to the Community Resource Center on December 21st.

ATTORNEY REPORT

Old Business:

Hite Real Estate: The purchase agreement has been signed and closing is scheduled for December 18, 2020. The County will have possession on January 1, 2021. Commissioner Overmyer will have disclosure forms to sign.

Shady Rest Farm Lease: A new three-year lease has been drafted for the new per acre bid and has been sent to the farmers.

Highway – 2B Road Drainage: Mr. Waidner signed a Memorandum of Understanding that sets out his expenses and the Highway Department expenses. The new easements will be recorded.

Maintenance Building – Plum Street: One of the two appraisals has been received for 716 N. Plum Street. The second appraisal should be submitted this week.

New Business:

COVID-19: A resolution extending the Emergency Declaration another seven days has been prepared.

CARES/OCRA Sub-Recipient Agreement for Micro-Loan Program: This item was addressed earlier in the meeting.

Personnel-Temporary Remote Work Policy: After a request by the Commissioners, we received a recommendation from Waggoner, Irwin & Scheele concerning establishing a formal remote work policy. The Ordinance amendment adopting the new policy is ready for your consideration. **Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2020-23: An Ordinance Amending the County of Marshall, Indiana Personnel Policy and Personnel Policies Handbook on first reading. Motion carried 3-0.**

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-23: An Ordinance Amending the County of Marshall, Indiana Personnel Policy and Personnel Policies Handbook on second and third reading. Motion carried 3-0.

HUMAN RESOURCES

Human Resources Administrator, Ann Anglin, discussed changes to the Personnel Policies Handbook Section 4.8 Bereavement Leave, Section 5.10.1 Mileage Rate, 2.14 Probationary Period and Section 4.1 Vacation Benefits. Ordinance 2020-24 Amending the Handbook Policy will be presented for signature at an upcoming meeting. **Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2020-24: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook on first reading. Motion carried 3-0.**

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-24: An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook on second and third reading. Motion carried 3-0.

Administrator Anglin requested permission to solicit employee contributions to United Way for calendar year 2021. **Stan Klotz moved, second by Mike Burroughs, to allow Human Resources to solicit United Way Contributions for the 2021 Campaign. Motion carried 3-0.**

ATTORNEY REPORT - CONTINUED

BakerTilly Engagement: Ken Jones, the consultant working with the Health Department on a possible rural sewer district for Marshall County is to the point of needing financial data concerning municipality sewer rates. This data will be used to determine the viability of connecting numerous areas to the local sewer plants. Jeff Rowe of BakerTilly has been working with Ken Jones. BakerTilly has provided an Engagement Letter Agreement for the financial services needed, in an amount not to exceed $15,000. BakerTilly is working with the

municipalities in the County, except Argos, so upon approval of the city and towns, he would easily be able to access the required information. **Mike Burroughs moved, second by Stan Klotz, to approve the Engagement Letter Agreement Related to Services – Wholesale Sewage Treatment Analysis for the Proposed Marshall County Regional Sewer District and fee, not to exceed $15,000. Motion carried 3-0.**

Campbell v Sheriff: Bliss McKnight would not defend the first case in which the inmate's claims were mostly against the medical staff at the jail. The only claim against the Sheriff was for injunctive relief. Attorney Clevenger has entered an appearance on behalf of the Sheriff, and we have a plan for defense. Campbell filed a second lawsuit in federal court based upon overcrowding. The claim is almost identical to the numerous other overcrowding cases that were filed months ago. The case has been referred to our insurance carrier and expect GIE will provide defense.

AUDITOR REPORT

November 2, 2020 Minutes: **Stan Klotz moved, second by Mike Burroughs, to approve the minutes of November 2, 2020. Motion carried 3-0.**

November 16, 2020 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the minutes of November 16, 2020. Motion carried 3-0.**

November 20, 2020 Special Called Meeting Minutes: **Stan Klotz moved, second by Mike Burroughs, to approve the Special Called Meeting minutes of November 20, 2020. Motion carried 3-0.**

Annual Compliance - Nepotism, Contract Disclosure & Conflict of Interest: Auditor Fox reported all required forms have been returned by Elected Officials. Uniform Conflict of Interest Disclosure Statement has been received from Brian W. Welch, James D. Bremner and William F. Steck, III for East Shore Conservancy District. **Stan Klotz moved, second by Mike Burroughs, to approve the East Shore Conservancy Uniform Conflict of Interest Disclosure Statements for Board Members Brian W. Welch, James D. Bremner and William F. Steck, III. Motion carried 3-0.**

December claims: **Mike Burroughs moved, second by Stan Klotz, to approve the claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Resolution 2020-39, 2020-40 and 2020-41: **Stan Klotz moved, second by Mike Burroughs, to ratify Resolution 2020-39: Public Health Disaster Emergency Declaration executed on November 23, 2020; to ratify Resolution 2020-40: Public Health Disaster Emergency Declaration executed on November 30, 2020; and approve Resolution 2020-41: Public Health Disaster Emergency Declaration effective December 8, 2020. Motion carried 3-0.**

Indiana Office of Community & Rural Affairs: **Stan Klotz moved, second by Mike Burroughs, to approve the claim request for Grant Number CV-19-114, CDBG-COVID LED Message Boards, for payment to Graycraft Signs in the sum of $55,833.96 and to be submitted to the Office of the Lieutenant Governor. Motion carried 3-0.**

Marshall County Board of Health: **Mike Burroughs moved, second by Stan Klotz, to reappoint Allison Shook to the Marshall County Board of Health to a four-year term, beginning January 1, 2021 and ending December 31, 2024. Motion carried 3-0.**

Enterprise Lease: Commissioner Klotz stated he is working with Enterprise concerning an early payoff. **Mike Burroughs moved, second by Stan Klotz, to authorize a pre-payment to Enterprise Lease in an amount not to exceed $14,000. Motion carried 3-0.**

BIS: Commissioner Klotz requested Attorney Clevenger review the contract with BIS regarding work completed at the Courthouse.

Commissioner Overmyer clarified the Resolutions are approved by the Commissioners, not the Health Department and are in accordance with the Governor's Order.

2021 HIGHWAY BIDS

The bids for 2021 materials and supplies for the Marshall County Highway Department were received and opened. The Highway Department will maintain, review and prepare a bid book which will be provided at the December 21st Commissioner meeting. **Mike Burroughs moved, second by Stan Klotz, to take all bids under advisement to allow the Highway Department time to review and to make recommendations at the December 21, 2020 meeting. Motion carried 3-0.**

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 11:34 am. Motion carried 3-0.**

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Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 21, 2020

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 21, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President; Mike Burroughs, Member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent, Jason Peters, stated the 2021 bids have been reviewed and recommends they all be accepted. **Mike Burrroughs moved, second by Stan Klotz, to accept all of the 2021 Highway bids. Motion carried 3-0.**

Superintendent Peters stated three bids have been received for the Marshall County Scour Protection Project for the following nine bridges: Bridge #1 - N. Ule Trail over Jesse McKesson Ditch, Bridge #15 - N. Tamarack Road over Peter Sarber Ditch, Bridge #17 - N. Sycamore Road over Sherman Emmons Ditch, Bridge #19 - West 3B Road over Peter Sarber Ditch, Bridge #40 - East A Road over Yellow River, Bridge #56 East 6th Road over Yellow River, Bridge #85 - Hickory Road over Isaac Sells Ditch, Bridge #97 - East 7th Road over Dausman Ditch and Bridge #308 - 18th Road over Charles Pfiefer Ditch. Superintendent Peters opened the following bids: Haskins Underground, Inc. in the sum of $92,872; Pioneer Associates, Inc. in the sum of $149,892.90 and HRP Construction, Inc. in the sum of $247,866. **Stan Klotz moved, second by Mike Burroughs, to take the Scour Protection Project bids under advisement. Motion carried 3-0.**

Superintendent Peters presented the Community Crossings 2020-2 Local Roads and Bridges Matching Grant Agreement, Contract #A249-21-LG200489 between Indiana Department of Transportation (INDOT) and Marshall County in the sum of $20,250 representing 75% of the eligible costs. Stating the project is crack sealing Michigan Road from 1st to Tyler; Plymouth-Goshen Trail from US 6 to County line and Elm Road from US 30 and Lincolnway. **Mike Burroughs moved, second by Stan Klotz, to approve the Community Crossings 2020-2 Local Roads and Bridges Matching Agreement between INDOT and Marshall County in the sum of $20,250. Motion carried 3-0.**

Superintendent Peters provided a road and department update: Quarterly Tracking Reports for federal aid projects: Bridge Inspections for Bridges #232, #11, #73, #87 and #120 are due to MACOG by December 31, 2020, which will be reviewed by January 6, 2021 and are then due to INDOT by January 20, 2021. Further outlining the work in progress, truck leases and the possibility of updating other pieces of equipment. Discussion was held concerning the bid received for mowing and utilizing season help with other tasks.

PLAN COMMISSION

Director Ty Adley provided a PowerPoint presentation for Ordinance 2020-22, 20-PC-14 Marshall County Plan Commission, a request to update the Marshall County Zoning Ordinance Article 6 010 A and Article B Shipping Containers and Ordinance 2020-24, 20-PC-15 Marshall County Plan Commission, various amendments to Articles 3, 6 and 13 in the Marshall County Zoning Ordinance proposed to be revised as it pertains to the requirements for Solar Farms. **Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Ordinance 2020-22: An Ordinance Amending Ordinance Commonly Known As "The Marshall County Zoning Ordinance", as amended. Motion carried 3-0.**

John Grolich, District Chairman of the Marshall County Volunteer Firefighters Association, residing at 411 Franklin Street, Plymouth, Indiana, stated local fire services use shipping containers for storage and training. Further stating the containers have been provided to the units free of charge.

Chuck DeWitt, Marshall County Building Inspector, residing at 9289 State Road 17, Plymouth, Indiana, stated storage containers do not meet building codes and were not designed for storage. Requested the containers be removed, without exceptions.

Stan Klotz moved, second by Mike Burroughs, to close the public hearing on Ordinance 2020-22: An Ordinance Amending Ordinance Commonly Known As "The Marshall County Zoning Ordinance", as amended. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to table Ordinance 2020-22: An Ordinance Amending Ordinance Commonly Known As "The Marshall County Zoning Ordinance", as amended and refer to the Marshall County Plan Commission to specify use of shipping containers by emergency services. Motion carried 3-0.

Attorney Clevenger indicated he had not received Ordinance 2020-14: An Ordinance Amending Ordinance 2007-10 Commonly Known As "The Marshall County Zoning Ordinance", as amended for review. **Stan Klotz moved, second by Mike Burroughs, to table Ordinance 2020-14: An Ordinance Amending Ordinance 2007-10 Commonly Known As "The Marshall County Zoning Ordinance", as amended until January 2021 to allow Attorney Clevenger the opportunity to review. Motion carried 3-0.**

CORONER

Coroner, John Grolich, requested permission to prepay an invoice to Funeral Source One Supply and Equipment Co., Inc. in the sum of $27,158.56 to purchase supplies for the morgue. **Mike Burroughs moved, second by Stan Klotz, to approve the prepayment request to Funeral Source One Supply and Equipment Co., Inc. in the total sum of $27,158.56, to be paid from the COVID-19 account line. Motion carried 3-0.**

SHERIFF DEPARTMENT

Lieutenant, Neal Wallace, requested a prepayment to Oliver Ford for the purchase of a replacement vehicle, explaining two vehicles had been involved in accidents. Further stating he was unsure of the total amount due Oliver Ford and $11,477 would be paid from the Commissary Fund. **Mike Burroughs moved, second by Stan Klotz, to table the prepayment request until the amount is determined. Motion carried 3-0.**

Lieutenant Wallace requested permission to solicit estimates from Oliver Ford and Country Auto for three vehicles. Further stating one patrol officer has been hired and is scheduled to begin January 4th. Officer testing will be held on January 9th with the hope to be able to fill the remaining two patrol officer positions. The Commissioners requested a current list of Sheriff Department vehicles and uses. **Mike Burroughs moved, second by Stan Klotz, to allow the Sheriff Department to solicit estimates from Oliver Ford and Country Auto for 2021 police units. Motion carried 2-1, with Kevin Overmyer voting no.**

HIGHWAY DEPARTMENT - CONTINUED

Highway Superintendent Peters and USI Representative, Mike Oberfeld, stated the Scour Protection Project Bids have been reviewed and recommended awarding the project to Haskins Underground, Inc. **Mike Burroughs moved, second by Stan Klotz, to award the Marshall County Scour Protection Project to Haskins Underground, Inc. in the sum of $92,872. Motion carried 3-0.**

INFORMATION SYSTEMS – BIS DIGITAL

Commissioner Burroughs stated he was informed by IT Director, Michael Marshall, a part was missing last week at installation, the part is now onsite, BIS will complete the installation and conduct training this afternoon and tomorrow. Upon completion Director Marshall will sign off on the contract and live streaming of all board meetings will begin in January 2021.

CULVER BOYS & GIRLS CLUB

Bill Githens, on behalf of the Culver Boys & Girls Club, expressed appreciation for the financial support from Marshall County. Due to this generosity, it allows the club to deliver education programs to the over 200 boys and girls who attend. The club is proud of the services they were able to provide last spring and throughout the fall considering the pandemic which presented many challenges for the members and their families.

ATTORNEY REPORT

Old Business:

Hite Real Estate: The closing was conducted on December 18th and the County will gain possession after the first of the year.

Shady Rest Farm Lease: The Farm Lease has been signed by Diana and Zachary Schrock. **Mike Burroughs moved, second by Stan Klotz to accept the Farm Lease between Marshall County and Diana Schrock and Zachary Schrock for a three-year period beginning January 1, 2021. Motion carried 3-0.**

Maintenance Building – Plum Street: The second appraisal has been received. The first appraisal was $40,500 and the second appraisal is $38,500; the average is $39,500. The owners indicated they would sell the real estate for that sum in "AS IS" condition. The building is in poor condition and may have zoning and environmental issues.

New Business:

COVID-19: A Resolution extending the Emergency Declaration another seven days has been prepared. **Mike Burroughs moved, second by Stan Klotz, to approve Resolution 2020-47: Public Health Disaster Emergency Declaration effective December 22, 2020. Motion carried 3-0.**

Mike Burroughs moved, second by Stan Klotz, to ratify Resolution 2020-42: Public Health Disaster Emergency Declaration effective December 15, 2020. Motion carried 3-0.

The Indiana Supreme Court issued an order that there will be no in-person jury trials conducted in the trial courts of Indiana until March 1, 2021. Judge Bowen had criminal jury trials scheduled
every week in January and February with most of the defendants residing in the jail.

Jail Overcrowding Cases: Ten of the pro se cases have been dismissed on procedural grounds. Last week, one of the Federal Court Judges ruled in favor of the Sheriff on one of the cases on the merits. The Judge determined no reasonable jury could conclude the County's response violated the inmate's constitution rights. The inmate's claims were solely based upon overcrowding. The Judge noted the efforts of local government officials to reduce the population in dismissing the case. This is good news and hopefully, the other Federal Court judges will follow the order which will lead to dismissals of at least another 12 cases.

AUDITOR REPORT

December 7, 2020 Minutes: **Mike Burroughs moved, second by Stan Klotz, to approve the minutes of December 7, 2020. Motion carried 3-0.**

December claims: **Stan Klotz moved, second by Mike Burroughs, to approve the claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Resolution 2020-43: Joint Resolution of the Marshall County Commissioners and the Marshall County Council to Apply Excess Funds from the Special Local Income Tax Collected for Jail Bonds to be Applied for Jail Operations: Commissioner Klotz discussed the option of an early payoff of the jail bond to allow for budget flexibility and the need for more work legislatively to be done. **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2020-43: Joint Resolution of the Marshall County Commissioners and the Marshall County Council to Apply Excess Funds from the Special Local Income Tax Collected for Jail Bonds to be Applied for Jail Operations. Motion carried 2-1, with Stan Klotz voting no.**

Marshall County Plan Commission: **Stan Klotz moved, second by Mike Burroughs, to reappoint Jim Berger to the Marshall County Plan Commission for a four-year term beginning January 1, 2021 and ending December 31, 2024. Motion carried 3-0.**

Alcohol Beverage Commission: **Mike Burroughs moved, second by Stan Klotz, to reappoint Jan Fisher to the Alcohol Beverage Commission for a one-year term beginning January 1, 2021 and ending December 31, 2021. Motion carried 3-0.**

Koontz Lake Sewer District: **Mike Burroughs moved, second by Stan Klotz, to reappoint Michael McKenna to the Koontz Lake Sewer District for a four-year term beginning January 1, 2021 and ending December 31, 2024. Motion carried 3-0.**

Marshall County Drainage Board: **Mike Burroughs moved, second by Stan Klotz, to reappoint Dave Stults and Randy Glingle to the Marshall County Drainage Board for a three-year term beginning January 1, 2021 and ending December 31, 2023. Motion carried 3-0.**

MACOG: **Mike Burroughs moved, second by Stan Klotz, to reappoint Kevin Overmyer to the Michiana Area Council of Governments (MACOG) for a one-year term beginning January 1, 2021 and ending December 31, 2021. Motion carried 3-0.**

Marshall County Economic Development Corporation: **Stan Klotz moved, second by Mike Burroughs, to reappoint Jennifer Martin to the Marshall County Economic Development Corporation for a three-year term beginning January 1, 2021 and ending December 31, 2023. Motion carried 3-0.**

Community Corrections: **Mike Burroughs moved, second by Stan Klotz, to appoint Council Member Tim Harman to fill the unexpired term of Judy Stone ending December 31, 2023. Motion carried 3-0.**

Central Dispatch: **Mike Burroughs moved, second by Stan Klotz, to reappoint Kevin Overmyer to the Central Dispatch Board for a one-year term beginning January 1, 2021 and ending December 31, 2021. Motion carried 3-0.**

Unsafe Building Committee: **Stan Klotz moved, second by Mike Burroughs, to reappoint Mike Burroughs to the Unsafe Building Committee for a one-year term beginning January 1, 2021 and ending December 31, 2021. Motion carried 3-0.**

Sick Bank Board: **Mike Burroughs moved, second by Stan Klotz, to reappoint Sheriff Matt Hassel, Rhonda Ferguson and Sharon Dotta to the Sick Bank Board for a one-year term beginning January 1, 2021 and ending December 31, 2021. Motion carried 3-0.**

Sheriff's Salary Contract: Concerns and disappointment were voiced with the lack of input by the Sheriff regarding the Emergency Declarations being passed by the Governor and County during the pandemic. The Sheriff has also been removed from the Emergency Management Plan due to a lack of participation and has also been removed from the EMA Advisory Board. **Mike Burroughs moved, second by Stan Klotz, to approve the Sheriff's Salary Contract for the calendar year 2021 in the sum of $91,125.80. Motion carried 2-1, with Kevin Overmyer voting no.**

CentralSquare Contract Amendment: **Mike Burroughs moved, second by Stan Klotz, to approve Amendment One to Software License and Service Subscription Agreement between CentralSquare Technologies, LLC and Marshall County dated November 1, 2020. Motion carried 3-0.**

Ordinance 2020-26: A new Personnel Policies Handbook is being produced by Waggoner, Irwin & Scheele to incorporate amendments adopted since 2016 for employee distribution.
Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2020-26 effective January 1, 2021 on first reading. Motion carried 3-0.

President Overmyer stated Marshall County had the lowest COVID-19 positivity rate over the last week in the State and publicly commended the citizens and business owners for their assistance in reaching this goal.

Further commending the Department Heads and employees for enduring the additional challenges during the pandemic.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Stan Klotz moved, second by Mike Burroughs, to adjourn the meeting at 10:53 am. Motion carried 3-0.**

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor

MARSHALL COUNTY
BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING
MINUTES
NOVEMBER 20, 2020

The Board of Commissioners of Marshall County, Indiana, met for a Special Called Meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 am, Friday, November 20, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened and the business at hand was heard.

President Kevin Overmyer thanked the following area leaders for attending: Ginny Monroe from Culver, Trend Weldy, from the Town of Bremen, Heath Thornton, Council Member, Brad Kile, Bremen Chief of Police, Mark Sentor, City of Plymouth Mayor and John Grolich, Coroner. Further stating we all need to work together to stop the spread of COVID-19, as the number of cases and deaths are rising in Marshall County. Marshall County has prepared an Ordinance to allow enforcement of the Governor's mask mandate by the Marshall County Health Department, Health Officer, other local officials or law enforcement officers.

Attorney James Clevenger read Marshall County Ordinance 2020-21: COVID-19 Face Mask Requirements for Local Workplace Safety and Enforcement into the record. States fines are effective immediately under the COVID-19 emergency. Further stating the 30-day publication ruling is not required; however, the Ordinance will be published.

President Overmyer stated the adoption of the Ordinance is in attempt to prevent further lock-down of business.

Comment was heard from Marshall County Public Health Nurse, Lisa Letsinger; Commissioners Stan Klotz and Mike Burroughs; Coroner, John Grolich, and Ginny Munroe. All emphasizing the importance of wearing a mask, maintaining social distance and frequently washing hands. Further commenting this decision is an attempt to save lives and not take away individual rights. The Ordinance is helpful to businesses in allowing them to have the courage to tell patrons to leave if they are not willing to wear a mask.

Stan Klotz moved, second by Mike Burroughs, to approve Ordinance 2020-21: COVID-19 Face Mask Requirements for Local Workplace Safety and Enforcement. Motion carried 3-0.

ADJOURNMENT

With no further business to come before the board the meeting adjourned at 9:00 am.

_____
Kevin Overmyer, President

_____
Stan Klotz, Vice President

_____
Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor