

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
OCTOBER 21, 2024**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:43 a.m., Monday, October 21, 2024. Present were Commissioners, Stan Klotz, President; Mike Burroughs, Vice President; Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier.

The meeting was opened, streamed live at <https://www.youtube.com/@MarshallCountyIN>, the Pledge of Allegiance was given, and the business at hand was heard.

HIGHWAY DEPARTMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PLAN COMMISSION

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

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

No public comment was heard.

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

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

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

MUSEUM

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

HUMAN RESOURCES

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

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

NEIGHBORHOOD CENTER & BREAD OF LIFE

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

HEARTLAND ART CENTER

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

PURDUE EXTENSION

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

ATTORNEY REPORT

Old Business

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

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

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

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

New Business

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

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

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

AUDITOR REPORT

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

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

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

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

PUBLIC COMMENT

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

COMMISSIONER ITEMS

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

ADJOURNMENT

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

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member