

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
OCTOBER 7, 2024**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, October 7, 2024. Present were Commissioners, Stan Klotz, President; Mike Burroughs, Vice President; Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier.

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

**HIGHWAY DEPARTMENT**

Highway Department Clerk Denise Campbell presented a road bore request from Miller Pipeline on 3<sup>rd</sup> Road, between Sea Lane and Channelwood Lane, in German Township, for the purpose of replacing existing gas service for NIPSCO. **Kevin Overmyer moved, second by Mike Burroughs, to approve the road bore request from Miller Pipeline on 3<sup>rd</sup> Road, Between Sea Lane and Channelwood Lane, in German Township, for the purpose of replace existing gas service for NIPSCO. Motion carried 3-0.**

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

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

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

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

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

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

Clerk Campbell provided an update on the following projects:

Bridge 87, 11<sup>th</sup> Road: No update.

Bridge 11, Union Road: No update.

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

Bridge 232, Randolph Street: No update.

Bridge 231, Center Street, Bremen: Indiana Department of Transportation (INDOT) approved the consulting party's invitation letter. The next step is for INDOT and Federal Highway Administration (FHWA) to coordinate an in-person meeting.

Bridge 88, 12<sup>th</sup> Road east of Olive Trail: No update.

Bridge 108, East 7<sup>th</sup> Road: No update.

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

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

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

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

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

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

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

### **SHERIFF DEPARTMENT**

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

**Motion carried 3-0.**

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

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

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

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

### **HEALTH DEPARTMENT**

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

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

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

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

### **PROBATION DEPARTMENT**

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

### **BUILDINGS & GROUNDS**

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

### **BUILDINGS & GROUNDS-JAIL**

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

### **EMA**

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

### **ATTORNEY REPORT**

#### **Old Business**

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

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

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

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

New Business

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

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

**AUDITOR REPORT**

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

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

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

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

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

**PUBLIC COMMENT**

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

**COMMISSIONER ITEMS**

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

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

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

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

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

**ADJOURNMENT**

With no further business to come before the board, **Mike Burroughs moved, second by Kevin Overmyer, to adjourn the meeting at 10:00 a.m. Motion carried 3-0.**

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Stan Klotz, President

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Mike Burroughs, Vice President

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

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Kevin Overmyer, Member