

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
SEPTEMBER 3, 2024**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Tuesday, September 3, 2024. Present were Commissioners, Stan Klotz, President; Mike Burroughs, Vice President; Kevin Overmyer, Member; County Attorney, James Clevenger; and County Auditor, Angela C. Birchmeier.

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

HIGHWAY DEPARTMENT

Highway Department Superintendent Jason Peters presented a road bore request from Precision Utilities Group on 7th Road, between Hickory Road and Filbert Road, in German Township for the purpose of providing service to a customer. **Mike Burroughs moved, second by Kevin Overmyer, to approve the road bore request from Precision Utilities Group on 7th Road, between Hickory Road and Filbert Road, in German Township for the purpose of providing service to a customer. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:

Bridge 87, 11th Road: No update.

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

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

Bridge 232, Randolph Street: No update.

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

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

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

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

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

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

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

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

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

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

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

BUILDINGS & GROUNDS

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

RECORDER

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

TAMARACK SOLAR PROJECT

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

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

BARNES & THORNBURG

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

HUMAN RESOURCES

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

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

SHERIFF

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

MARSHALL COUNTY COMMUNITY FOUNDATION

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

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

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

ATTORNEY REPORT

Old Business

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

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

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

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

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

New Business

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

AUDITOR REPORT

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

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

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

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

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

PUBLIC COMMENT

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

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

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

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

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

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

COMMISSIONER ITEMS

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

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

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

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

ADJOURNMENT

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

Stan Klotz, President

Mike Burroughs, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Kevin Overmyer, Member