

**MARSHALL COUNTY  
BOARD OF COMMISSIONERS  
MINUTES  
SEPTEMBER 16, 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 9:30 a.m., Monday, September 16, 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 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. Owners of Parcels 2, 3, and 5 have signed agreements. The owner of Parcel 4 is prepared and scheduled to sign. The owner of Parcel 1 did not accept the offer and has not replied with a counteroffer.

Bridge 232, Randolph Street: No update.

Bridge 231, Center Street, Bremen: No update.

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

Bridge 108, East 7<sup>th</sup> Road: The LPA Consulting Contract between Marshall County Commissioners and United Consulting for Bridge 108 Rehabilitation was presented for approval at the prior meeting and the contract had been sent for electronic signatures on September 9<sup>th</sup>.

Bridge Inspections 2022-2025 Phase II: INDOT issued a purchase order in the amount of \$75,752 and the Notice to Proceed has been sent to USI Consultants.

Mill Pond Dam Improvements: No update.

Energy Efficiency Conservation Block Grant (EECBG): Estimates have been requested for a Chevrolet Silverado EV.

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

Howard County Vietnam Veterans Organization: The department has completed the fog sealing of a section of road near the Howard County Vietnam Veterans Organization in Kokomo.

Equipment Usage Interlocal Agreement: A draft agreement was presented for Interlocal Equipment Usage.

Resolution 2024-5: Adopting the ADA Accessibility Guidelines for Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way. **Kevin Overmyer moved, second by Mike Burroughs, to approve Resolution 2024-5: A Resolution of the Board of Commissioners of Marshall County, Indiana Adopting the Americans with Disabilities Act (ADA) Accessibility Guidelines for Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way pending attorney review. Motion carried 3-0.**

Resolution 2024-6: Adopting the ADA Coordinator and Procedures: **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2024-6: A Resolution of the Board of Commissioners of Marshall County, Indiana Adopting the Americans with Disabilities Act (ADA) ADA Coordinator and Procedures pending Attorney review. Motion carried 3-0.**

### **BARNES & THORNBURG**

Barnes & Thornburg, LLP, Associate Hannah Clendening presented Resolution 2024-4: A Resolution of the Board of Commissioners of Marshall County, Indiana, Approving an Economic Development Agreement, A Road Use Agreement and a Decommissioning Agreement with Tamarack Solar Energy, LLC, and Certain Other Matters in Connection Therewith for consideration. Ms. Clendening explained there are a few details in the Road Use Agreement to be finalized with the Highway Department. President Klotz verified the resolution only pertains to one solar project and not battery storage. He then questioned The Marshall County Zoning Ordinance Developmental Standards, Section 6, Line Q, Energy Storage Insulations and whether this project would be impacted. Ms. Clendening stated this project is complying with the County ordinance. **Mike Burroughs moved, second by Kevin Overmyer, to approve Resolution 2024-4: A Resolution of the Board of Commissioners of Marshall County, Indiana, Approving an Economic Development Agreement, A Road Use Agreement and a Decommissioning Agreement with Tamarack Solar Energy, LLC, and Certain Other Matters in Connection Therewith as presented. Motion carried 2-1, with Stan Klotz voting no.**

### **ATTORNEY REPORT**

#### Old Business

Highway – Union Road/E&B Paving: Discussions with E&B Paving representatives continue.

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

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. The ordinance was approved on first reading at the prior meeting.

#### New Business

Tax Sale 2024: The Tax Sale has been set for October 17, 2024 commencing at 10:00 a.m. It will be conducted by SRI. The Treasurer and the Auditor will be making application for Judgment on September 30, 2024.

### **AUDITOR REPORT**

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

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

September 5, 2024 Executive Session Minutes: **Mike Burroughs moved, second by Kevin Overmyer, to approve the September 5, 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**

John Grolich President of the Marshall County Firefighters Association requested the Commissioners implement a burn ban. EMA Director Jack Garner outlined the four options to consider under a burn ban as open burn, debris burn, campfires, and fireworks. **Kevin Overmyer moved, second by Mike Burroughs, to declare, effective immediately, the following activities be prohibited in Marshall County: Open burning of any kind using conventional fuel such as wood, or other combustible material and the burning of debris, such as timber or vegetation, including such debris that results from building construction activities until further notice. Motion carried 3-0.**

The Commissioners discussed the maintenance needed for the coroner's vehicle and requested the Coroner seek estimates for a new vehicle.

Leonard & Sharon Mrozinski, 4057 Olive Road, Plymouth, presented a petition containing 31 signatures with a request to post a reduced speed limit and the addition of a 4-way stop sign at Olive Road and 4<sup>th</sup> Road.

Council President Jesse Bohannon and Vice President Tim Harman provided an update on the LIT Public Safety Committee. The committee is proposing the creation of a 50% matching grant for fire and EMS training and equipment. They requested the Commissioners' support by creating agreements or memorandum of understanding for the funding between the County and units. Discussion was held concerning funding the grant from the Council's Special Project account line in the General Fund.

Deb VanDeMark, 14750 Tulip Road, Culver, requested an extension to the battery storage moratorium.

Katie Lewallen, 1100 E. Shore Drive, Culver, requested an extension to the battery storage moratorium.

### **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 second and third reading. Motion carried 3-0.**

2025 Commissioner Meeting Schedule: **Kevin Overmyer moved, second by Mike Burroughs, to approve the 2025 Commissioner Meeting Schedule. Motion carried 3-0.**

2025 Payroll Schedule: **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2025 Payroll Schedule. Motion carried 3-0.**

2025 Holiday Schedule: **Mike Burroughs moved, second by Kevin Overmyer, to approve the 2025 Holiday Schedule. Motion carried 3-0.**

Hyper Wave Consulting Revised Security Camera Estimate: Auditor Birchmeier explained the Commissioners approved the replacement of security cameras in the County Building and Courthouse. Additional cameras have been added to the estimate and a revised estimate has been submitted. **Mike Burroughs moved, second by Kevin Overmyer, to approve the revised estimate for security cameras as presented. Motion carried 3-0.**

Jefferson Street Parking Lot: Attorney Clevenger stated three bids have been received for the paving of the Jefferson Street Parking Lot, as follows:

1 <sup>st</sup> Brooks Construction Company, Inc.	\$48,140
Rieth-Riley Construction Co., Inc.	\$92,229
Milestone Contractors, L.P.	\$53,500

**Mike Burroughs moved, second by Kevin Overmyer, to take the bids under advisement to allow Buildings & Grounds Supervisor Billy Schoff time to review. Motion carried 3-0.**

Battery Energy Storage Systems: **Mike Burroughs moved, second by Stan Klotz, to extend the moratorium on battery energy storage systems through December 31, 2024. Motion carried 2-0-1, with Kevin Overmyer abstaining.**

Rosetta Award: President Klotz stated that Marshall County was selected to receive the Rosetta Award for our focus on employee healthcare. The Commissioners thanked Ryan Colvin and Melinda Lemler of Gibson Insurance for their hard work in implementing the plan for Marshall County.

#### **ADJOURNMENT**

With no further business to come before the board, **Kevin Overmyer moved, second by Mike Burroughs, to adjourn the meeting at 10:46 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