

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MEETING MINUTES
FEBRUARY 3, 2025**

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, 2025. Present were Commissioners, Stan Klotz, President; Jesse Bohannon, Vice President; and Adam Faulstich, Member; County Attorney Sean Surrisi; as well as County Auditor, Angela C. Birchmeier. The meeting was opened, streamed live at <http://www.youtube.com/@MarshallCountyIN>, the Pledge of Allegiance was given, and the business at hand was heard.

PUBLIC INPUT ON AGENDA ITEMS

Council President Tim Harman requested a joint work session be scheduled. The proposed agenda is to discuss a 5-year Plan, Response to Senate Bill 1, Road Funding, Bowen Building Purchase, Fire Department Grants, State of the County, Paser Ratings & Road Conditions, and Ethics Training. **Jesse Bohannon moved, second by Adam Faulstich, to schedule a joint work session with Council following the Council's regularly scheduled meeting on February 10th. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Highway Department Superintendent Jason Peters presented a road bore request from Brightspeed, on Klinger Street and Leslie Street, between West County Line and S. Lake Drive, in Polk Township, for the purpose of replacing aerial fiber optic cable and conduit. **Jesse Bohannon moved, second by Adam Faulstich, to approve the road bore request from Brightspeed on Klinger Street and Leslie Street, between West County Line and S. Lake Drive, in Polk Township, for the purpose of replacing aerial fiber optic cable and conduit. Motion carried 3-0.**

Superintendent Peters provided an update on the following projects:

Bridge 1, Ule Road (Local Project): The letting date will be January or February 2025.

Bridge 232, Randolph Street: Laporte Construction removed the guard railing from the bridge and placed temporary railing in place for safety. The asphalt has been removed from the existing beams on the deck to prepare them for removal. The river buoys and portage signs along the river's edge have been set up, along with the barricade to set up the pedestrian detour route to divert people from the project site for safety.

Bridge 231, Center Street, Bremen: No updates.

Bridge 88, 12th Road east of Olive Trail: The letting date is January 14, 2029. Utility coordination initial notice letters have been mailed.

Bridge 108, East 7th Road: The letting date is February 12, 2030. The field survey was completed on January 27th. The red flag investigation is in process.

Bridge Inspections 2022-2025 Phase II: No updates.

Bridge Inspections 2026-2029: Request for proposals are being prepared.

Mill Pond Dam Improvements: Waiting for DNR permit approval.

Call for Projects (Notice of Funding Availability NOFA) – Highway Safety Improvement Program (HSIP) Countywide Striping Initiative: The letters of interest have been scored and submitted to INDOT for review.

Call for Projects (NOFA) Safety Grant – Digital Speed Limit Trailer: No updates.

Call for Projects (NOFA) – Safety Guardrail Installation: No updates.

Call for Projects (NOFA) – Linden Road: No updates.

Call for Projects (NOFA) – Michigan Road Bridge #2540: A revised financial commitment letter was submitted for approval. The total project cost is \$10,920,156, with federal funds requested in the amount of \$8,736,125, and the local match is \$2,184,031. **Jesse Bohannon moved, second by Adam Faulstich, to approve the revised financial commitment letter as presented and to allow the Board President to sign. Motion carried 3-0.**

Energy Efficiency Conservation Block Grant (EECBG): The quarterly report has been submitted for the third quarter. The Chevy Silverado has been delivered.

Community Crossings 2025-01: The application has been submitted.

PLAN COMMISSION

Attorney Surrisi explained that at the Special Meeting in January the Commissioners initiated the process to place a two-year moratorium on farm-scale solar, battery energy storage systems, data centers, and carbon capture projects. The Technical Review Committee has considered the request and provided a favorable recommendation. The Plan Commission held a public hearing, and all four resolutions were passed. It is now before the Commissioners for adoption. President Klotz stated the resolutions were unanimously passed by the Plan Commission.

Ordinance 2025-7: Certified Proposal to Amend the Marshall County Zoning Ordinance Regarding a Moratorium on Farm-Scale Solar Energy Systems: **Adam Faulstich moved, second by Jesse Bohannon, to approve Ordinance 2025-7: Certified Proposal to Amend the Marshall County Zoning Ordinance Regarding a Moratorium on Farm-Scale Solar Energy Systems. Motion carried 3-0.**

Ordinance 2025-8: Certified Proposal to Amend the Marshall County Zoning Ordinance Regarding a Moratorium on Utility Scale Battery Energy Storage Systems: **Jesse Bohannon moved, second by Adam Faulstich, to approve Ordinance 2025-8: Certified Proposal to Amend the Marshall County Zoning Ordinance Regarding a Moratorium on Utility Scale Battery Energy Storage Systems. Motion carried 3-0.**

Ordinance 2025-9: Certified Proposal to Amend the Marshall County Zoning Ordinance Regarding a Moratorium on Data Centers: **Adam Faulstich moved, second by Jesse Bohannon, to approve Ordinance 2025-9: Certified Proposal to Amend the Marshall County Zoning Ordinance Regarding a Moratorium on Data Centers. Motion carried 3-0.**

Ordinance 2025-10: Certified Proposal to Amend the Marshall County Zoning Ordinance Regarding a Moratorium on Carbon Capture: **Jesse Bohannon moved, second by Adam Faulstich, to approve Ordinance 2025-10: Certified Proposal to Amend the Marshall County Zoning Ordinance Regarding a Moratorium on Carbon Capture. Motion carried 3-0.**

MUSEUM

Museum Executive Director Sandy Garrison and Marshall County Historical Society Board President Mike Miley presented the quarterly report. They presented the Board with a copy of the Crossroads newsletter and various flyers. Director Garrison stated they hosted 7,500 visitors in 2024, participated in many events including the Historic Home Tour, Ghost Walk, festivals, and Brown Bag Luncheons. A committee has been formed to plan for the 250th anniversary of the

signing of the Declaration of Independence in 2026. A short story was shared about Jesse Miller's service in the Civil War.

Director Garrison explained that there are four interior cameras that need to be replaced. An estimate was received from Cottage Watchman in the amount of \$4,025.20.

Jesse Bohannon moved, second by Adam Faulstich, to seek financial support from the Council. Motion carried 3-0.

JEFF JONES

Jeff Jones, 10820 Nutmeg Meadows Drive, Plymouth, presented a written letter and photos to bring attention to the deteriorating condition of Nutmeg Meadows Drive and drainage issues. President Klotz explained that Nutmeg Meadows Drive project has been submitted as part of the 2025 Community Crossings grant application.

BUILDINGS & GROUNDS

Buildings & Grounds Supervisor Billy Schoff presented a proposal from FE Moran, Inc. Fire Protection for the Life Safety Systems Inspection and/or Testing. The estimate includes the County Building, Museum, and Courthouse in the total amount of \$6,800, which is the same cost as last year. **Adam Faulstich moved, second by Jesse Bohannon, to approve the proposal from FE Moran, Inc. Fire Protection as presented and to allow the Board President to sign. Motion carried 3-0.**

President Klotz stated that he has received three estimates for a new pickup truck, as follows: Auto Park 2025 Dodge Ram 2500 \$44,640.40; Oliver Ford 2025 Ford F250 Regular Cab 4x4 \$46,433, optional package \$1,744; and Bosak Motors 2025 Ford F250 4x4 SD Regular Cab \$45,496. Discussion was held concerning the inconvenience of driving to Bosak Motors for warranty service work and the preference of the Maintenance Department Supervisor to purchase a Ford. The insurance carrier will be sending payment for the damaged vehicle in the amount of \$24,228. **Jesse Bohannon moved, second by Adam Faulstich, to approve the purchase of a 2025 Ford F250 Regular Cab 4x4 from Oliver Ford in the amount of \$46,433 and to allow the Board President to sign. Motion carried 3-0.**

Jesse Bohannon moved, second by Adam Faulstich, to approve the optional items as presented in the amount of \$1,744. Motion carried 3-0.

SUPERIOR COURT 3

Sheriff Matt Hassel and Security Officer Duane Culp explained that Judge Sarber applied for, received, and will administer the grant award for the Indiana Office of Court Services Court Reform Grant. The purpose of the grant funding is to improve court security (\$40,000) and technological innovation (\$5,260). Discussion was held concerning the entryway layout, desk, and scanner. It was explained that the grant funding will leave a shortfall of \$15,000 to \$20,000. **Jesse Bohannon moved, second by Adam Faulstich, to make a favorable recommendation to the Council to support funding the shortfall. Motion carried 3-0.**

Jesse Bohannon moved, second by Adam Faulstich, to approve the Court Reform Grant Program Agreement between Indiana Office of Court Services and Marshall County Courts for Grant #25-SA001-C50-001 in the amount of \$5,260 and to allow the Board President to sign. Motion carried 3-0.

Jesse Bohannon moved, second by Adam Faulstich, to approve the Court Reform Grant Program Agreement between Indiana Office of Court Services and Marshall County Courts for Grant #25-SA001-C50-002 in the amount of \$40,000 and to allow the Board President to sign. Motion carried 3-0.

SHERIFF DEPARTMENT

Sheriff Matt Hassel presented the Equitable Sharing Agreement and Certification for approval. He stated interest income was received in the amount of \$995.26 and expenditures were made in the amount of \$3,750, with an ending balance of \$28,256.24. **Jesse Bohannon moved, second by Adam Faulstich, to approve the Equitable Sharing Agreement and Certification for approval. Motion carried 3-0.**

HEALTH DEPARTMENT

Health Department Administrator Sandy Dunfee presented the following items for consideration: Request to Apply for Narcan Grant: The purpose of the federal grant is to receive 1,000 naloxone kits. There is no monetary exchange. **Adam Faulstich moved, second by Jesse Bohannon, to accept the naloxone kits and to allow the Board President to sign the Grant Agreement. Motion carried 3-0.**

Steered Straight Service Agreement: The purpose of the agreement is for Steered Straight to provide educational programming within Marshall County schools from April to October, 2025 in the amount of \$10,000. **Jesse Bohannon moved, second by Adam Faulstich, to approve the Service Agreement between Marshall County Health Department and Steered Straight, Inc. in the amount of \$10,000 as presented. Motion carried 3-0.**

Thomas Kinnaird Service Agreement: The purpose of the agreement is for Thomas Kinnaird to speak at the Marshall County Health Department's 2025 Annual Nurses Conference in the amount of \$750. **Jesse Bohannon moved, second by Adam Faulstich, to approve the Service Agreement between Marshall County Health Department and Thomas Kinnaird in the amount of \$750 as presented. Motion carried 3-0.**

Katie VanTornhout Service Agreement: The purpose of the agreement was for Katie VanTornhout to speak at the Marshall County Health Department's 2024 Annual Nurses Conference in the amount of \$750. The speaking engagement was held on August 1, 2024. **Adam Faulstich moved, second by Jesse Bohannon, to approve the Service Agreement between Marshall County Health Department and Katie VanTornhout in the amount of \$750 as presented. Motion carried 3-0.**

Bikes for Kids, Inc. Service Agreement: The purpose of the agreement is for Bikes for Kids to provide bicycle helmets to 375 Marshall County children in the amount of \$3,444.25. **Jesse Bohannon moved, second by Adam Faulstich, to approve the Service Agreement between Marshall County Health Department and Bikes for Kids, Inc. in the amount of \$3,444.25 as presented. Motion carried 3-0.**

Adams Remco Purchase and Maintenance Agreements: An agreement was presented between the Health Department and Adams Remco for the purchase of a Toshiba 3525 copy machine in the amount of \$7,709, along with a Copier Maintenance Agreement for a one year term.

Adam Faulstich moved, second by Jesse Bohannon, to approve the Purchase Agreement and Copier Maintenance Agreement between Marshall County Health Department and Adams Remco in the amount of \$7,709 as presented and to allow the Board President to sign. Motion carried 3-0.

ATTORNEY REPORT

AT&T Tower Lease: Attorney Surrisi reported that he has reviewed the current tower lease. The County is in the fourth year of an initial five-year term. It is set up to automatically renew for a second five-year term after that. Then, it would automatically renew for one-year terms. However, as an MD7 representative previously pointed out to John Grolich, the lease allows the tenant to terminate the lease at any time by just giving 60 days' notice. Given that information, it may be difficult to obtain long term financing against that income stream. The representative also spoke of the possibility of communication firms transitioning from towers and low earth orbiting satellites at some time in the future. Those are the considerations to keep in mind when evaluating the proposed deal from MD7. **Jesse Bohannon moved, second by Adam Faulstich, to allow Attorney Surrisi and John Grolich to negotiate with AT&T. Motion carried 3-0.**

Invenergy: Attorney Surrisi stated that the Indiana Code allows an appeal to be made to a local court regarding a BZA special use permit decision. Invenergy has filed an appeal with the Circuit Court, the case has been transferred to Superior Court 3, and a change of venue out-of-county has been filed. A discussion was held concerning an executive session with the BZA for litigation purposes.

AUDITOR REPORT

January 21, 2025 Minutes: **Jesse Bohannon moved, second by Adam Faulstich, to approve the January 21, 2025 minutes as presented. Motion carried 3-0.**

Accounts Payable Claim: **Adam Faulstich moved, second by Jesse Bohannon, to approve the accounts payable claims as presented. Motion carried 3-0.**

Payroll Claim: **Jesse Bohannon moved, second by Adam Faulstich, to approve the payroll claims as presented. Motion carried 3-0.**

Statement of 2024 Revenues and Expenditures: Auditor Angela Birchmeier stated the 2024 County revenues were \$131,975,129.31 and disbursements were \$130,128,531.93.

PUBLIC COMMENT

Misty Callaway, 14260 3B Road, Plymouth, stated the excess oil on the road has not been corrected and has not received any courtesy return calls from the Highway Department. She further explained that there are several properties where individuals are living in a RV. She did state that a complaint has been filed with the Plan Commission.

Cory Hawkins, 17091 2B Road, Walkerton, expressed a safety concern with the flash freeze and the newly asphalted roads which are very slick when they are not treated. On Friday evening calls went out over the scanner from the Sheriff's Department to the Highway Department and the response was that they were not going out to treat the roads.

COMMISSIONER ITEMS

Plan Commission Appointment: Jesse Bohannon moved, second by Adam Faulstich, to appoint Brandon Calhoun to the Plan Commission. Motion carried 3-0. Discussion was held concerning the democrat appointee, Julie Spitznagle withdrawing her appointment to the Plan Commission.

Jesse Bohannon moved, second by Adam Faulstich, to accept Julie Spitznagle’s withdrawal and appoint Brandon Calhoun to the Plan Commission for a four-year term, ending December 31, 2028. Motion carried 3-0.

Opposition to House Bill 1628 - Property Development Matters: President Klotz explained that a letter of Opposition to House Bill 1628 – Property Development Matters has been prepared for distribution to the House Utilities, Energy and Telecommunications Committee. The letter states in part: Concerns regarding the siting, construction, or deployment of multi-jurisdictional infrastructure projects continue to be a top concern among many of our constituents here in Marshall County. In particular, the zoning of industrial solar and utility scale battery energy storage system (BESS) projects has been passionately debated here in recent years. In response to these constituent concerns, Marshall County is in the process of enacting 2-year moratoriums on farm-scale solar, BESS, data centers, and carbon capture projects, to accommodate thoughtful deliberation, adoption, and implementation of appropriate zoning regulations to meet our county’s unique needs. When it comes to these projects, maintaining Home Rule and local zoning authority is essential. **Adam Faulstich moved, second by Jesse Bohannon, to support signing the letter of Opposition to House Bill 1628 – Property Development Matters, as presented. Motion carried 3-0.**

ADJOURNMENT

With no further business to come before the board **Jesse Bohannon moved, second by Adam Faulstich, to adjourn the meeting at 10:12 a.m. Motion carried 3-0.**

Stan Klotz, President

Jesse Bohannon, Vice President

ATTEST: _____
Angela C. Birchmeier, Auditor

Adam Faulstich, Member