

# **JOINT Council-Commissioner Minutes**

**April 28, 2025**

Pursuant to adjournment comes now the Starke County Board of Commissioners and the Starke County Council and meet in special session at 1:00 p.m. in the Annex 1 meeting room, Knox, Indiana, with Todd Leinbach, Bill Crase, Rachel Oesterreich, Bruce Bennett, Kay Gudeman, Dave Pearman, Don Binkley, Mike VanDeMark and Charles Chesak (via zoom) present along with Mammoth representatives, Ed Baptista, Chris Shelmon, Chris Kline, and Jason Van Deusen (via zoom) and the following proceedings were held to wit:

Mike VanDeMark called the meeting to order at 1:00 pm.

## **IN RE: ROADS USED BY MAMMOTH SOLAR**

Rachel Oesterreich talked about applying for the \$1.2 million grant with the State. She submitted the Road Use Certification and an email regarding overall cost which we be short \$49,522.50. The grant is a reimbursement grant, but it is a guaranteed grant and it ends December of 2026, so we have 2 years to get the 3 milestones done. Rachel filled out the grant application.

Todd Leinbach stated that they were always told that no taxpayer money would be used to fix the roads.

Bruce Bennett stated that Solar was expected to return the roads to their previous condition.

Bill Crase stated that the previous highway superintendent set up passer ratings and made the agreement that they be restored to those passer ratings.

Bruce Bennett said that solar shouldn't be obligated to make the roads better than they were.

Chris Kline with Mammoth stated that there were many meetings regarding this and negotiating.

Rachel Oesterreich stated that she has a whole folder of invoices that Mammoth reimbursed us for damages to the roads.

Dave Pearman stated that there was supposed to be a video recording of how the roads were before the project started.

Todd Leinbach stated that there is no way you can take a passer 2 road to a passer 4.

Dave Pearman said that they came to an agreement that the roads were to be restored to their passer ratings and that the \$260,000 came as a result of the passer ratings.

According to the Mammoth report, \$340,000 was for asphalt, \$110,000 for chip seal and \$30,000 for gravel roads and that this is where they came up with the agreement.

Rachel Oesterreich said we are approved for the grant and that it will take care of everything except \$49,522.50 with the county doing the work.

Teresa Pew in the audience said that Mammoth should still pay their share of \$260,000 along with the grant as they need to use some of their money. She further stated that the grant is all taxpayer money.

The culvert that was damaged on a small ditch (not regulated) on 350E will also be discussed at a later time to be replaced by Mammoth.

Dave Pearman wants to know if Mammoth would be agreeable to paying the shortfall of \$49,522.50 plus the culvert.

Todd Leinbach stated he is interested in no taxpayer money at all which includes the grant as it is also taxpayer money. Todd wants the facts not the possibilities.

Bruce Bennett wants to know what level we would be bringing the roads back to. He feels we are responsible for the wear and tear of the roads before the project.

Gene and Teresa Pew want them to do both the grant and the \$260,000.

The quote submitted by Central Paving is just for materials, to have someone come in and do it would cost an additional \$1.3 million. With the shortfall, it will be more like \$1.4 million.

Rachel Oesterreich stated we are paying the county employees anyway so we might as well let them do it.

Don Binkley wants the cost of labor by the county employees, the shortage of \$49,522.50 and the culvert paid by Mammoth, which would be approximately \$155,000.

If the county does the work, the normal chip seal would have to wait until next year, which is not detrimental to the roads.

Bruce Bennett is all for getting us all we can, but he, in good conscience, doesn't feel we should hold them responsible for making the roads better than they were.

Mammoth is willing to agree with the \$104,121.60 in county labor and the \$49,522.50 shortfall.

Todd Leinbach is also worried about section corners that may have been damaged, as that would be Mammoth's legal obligation to repair.

Dave Pearman said we had to start with very little information on solar at the time and we learned as we went. A lot of research was done, but there was little information available.

Bruce Bennett isn't absolutely sure Mammoth did all the damage to the roads.

Mike VanDeMark is skeptical that all of this can be done in one year by an unseasoned crew. He doesn't see this as being a realistic expectation and would like more help from Mammoth in order to hire some of it done.

Rachel Oesterreich said we could do half this year (Milestone 1) and the rest next year (Milestones 2 & 3), as the grant goes through December 2026. She stated she could pre-buy all the material this year so the price wouldn't go up.

Mike VanDeMark would like to split the bill with Mammoth and hire it all done.

Todd Leinbach stated that we don't have the money and SB 1 is going to reduce our revenue and cuts are going to have to be made.

Mike VanDeMark is concerned other stuff needing done might not get done if the county does all the work.

Rachel Oesterreich stated that she can manipulate the spreadsheet to make it easier to do and get done.

Mike VanDeMark doesn't want the public to say they aren't getting their roads taken care of.

Teresa Pew stated that we were told no taxpayer money would be used to fix roads and Todd Leinbach agreed.

Todd Leinbach stated that if the agreement was to bring the roads back to their original condition then they should do that.

The performance bond is for \$3 million on the project.

Charles Chesak stated that he feels we should fix the roads ourselves.

Bill Crase stated we need to accept the grant and the \$155,000 and get the job done. Mike VanDeMark is in favor, but would like some extra in order to hire part of it out.

The cost would be approximately \$6,000 a mile if the county does the labor, but that doesn't include wear and tear on our equipment.

Todd Leinbach said we should ask Justin Schramm, County Attorney, if we could just pull the performance bond of \$3 million.

Mike VanDeMark would like them to pitch in \$500,000 in order to hire part of the work done.

Don Binley would like to know if they would consider the grant and the \$260,000 agreed upon.

Chris Shelmon with Mammoth said they couldn't agree to that today, but are agreeable to the grant and the \$155,000.

Rachel Oesterreich said we can't wait until the next council meeting at the end of May as she has to get the materials ordered.

Todd Leinbach asked Mammoth if they would split the difference—the grant and \$200,000. The three Mammoth reps left the room to discuss this option.

Mandy Thomason, Recorder, asked if it would be pug and was told yes.

Rachel Oesterreich has factored in having Central Paving make the pug as it is too costly to buy the equipment no more often than it is used.

Jennifer Knebel, Pulaski County Commissioner, asked about using the performance bond. She wants to take any and all information back to her county. Mike VanDeMark stated everything was very vague when this began and it is now much more detailed.

Mammoth reps returned and stated that they would do the grant and \$200,000, notwithstanding the culvert and section corners.

The commissioners want Justin Schramm, County Attorney, to draw up this agreement.

Rachel Oesterreich submitted the grant application for the commissioners' signatures. Don Binkley moved to approve the grant application seconded by Mike VanDeMark with 2 ayes.

They will have the agreement at the next meeting. Mike VanDeMark is going to contact Justin Schramm, County Attorney, to prepare the agreement.

There being no further business to come before the board Don Binkley moved to adjourn seconded by Mike VanDeMark with 2 ayes, and Kay Gudeman moved to adjourn seconded by Dave Pearman with 5 ayes.

### **April 28, 2025 Joint meeting**

#### **COUNTY COUNCIL**

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Todd Leinbach, President

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Bruce Bennett, Vice President

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Kay Gudeman

\_\_\_\_\_  
David Pearman

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ABSENT  
Howard Bailey

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Bill Crase

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ABSENT  
Cassandra Hein

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Michaelene J. Houston, Auditor and  
Secretary to the County Council

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### **April 28, 2025 Joint meeting (cont.)**

#### **COUNTY COMMISSIONERS**

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ABSENT (on zoom)  
Charles Chesak, President

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Mike VanDeMark, Vice President

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Don Binkley

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Michaelene J. Houston, Auditor and  
Secretary to the Commissioners