

Vermillion County Commissioners
Meeting Memorandum

August 29, 2023

9:30 AM

Commissioner's Courtroom, 2nd Floor, Courthouse

- I. Call to Order
- II. Pledge Allegiance to the Flag
- III. Roll Call
 - All Present
- IV. Approval of Minutes
 - Luther makes the motion approve the August 15th minutes. Dunavan seconds the motion. All in favor, motion carried.
- V. Approval of Claims
 - Luther makes a motion to approve the September 1st claims. Dunavan seconds the motion. All in favor, motion carried.
- VI. Approval of Payroll
 - Dunavan makes a motion to approve the September 1st payroll. Luther seconds the motion. All in favor, motion carried.
- VII. Public Comment
 - Corey Zumwalt comes to speak about Illiana EMS. He feels mistakes were made on a call involving his father and wanted to bring it to the Commissioner's attention. They would also like to know why an ambulance was called off the scene.
 - Clate Sanquenetti comes to speak about Illiana EMS when his father was transported from Clinton Gardens to Union Hospital in Clinton.
- VIII. New Issues
 - a. St. Bernice Water: OCRA Grant – Brock Fortner
 - Brock Fortner comes to ask on behalf of St. Bernice Water Corporation. They are asking for the county to be the lead for their OCRA Grant. The grant administrator is going to be Cindy Todd, who is a grant writer. Dunavan makes the motion to approve the county to be the administrator for the OCRA Grant. Yocum seconds the motion. All in favor, motion carried.
 - b. School Resource Officer's: Mike Holtkamp
 - Holtkamp comes to speak about the school resource officer program. South Vermillion is wanting to enter into a contract with the county to have the county take over paying the school resource officers. This contract would be similar to the one that was put into place in 2020 with the hospital. South Vermillion is wanting to cover most or possibly all the cost so that the county doesn't have to incur the costs. Holtkamp goes through the questions that Luther had sent him via email. Luther asks about the liability and who does it fall on. Holtkamp is going to talk with the county insurance provider and come back to the next meeting to discuss this further.
 - c. Amendment on Carbon Sequestration Wells: APC - Penney Carpenter & Scott Nogle
 - Nogle states he is here in reference to the email that he sent to the Commissioner's on August 17th asking the Commissioner's if the APC worked on an amendment to current zoning ordinances if the Commissioner's would support the amendment. Nogle mentions that they have talked to the APC Attorney and he has also talked to an outside attorney. Nogle mentions eminent domain. Attorney Spurr mentions I.C. 36-1-3-8. This IC mentions things that local government isn't allowed to do such as regulate conduct that's regulated by a state agency. He also mentions that the new law for Carbon Sequestration is under Title 14 Article 9. Eminent Domain is talked about in I.C. 14-39-4-3, legislation

built in a specific declaration that carbon sequestration is for a public purpose. Spurr also states that from a Board of Commissioner's stand point, they can't do anything to stop this, it was all done at the state level. Yocum makes motion to give the APC. Dunavan seconds the motion. Dunavan voted yay, Yocum voted yay. Luther had no comment.

d. Moving September's Meeting

- Commissioner's agree to move the September 12th meeting to September 19th due to the budget hearings and a council meeting being held on the same day. They also cancelled the September 26th meeting.

e. Illiana Contract Amendment

- TABLED

f. 1st Reading Ordinance – Investigation & Certificate of Death

- TABLED

IX. Open Issues

a. VTA: Becky Holbert & Tom Milligan

- Milligan comes to speak about transferring county property to VTA for an easement. Roger Azar speaks about the QCD from Commissioner's to VTA. He states that it is basically an easement swap. Luther makes a motion to transfer property to transfer property to VTA by QCD. Dunavan seconds the motion. All in favor, motion carried.
- Milligan also announces that the Over the River and Through the Woods 5K will be on September 23rd starting at Reeder Park in Montezuma.

b. SR 163 & Brouillets Creek Property INDOT Agreement

- Luther states that the county owns a piece of property or parcel that underlies the bridge and in order to effectively make the repairs to the bridge on 163 over Brouillets Creek, INDOT is wanting to buy the property to be able to affectively make the repairs. They are offering the county \$1,000.00 for the parcel. Luther does mention that they may want to put a stipulation in the agreement that states the bridge as currently proposed as the two lane that they don't change the scope of the project. Luther makes the motion to accept INDOT's offer of \$1,000.00 for the real estate located at 163 and Brouillets creek, parcel number 83-12-11-300-014.000-001 with the stipulation added this is associated with the current project as currently described. Dunavan seconds the motion. All in favor, motion carried. The County Commissioner's Board President, Tim Yocum and Vice President Britton Luther are hereby authorized to sign the deed and/or other documents.

c. SR 63 Bridge South of SR 234 status/comment

- Dunavan states that INDOT sent out a letter in regards to a 2027-2028 project that is proposing taking the bridge out south of the 234 intersection. Dunavan states he has requested a public hearing for this project.

d. County Highway – Organization

i. Engineer Agreement – Vermillion & Parke County

- o Yocum states that he has been working with Jim Meece to work on getting a County Engineer that would be shared with Parke County. The state will give \$40,000.00 to each county to help with the cost of hiring an engineer. This will help with our roads, streets, and bridges. Luther states that we have had some interest in applying for the position.

e. Vermillion County Bicentennial (February 1st 1824 – 2024)

- Luther states that no one has stepped up to head this event yet.

X. Announcements

a. County Festivals & Events

- i. Health Department move from 257 Walnut Street Clinton TO 700 S Main Street Clinton effective September 5, 2023
- o Luther states that the Health Department will be moved in to the new location by September 5, 2023.

- ii. Little Italy Festival (September 1st – 4th)
- iii. Newport Antiques, Auto Hill Climb (September 29th – October 1st)
- iv. Review – Wabash River Run (August 26th)
 - o Yocum states that this event was a huge success. They had 79 boats.

XI. Public Comment

- Clate Sanquenetti comes to speak about the Carbon Wells. Wabash Valley has mentioned 180,000 wells but there are only two class 6 wells that are currently active in the United States.
- Doug Martin from Universal comes to talk about the carbon wells and fighting the eminent domain. He states that a judge in Iowa has ruled parts of this carbon sequestration pipeline surveying unconstitutional. He feels we should all stick together on this issue.
- Tracy Wilson speaks about the carbon wells. Ask the Commissioner's when they first knew about the wells coming to the county. Yocum states the first time he had hear about it was last fall. Dunavan states he had found about it in January. Luther also states that he first heard about it was last fall. She feels that the only reason the county is behind is because the plans were already in motion and no one notified the public earlier. Dunavan does state that many things get passed by the state legislators that the counties don't get notified about it in a timely manner. He also states that the Association of County Commissioners does try and keep them in the loop on certain things. Luther also states that he believes when it first came to light was when Alan Morrison requested a letter of support for the project. They believe the letter that was sent was coming from more of an economic development stand point rather than talking a lot about the wells. Luther also states that Vigo County knew about this project before because they had passed tax abatements.
- Mike Kelly comes to speak about the Carbon Wells and how it is going to affect the underground aquifer. He states that when he would for the Newport Ammunition Plant that the Corps of Engineers shows him the map and stated we have the largest aquifer in the Eastern United States.
- Nancy Roberts asks if the Commissioners can stop the company from tearing up the county roads to get to where they are wanting to put the wells in. Spurr states that as far as tearing up the road and agreement could be signed like it would be for like a solar or windmill project that would want to come in. If we were to shut the roads down, he believes they would probably try and sue the county because we are trying to stop them from doing a project the state has already gave them the okay to move forward with. She feels something needs to change.
- Brandon Ruth comes to speak about the billions. The output per annum of CO2 in the United States is five to six billion metric tons of CO2. They are hoping to sequester 20 million. He also mentions that this is a special pilot program. In H.R. 1209 that was passed in 2022, these kinds of projects have to have a 70% threshold on them. If they don't have 70% approval from the people living in the area it is going to affect, the project won't happen.
- Scott Nogle comes to ask Attorney Spurr about how a company that is going to make millions of dollars off the federal government how it meets a public purpose. Spurr states that it is because the legislature wrote it into the law. He would have to do more research on if it has to meet both public purpose and public necessity.
- Penney Carpenter talks about taking this to the voter box and making sure people are aware of what is going on.
- Nancy Roberts states that the company offered the farmer \$20,000.00 an acre for the two parcels of land where they are wanting to put the pipeline underneath. She also mentioned that at the meeting they had at Fayette School they mentioned that

your payment for your ground you wouldn't receive it until the plume saturated your land.

- Jim Becker comes to ask that the Commissioner's not to sign anything and to force them into intimate domain. He states it's not about the money.
- Shirley Downs was wanting some clarification on what Brandon Ruth was talking about how this is a pilot program.
- Luther also mentions that it took legislation get us to this point primarily to identify this pilot program. He believes that the same system they used to create this program could be used to stop or change the future.

XII. Adjourn

- Dunavan makes the motion to adjourn, Luther seconds the motion. All in favor, motion carried.

AYE

NAY

Tim Yocum

RT Dunavan

RJ Dunavan

Britton A Luther

Britton Luther

ATTEST:

Brenda J. Furry

Brenda J. Furry

DATE:

9/19/23
