

June 20, 2023

Council Chambers  
Vigo County Government Center  
Terre Haute, Indiana

**Present:** Mike Morris, Chris Switzer, and Mark Clinkenbeard  
9:20 a.m. the Board held a rezoning hearing.

Jared Bayler said that this hearing today concerns old business regarding UZO #5-23 and UZO #6-23 regarding Keyrock Energy. There have been extensive meetings. It is Mr. Bayler's belief that Keyrock intended to withdraw these petitions as reported by the news media, however, as of this time, he has received nothing from the petitioner or the petitioner's representative. Commissioner Chris Switzer said that the Commissioners had received an email last night from Richard Shagley representing Keyrock that said: "On behalf of Keyrock Energy, we are withdrawing the petitions to rezone the two pieces of property in western Vigo County. Thank you for your consideration. If you have any questions, please do not hesitate to contact me or the representatives from Keyrock." Mr. Switzer got it out to the media last night because he knew there would be a lot of people wanting to come to today's meeting and he didn't want them to have to take off work if this was withdrawn. Mr. Bayler said he would need a copy of that for his file. No action needs to be taken since these have been withdrawn. There was discussion with some of the residents and their concerns with the project. There was also some concern that this issue is not finished and how the residents would know if it was renewed. The standard procedures will be followed (a letter mailed by standard mail to any property owner within 1/8 of a mile of the boundaries of the piece of ground petitioned for rezoning using the property tax records).

Resolution 1-2023 had also been discussed and tabled earlier concerning Senate Bills 411 and 390 focusing on solar and wind energy standards. These are guidelines as set forth by the State to deal with things like setbacks, height limitations, and buffers, ground cover, fencing, underground cables and above-ground infrastructure, glare minimization, signal interference, sound level limitations, drainage repair, and decommissioning, abandonment, light mitigation and things of those matters surrounding commercial solar and wind projects. They also have incentives attached should Vigo County become a voluntarily commercial solar or wind energy ready community. Mr. Bayler contacted outside counsel and there is nothing in the current statutes that prevents Vigo County from adopting voluntarily what the State has said is, perhaps, the best guidelines for these projects. He has spoken directly with a representative who was planning a project of this sort in our community and he said these are good guidelines to work within and he was in favor of the County adopting either this or something similar to give companies a framework to work from. County Attorney Terry Modesitt said he had talked with Rick Hall on two different occasions. The first time, Mr. Hall was still somewhat skeptical but after more research, he basically said he was okay. Mr. Hall doesn't think it will have much effect either way and doesn't believe there will be much in the way of state funding that anyone will get as a result of passage of this but he also doesn't believe it will have a negative effect. Chris Switzer commented that projects of these types will be coming in and involve a complete circle of entities. It is the job of the Commissioners to support the Council and to bring benefits to the Community and will entail everyone working together. Discussion continued. Mike Morris said he struggled with taking property out of the revenue base via tax abatements and such. Terry Modesitt did note that the County would be paid money as a result of an agreement in these situations where the company will be paying several million dollars over time in exchange for the abatement. Mr. Morris felt that the County needed to be represented well in those negotiations. Terry Modesitt said that in his experiences, most of the farmers involved are actually pretty excited about the projects because they come out better financially than they would if the ground were being farmed. When Jared Bayler was asked if he thought action should be taken on this, he said that we currently have nothing in place to guard against any of the negative ramifications of the projects

that are covered under these guidelines. He thinks this would be a guard to protect the surrounding property owners. He said there was also flexibility in making the language less restrictive if the County felt it was needed so that the projects could benefit everyone involved and also give protection to the surrounding property owners to make it work for everyone involved. He believes this is good entry-level guidance as established by the State along with receiving information from outside counsel indicating that adoption would not be harmful. Mr. Morris clarified that this dealt with wind and solar energy and this resolution covers both. Discussion continued. County Council President Todd Thacker made several comments and urged the Commissioners to adopt something along these lines noting it could always be amended later if necessary. Mr. Thacker also added that some counties require a bond on these types of projects to protect the County and/or the landowner down the road if the project is sold to a new owner who would not be bound by the originally executed agreement. Jerold Hargis, of West Terre Haute, said that Farm Bureau could also be a good resource for information about these projects because they deal with communities across the state. He also said there were sometimes grid issues and eminent domain issues in these types of projects. With no further discussion, Chris Switzer made a motion to adopt this Resolution. Mark Clinkenbeard seconded the motion. Upon a voice vote of 2-1 (with Mike Morris voting nay), the motion carried.

The meeting recessed at 9:40

  
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Mike Morris

  
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Chris Switzer

  
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Mark Clinkenbeard

Attest:  
  
James W. Bramble, Auditor