

VIGO COUNTY COUNCIL
Sunshine Meeting Minutes
Wednesday, May 4, 2022 at 5:00 P.M.
Council Chambers, Vigo County Government Center

Pledge of Allegiance

President Aaron Loudermilk called the meeting to order at 5:00.

Calling of the roll

R. Todd Thacker – present, Vicki Weger - present, Marie Theisz - present, Travis Norris – present, Brenda Wilson - present, David Thompson – present, and Aaron Loudermilk - present.

Public Comments

Dustin Havens, 3463 East Moyer Drive, property owner, member of the Legion, and business owner, spoke against the trail. He had many questions, asking about motorized carts. He wanted to know if this was a bike path, walk trail, cart path, exactly what is being proposed. A discussion was then had about how to handle questions. It was suggested that public comments be concluded and the Commissioners could then answer any questions raised during public comment. Commissioners Chris Switzer said that the decision had been made not to allow motorized vehicles. County Engineer Larry Robbins said that he could probably field some of the questions raised. Mr. Robbins did say that ADA compliant electric scooters would be allowed and there would be some discussion about e-bikes. There was lengthy discussion about: fencing; working with the homeowners about what they desire on a case by case basis; when fencing would be erected; the estimated cost of the various items of the project and the total cost of the project; whether or not any documents had been signed with the railroad at this stage.

David Whitesell, 10951 Louisville Road, Commander of American Legion Post 328. He is against the project citing concerns of liability issues, privacy issues, homeless people, and safety issues. There was discussion about the on-going lawsuit. He had information that the Indiana DNR noted that the bridges present on the line and their supporting foundation structures may impede upstream fish migration and he wanted to know whether the railroad went to the Indiana DNR to see if this has been done or will the County have to tear the bridges out. He asked about the stability of the bridges, guardrails, safety issues, costs that will arise after acquisition, property taxes, and lack of transparency.

Aaron Gadberry, 4391 Carriage Lane., spoke in favor of the trail and the benefits of having it.

John Proctor, 6720 East Gross Drive, said he is not in favor of the trail citing concerns of trespassers on 4-wheelers, mushroom hunters, deer poachers, lack of privacy. He also had a problem with the cost of track removal. He suggested it should be a green space. Lengthy discussion took place.

Steve Sankey, 5326 East Gross Drive, wanted to know if he would have access to his hay fields. Commissioner Brendan Kearns addressed this issue and assured Mr.

Sankey that they would work with him on this and that he would have access. Commissioner Kearns said they would meet with him and work out the issues. A lengthy discussion continued.

At this point, the Council expressed concern that this was turning into a question and answer session that the Commissioners should have handled before this matter was brought before the Council.

Larry Sweet, 8025 South Moveover Street, said he had previously spoken in favor of the trail. Among other comments, he wanted to point out that there will be trespassers on property no matter where it is located. He also wanted to know what would happen to the land in question if it were not turned into a trail. He felt there would be more trespassing/mischief taking place if this wasn't used for trail purposes.

Buddy Green, 2000 North 9th Street, spoke in favor of the trail.

Beth Massey, 6952 South State Road 46, said she has family that lives along the area in question, is a member of the Legion, and is the daughter of the Commander. Spoke against having the trail.

Dan Watson, 1397 Watertree Road, spoke in favor of having the trail.

Joe McKee, 7460 East First Drive in Riley, spoke adamantly against the trail.

Ryan Hartleroad, spoke against the trail. Some of his comments included his concerns about people hunting in the woods along the trail, trespassing, and better use of the money to improve current roads in the County. He felt the best use would be to let the land go back to nature.

Jim Mauriello, 5860 South Canal in Riley, spoke favorably for the trail.

Andrew Lewsader, 6395 South Canal, spoke favorably for the trail.

Jo Heck, 5972 Boulder Road, spoke against the trail. Her comments included the fact that she moved there to be in the country, not to have people walking or biking behind them. She felt that the money could be used for better purposes.

Communications from elected officials, other officials or agencies of the County

Councilwoman Brenda Wilson ask if the Commissioners had actually talked to the Indiana DNR about the trestles. Larry Robbins responded that he thought there was some restriction on the stream flows. The structures he has inspected do not impede the flow. They are open water structures and he does not believe they impede any natural flow but that can be confirmed with DNR. Ms. Wilson then noted that some of them were really dilapidated and asked if the County would have to tear them down and bear that cost. Brendan Kearns noted that the issue with the fish and the DNR was part of the application process and the federal government had already approved it. All requirements and concerns have been met. There has been some illegal dumping that will have to be cleaned up if this project is approved. With regard to the dilapidated trestles, Larry Robbins said there might have to be some minor repairs. Todd Thacker said that he had rode the trail after receiving permission from the railroad to go on the property so that he could make an informed decision. He gave a synopsis of what he saw. Marie Theisz also asked about the 911 report that Commissioner Kearns had requested. Mr. Kearns said that he had a report run from the last three years to see if there had been any specific crime calls on the Heritage Trail and none were found. Ms. Theisz asked Larry Robbins if this is the typical process of looking at the land first and asked him to explain the process for better understanding. He said this is a little different

than the usual process and explained how it works. There was a lengthy discussion. The question was asked why it wasn't included with the budget requests last year for this year. Mr. Robbins indicated that at that point, they were still in negotiations with the railroad and did not have a dollar figure for what would be needed. That figure was not finalized until about the end of November. There was also discussion about grants that could be applied for to help fund this project. Brendan Kearns said that he, Mike Morris and Larry Robbins had met in April with the main grants person in Indianapolis, who counseled them on what they needed to do to pursue grants. At that time, they were still trying to get the railroad to donate the property which did not work out. The key to moving forward with grants is that there has to be matching dollars ahead of time. Part of this ask includes the \$250,000 easement acquisition, \$140,000 tie removal for a total of \$390,000 just to get started. Money on top of that, if the Council approves the funds, would allow them to have the ability to pursue grants. There has just been another Next Level Trails Grant out for award. The County had partnered with the City of Terre Haute in submitting an application which has been denied. There was a lengthy discussion. It was noted that the railroad had extended the deadline for a decision to June 1. If the project moves forward, Mr. Robbins would submit this project to the Rose-Hulman Institute students to assist with the design process, which would help save money for the County. He explained the time frame of the design process culminating with the construction to begin next year. Aaron Loudermilk asked what would happen to the property if the County did not move forward and Mr. Robbins did not know other than the County's agreement would be null and void. Brendan Kearns said that in a conversation with the vice president of the Indiana Railroad earlier today, he indicated that if the County did not move forward, the property would go on the auction block. The parcels would be offered up for sale, either as a whole or would offer it for sale to the adjoining landowners. There was some disagreement about this information from the landowners in the meeting and discussion continued.

First reading by summary reference of proposed ordinances and resolutions

- i. ROC 2022-20, Resolution 2022-05 – Treasurer – Adopt Investment Policy
- ii. ROC 2022-21, Public Safety/LIT – Options for Distribution to Units for Distribution in 2023
- iii. ROC 2022-22, Salary Ordinance 2022-14, Additional Appropriation 2022-18 – Vigo County Clerk, Payroll Salary

Reports from committees

There were none.

Resolutions and Ordinances other than appropriations.

- i. **Resolution 2022-05; ROC 2022-20: Treasurer, Adopt Investment Policy**

Josie Thompson, Vigo County Treasurer, explained the last investment policy on file expired in 2016. We are required by State Board of Accounts to have a policy in place. County Attorney Terry Modesitt indicated that he had drafted the policy pursuant to

Indiana Statute. This will give the Treasurer the authority to invest and try to get some return on some of the monies. This is a standard resolution.

ii. Public Safety LIT; ROC 2022-21: Options for Distribution to Units for Distribution in 2023

Aaron Loudermilk explained that this is something looked at every year. This is the option for distribution to the Township Fire Districts. A table with options for different scenarios has been provided. Each fire district is dependent on their percentage allocations for runs and levy combinations. 65% runs/35% levy distribution percentages has been used for the last several years. The run numbers used will be from calendar 2021. The information was compiled from County Dispatch. Hopefully, action will be taken on this next week and then each fire department will be required to give written notice to the Council prior to June 30 whether or not they want to participate. If they choose to participate, Council will vote on those allocations for distribution in the August meeting.

iii. Resolution 2022-05; ROC 2022-15: Commissioners, Expressing Interest in the Purchase of a Non-Exclusive Surface Easement Known as the Riley Spur

Todd Thacker asked if action was taken on this next week, he understood that the next step was for two appraisals to be obtained to get a fair market evaluation. Larry Robbins confirmed that to be correct and they were currently working to get the appraisals now. Aaron Loudermilk asked if it was the average of the two appraisals that gave the top dollar amount. Mr. Robbins said yes but the difficulty is to find two appraisers qualified to appraise this type of property. They are doing their best to find somebody. Council Administrator advised that in the next Ordinance (coming up for discussion), it states that it is the average of the two appraisals but not to exceed \$250,000.

iv. Ordinance 2022-01; ROC 2022-15: Commissioners, Ordinance Authorizing Acquisition of Non-Exclusive Surface Easement Known as The Riley Spur

This contains a lot of the same language as Ms. Miller previously stated. Price not to exceed the average of the two appraisals or \$250,000.00, whichever is less.

Ordinances relating to appropriations.

i. Salary Ordinance 2022-14, Salary Ordinance 2022-15, and Additional Appropriation 2022-18; ROC 2022-22: Vigo County Clerk, Payroll Salary

President Loudermilk stated that all three of these will be discussed since they all relate to the same request. Leanna Moore, Chief Deputy Clerk, explained that this is just the need for changing some payroll line items. They are out of funds in the New Clerk Incentive Fund for salaries. Upon asking the Prosecutor's Office to contribute some of their funds, that office gave them \$25,000 until this can be lined out. Money is not coming in like it did pre-Covid 19. The reimbursements normally received are just not there. They are asking to move payroll for one person that normally gets paid out of New

Clerk Incentive to be paid out of the general fund for the Clerk's Office and to move one person who works solely on records to be moved into the Clerk's Perpetuation Fund. The money is already there, but they need Council permission to accomplish this. She thought she needed to leave about \$10,000 in salaries for the Perpetuation for extra work that normally gets paid out of that which are generally very small amounts. Kylissa Miller added that they also needed an appropriation for the Perpetuation Fund and there is a salary ordinance for that fund to allow the Auditor's Office authority to pay from that fund, and, at the same time, they are also eliminating a position in the Clerk Perpetuation Fund. So Salary Ordinance 2022-14 adds the position into Clerk Perpetuation, and Salary Ordinance 2022-15 deletes a full time deputy court clerk from the New Clerk Incentive Fund. There was a brief discussion about the positions. Ms. Miller said that moving this over is a temporary fix. At some point the Perpetuation Fund will not be able to fund that position either. The current annual revenue for that fund is not enough to cover that salary. Leanna Moore said that it would take quite a few years to deplete the fund since the current cash balance is \$320,000. Immediate action is needed or the position for the New Clerk Incentive will not be funded. This position is the deputy that works in Title IV-D Court. That is the only court she works in. Todd Thacker asked if these appropriations were made, if she would then adjust her budget request for next year. Ms. Moore said that they would make those recommendations when going into budget meetings for next year. This appropriation is just for the remainder of this year.

**ii. Additional Appropriation 2022-11; ROC 2022-15: EDIT and
Additional Appropriation Ordinance 2022-12; ROC 2022-15:
American Rescue Plan**


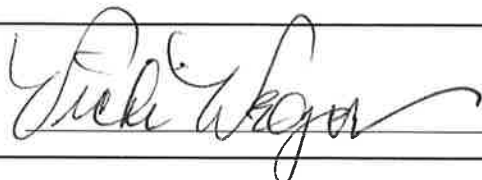



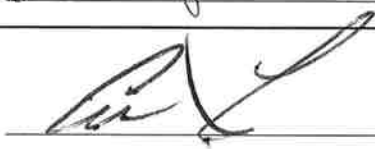
Commissioner Chris Switzer thanked the Council for meeting with him about some American Rescue Plan projects that may be done in the future. He did advise that the option of using the American Rescue Plan money to fund the Riley Trail Project is now off the table. It does not qualify under the rules. There had been a gray area of interim rules when they started discussing the project but he has learned since this request was submitted that this project does **not** qualify under the American Rescue Plan Act. They could try using the ARP funds but if the government audits the uses and rules that it does not qualify, the money would still have to come from somewhere, so the best plan now would be to purchase from EDIT and be finished with it. He also said that it would be possible for the Council to appropriate just the \$340,000 needed to acquire the easement and pay for the removal of the ties. In that way, they could budget over the next few years and complete this in sections. That would also allow the County to control illegal dumping, trespassing, get through the planning and design process, meet with the individual landowners and go from there. A lengthy discussion took place with several Council members expressing their opinions, concerns and other options, including grants that could be applied for under Next Level Trails. The Commissioners will contact the attorney for the railroad to see if they can definitively find out what will happen with the land if this project does not go forward. Commissioner Kearns also pointed out that several residents of the area have built structures on the easement owned by the railroad. If Vigo County acquires the easement, the residents were informed at a Town Board meeting in June of 2021 that Vigo County would not require removal of the structures.

However, if another entity acquires the easement, it is likely that such entity would require removal by the landowners.

Todd Thacker made a motion to adjourn the meeting at 7:20 p.m. Brenda Wilson seconded the motion. Upon a voice vote of 7-0, the motion was unanimously approved.

MINUTES OF THE VIGO COUNTY COUNCIL
SUNSHINE MEETING
MAY 4, 2022

Presented to the Vigo County Council, read in full and adopted as written this 14th day of June, 2022.

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|---|--|--|--------------------------------|--|
| Aye <input checked="" type="checkbox"/> | Absent <input type="checkbox"/> | | R. Todd Thacker |  |
| Nay <input type="checkbox"/> | Abstain <input type="checkbox"/> | | | |
| Aye <input checked="" type="checkbox"/> | Absent <input type="checkbox"/> | | Vicki Weger |  |
| Nay <input type="checkbox"/> | Abstain <input type="checkbox"/> | | | |
| Aye <input type="checkbox"/> | Absent <input checked="" type="checkbox"/> | | Marie Theisz | |
| Nay <input type="checkbox"/> | Abstain <input type="checkbox"/> | | | |
| Aye <input checked="" type="checkbox"/> | Absent <input type="checkbox"/> | | Travis Norris |  |
| Nay <input type="checkbox"/> | Abstain <input type="checkbox"/> | | | |
| Aye <input checked="" type="checkbox"/> | Absent <input type="checkbox"/> | | Brenda Wilson |  |
| Nay <input type="checkbox"/> | Abstain <input type="checkbox"/> | | | |
| Aye <input checked="" type="checkbox"/> | Absent <input type="checkbox"/> | | David Thompson |  |
| Nay <input type="checkbox"/> | Abstain <input type="checkbox"/> | | | |
| Aye <input checked="" type="checkbox"/> | Absent <input type="checkbox"/> | | Aaron Loudermilk, President |  |
| Nay <input type="checkbox"/> | Abstain <input type="checkbox"/> | | | |

Attest:



James W. Bramble
Vigo Auditor