

JULY 21, 2025

The Jay County Commissioners met in special session on Monday, July 21st, 2025 at 4:00. p.m. in the courthouse auditorium. Attending was Doug Horn, Duane Monroe, auditor Emily Franks, attorney Wes Schemenaur, and Chad Aker, president, presiding. Duane Monroe made a motion to approve the minutes from July 14th, 2025. Doug Horn seconded the motion and the motion passed by unanimous vote.

PUBLIC HEARING FOR WINDFARM MORATORIUMS

The commissioners opened a public hearing to discuss the recommendation from the Jay County Plan Commission for a one-year moratorium on windfarm projects in the county. The purpose of the moratorium would be to allow the commission time to revise the current ordinance.

Jason Wink, development manager RWE windfarm development, spoke against the proposed moratorium. He believes the county already has a strong ordinance in place with high setbacks for adjoining landowners. Lastly, noting they would like to be a good partner with the county. Jeffrey Jones, RWE development manager, spoke about the economic benefits of their windfarm project. He noted the benefits would include the county, but also donations to the schools and libraries. They would provide 340 jobs during construction with 10 local jobs and numerous other economic outputs. Mr. Jones asked the county to keep the company in the loop while reworking the ordinance.

John Myron, land agent for RWE since June 2021, also spoke against the moratorium. As someone raised in Jay County, he spoke regarding the benefit for business investments and projects. Mr. Myron estimated roughly \$500 million in investments to the county. Ed Nixon, resident, spoke against the moratorium citing it might give the impression the county is trying to keep them out. He also asked commissioners to not waste time forming committees and having studies, and instead get to work.

John Hemmelgarn, Jay-Portland Building & Planning Director, spoke about the need to revise the current ordinance and for a moratorium. They would like to revise both the setbacks and decommissioning language. He believed it would be possible to have all the ordinances updated or in place by the end of the year. This would mean the moratoriums could be ended before the one-year term. If the commissioners did not approve the moratorium, it would force the plan commission to look at the windfarm ordinance ahead of the others, to get it completed. Representatives from RWE did not believe they would be submitting any plans before the end of the year.

Doug Horn questioned if there was a need for a moratorium if no plans would be submitted prior to the end of the year, noting the negative connotation of a moratorium. Wes Schemenaur explained any change to the recommendation would need to go back before the plan commission with them having 45 days to review. Mr. Hemmelgarn spoke against amending the recommendation, citing it would just set the issue back further. Duane Monroe believed they should follow the recommendation from plan commission. Mr. Horn agreed the moratorium would give the commission time to get the ordinance completed correctly. Duane Monroe made a motion to approve Ordinance 2025-13 for a moratorium up to one year on windfarm projects in the county. Doug Horn seconded the motion and the motion passed by unanimous vote.

PUBLIC HEARING FOR CO2 GEOLOGICAL SEQUESTRATION STORAGE FACILITY MORATORIUMS

The commissioners opened a public hearing to discuss the unfavorable recommendation from the Jay County Plan Commission for a moratorium on CO2 geological sequestration storage facilities in the county.

Scott Hopkins, adjacent landowner to POET, spoke for the need for a moratorium as some adjacent landowners had not been approached yet about the project. He added that POET drilled their test well without notification to landowners. Mr. Hopkins believed more information on long term effects was needed first, especially being so close to the stone

quarry. Michael Dummoyer, resident, also supported a one-year moratorium citing the need for more information and noted liability to the county and lowered property values.

Ed Nixon, resident, spoke against a moratorium noting POET has been conscientious of the county and had completed extensive testing. Chris Lutes, adjacent landowner, echoed Mr. Nixon's sentiments. Adam Homan, POET General Manager, also spoke against a moratorium. He noted that it was a great opportunity for their company, but also would drive value for the ethanol, which would drive up prices for corn. Mr. Homan explained they have undergone rigorous feasibility studies along with a rigorous process through both the EPA and Indiana DNR. Lastly, he explained they had plans to meet with the remaining landowners in the area regarding the project.

Matt Hemenway, geologist with DTE Vantage, hired by POET, explained his company has managed gas and pipelines for over 150 years and was opposed to a moratorium. He explained carbon injecting has been taking place for a century to get all the fuel out of the field. However, they would be completing a #6 injection, which is newer, but well documented. D2 seismic was tested and tested well by DNR regulations. Mr. Hemenway reported over the next two years they would submit to the Environmental Protection Agency (EPA), have a dialogue with the over 200 landowners within the CO₂ footprint.

John Hemmelgarn, Jay-Portland Building & Planning Director, spoke in favor of a moratorium to allow for more time to research. Mr. Hemmelgarn has requested POET complete a third-party test to compare it with their geologist's findings if a moratorium is not approved. He would like to look out for the best interest of the residents for the county. If the commissioners were to go with the recommendation of the plan commission, it will make creating this ordinance as first priority. The department plans on presenting some draft ordinances to the plan commission in August.

The commissioners noted their appreciation to Mr. Hemmelgarn for looking out for what is best for everyone in the county, and agreed it would be a good idea to complete a third-party testing. However, they respected the research and recommendations from the plan commission. Mr. Monroe explained he had spoken to a state geologist and a representative from the Department of Natural Resources (DNR). Doug Horn made a motion to move forward with the plan commission's recommendation to not establish a moratorium. Duane Monroe seconded the motion and the motion passed by unanimous vote.

OPENING BIDS- OWNER OCCUPIED REHABS

The commissioners opened bids for the third round of Owner-Occupied Rehab project as follows: five from Dave's Heating & Cooling; two from Mustard Seed Remodeling for roofing; two from Fortitude Design & Consulting for roofing; two from All Circuit Electrical for electrical repairs, and two from Mooreland Roofing & Construction for roofing. Duane Monroe made a motion to take the bids under advisement for EGIS to review them. Doug Horn seconded the motion and the motion passed by unanimous vote.

SURVEYOR- EXCAVATOR PURCHASE

Brad Daniels, surveyor, came to the commissioners after reviewing the bids for a new excavator. He would like to purchase the Kobelco from Southeastern Equipment for \$179,700 as it is available now. It would also come with a five-year, 5,000-hour warranty. The lowest quote for a John Deere from Westside Tractor did not have the equipment in stock and would not until at least September. Mr. Daniels would like to put a \$30,000 down payment out of the Backhoe Repair & Replacement Fund and finance the remaining \$150,000 in bi-annual payments over five years. They will need to have an additional appropriation approved for the down payment and will add it to their budget moving forward. The quotes from the local banks were as follows; Farmers & Merchants Bank 6.15%, Farmers State Bank 6.1%, First Financial Bank 5.85%, First Bank of Berne 6.1%, and First Merchants Bank 6.0%. Mr. Daniels would like to go with First Financial Bank for the lowest interest rate. Doug Horn approved the purchase and loan as specified in Resolution 2025-10 through First Financial Bank. Duane Monroe seconded the motion and the motion passed by unanimous vote.

