

The Madison County Plan Commission on the above date at 9:30 A.M. with Bill Maxwell, President, presiding.  
Members Present: Bill Maxwell, Paul Wilson, John Randall, Jr., Alan Esche, Mark Gary, Brad Newman, John Orick, and Wesley Likens.

Members Absent: Scott Tischler.

Also Present: Michael Hershman, Executive Director. Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

### Current Business

1. Roll call was taken and one member, Scott Tischler was absent.

Mr. Maxwell said, if there is anyone present that is interested in the dairy, if you are here for that, it is not going to be heard today. There will be notification at a later date.

2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Mr. Wilson made a motion to approve the minutes. Mr. Likens seconded the motion. The vote was unanimous in favor of the motion.

3. **Petition #483 of Scott Family Farms, landowner, and Gordon D. Byers, petitioner, to rezone property from R2 to GI for extraction of aggregate products.** This property is located on the northeast corner of Co. Rd. 500S and Ridgeview Road in Fall Creek Twp. and containing 55.969 acres, more or less.

Mr. Hershman said, we have letters from Gordon Buyers, representative of IMI and Scott Family Farms and they are requesting Petitions #483 and #484 be tabled until the December meeting. (Letter on file in Plan Commission office).

There were no remonstrators present.

Mr. Randall made a motion, seconded by Mr. Likens to accept their request to table Petition 483 and #484. The vote was unanimous in favor of the motion. **Petition #483 of Scott Family Farms, landowner, and Gordon D. Byers, petitioner, to rezone property from R2 to GI for extraction of aggregate products has been tabled until the December meeting.**

4. **Petition #484 of Irving Materials, Inc., landowner, and Gordon D. Byers, petitioner, to rezone property from R2 to GI for extraction of aggregate products.** This property is located on the northeast corner of Co. Rd. 500S and Ridgeview Road in Fall Creek Twp. and containing 62 acres, more or less.

There were no remonstrators present.

As stated in the above motion, Petition #484 of Irving Materials, Inc., landowner, and Gordon D. Byers, petitioner, to rezone property from R2 to GI for extraction of aggregate products has been tabled until the December meeting.

Mr. Hershman said, I have a request that we move Petition #502 to the next item in front of the ethanol plant. And that Petition #485 be heard last.

Mr. Likens made a motion seconded by Mr. Wilson to move Petition #485 to the last item on the agenda and hear Petition #502 next. The vote was unanimous in favor of the motion.

### New Business

1. **Petition #502 of Charles J. & Ellen R. Hampton and Anita Dececco, Trustee of Ramolo Land Trust, landowner, and Steve Servies of Rayl Surveying & Engineering, petitioner for Waiver of Subdivision Regulations, to-wit: minimum lot frontage from 50 feet to 40 feet.** This property is located on the northeast corner of State Road 13 and Co Rd 1050S in Green Twp and containing 1.407 acres & 15 acres, more or less.

Mr. Hershman said, houses on varying lot sizes characterize the area surrounding the private road. The site is 15-acres with a house on it.

Staff has received proof of proper notification.

Mr. Hampton is seeking approval of a waiver road frontage requirement. The Ordinance requirement for private road width is 50 feet. The proposed private road would be 40 feet wide.

The applicant is making the request in order to divide the property as part of an administrative plat. Mr. Hampton is dividing into an 8-acre and a 7-acre tract. The private road will serve the 7-acre tract. When Mr. Hampton originally purchased the property, he thought he was buying an 8-acre tract with an existing residence on it. Due to an error, he ended up purchasing the entire 15-acre tract. The 7-acre tract will be sold as a house lot.

There is an existing driveway on SR 13 that could serve the tract. The driveway is unusable because of the slope of the hill on SR 13 and terrain on the property. Finally, an entrance off of 1050S would be closer to a proposed house.

Dale Dececco and Steve Servies from Rayl Engineering were present representing the landowners.

Mr. Servies said, this was to be sold originally as an eight-acre tract. They are keeping seven acres to build their house on. They didn't discover until several years later that there was an error. To straighten this out the Hampton's are going through an Administrative Plat process to create one lot on the eight acres and another lot will be created on the seven acres and access will be off of 1050S.

There is sufficient room for a 50-foot private road but it would bring the 50-foot line within two to three feet of an existing building. So, that is the reason for requesting 40 feet and it will just serve the seven acres. The 40 foot wide strip will be deeded to the property, as it will be part of the Administrative Plat.

Mr. Dececco said, sewer is available. There will be no business. This is strictly for residential use only.

Willie Nelson, 8852 W 1050S was present and asked how many houses are going to be built.

The reply was one residence only.

There were no remonstrative present.

Mr. Wilson made a motion, seconded by Mr. Randall to approve Petition #502 of Charles J. & Ellen R. Hampton and Anita Dececco, Trustee of Ramolo Land Trust, landowner, and Steve Servies of Rayl Surveying & Engineering, petitioner for Waiver of Subdivision Regulations, to-wit: minimum lot frontage from 50 feet to 40 feet. The vote was unanimous in favor of the motion. **Petition #502 of Charles J. & Ellen R. Hampton and Anita Dececco, Trustee of Ramolo Land Trust, landowner, and Steve Servies of Rayl Surveying &**

**Engineering, petitioner for Waiver of Subdivision Regulations, to-wit: minimum lot frontage from 50 feet to 40 feet was approved.**

The board then went back to item 5 under, Current Business.

**5. Petition #485 of Max Bingham, landowner, and Ultimate Ethanol, LLC, petitioner to rezone property from AG to GI for an ethanol plant.** This property is located on the northwest corner of Co. Rd. 1300N and Co. Rd. 100E in Monroe Twp. and containing 224.863 acres, more or less.

The board was informed this was tabled from the last meeting until today's date because of unanswered questions and new materials that the board wanted to review.

The board has had some new material presented to the board by the petitioner. Those were distributed to the board. Those were as follows: Revised site plans and supplemental information that was submitted in the form of booklet.

Each board member did receive a copy of all the above information that was submitted.

The Plan Commission office did receive a written objection filed Ronald Parker and Marsha Parker by their attorney, Ron Fowler. Copies of the objection were not presented to the board. Mr. Fowler did not provide sufficient copies for the board. Mr. Fowler was contacted concerning this and he decided that it was not necessary.

Mr. Hershman presented to the board Mr. Fowler's objection filed as of the 9<sup>th</sup> of November 2006.

Mr. Hershman presented to the board 30 petitions against this request. (The petitions are on file in the Plan Commission office).

Brian Minish, Vice President, Broin Company, South Dakota was present representing this petition.

Mr. Minish told the board also present was their Environmental Engineer.

Mr. Minish said, one thing you asked us to do at the last meeting was to increase the communication and education of the neighbors.

We held a community meeting in Alexandria a few weeks ago and I invited all of the immediate neighbors around the area. We answered questions in reference to the roads, to discharge, just anything and everything. We also extended an invitation for the people there to come up to our plant in Michigan and we arranged for a charter bus and there were about 15 people that went on that trip. We spent about four hours on the tour. We laid out the new site plan that is now in your packet.

We did submit a booklet that you have in front of you that we will refer to today from time to time. One of the things we submitted in the new site plan is trees along the south end of the property and a little bit on the east side of the property. A four-foot brim and six-foot trees, 30 foot on center. This will make more of a barrier and a border for the site. That will meet some of the concerns that we have heard here.

There are some pictures in there of some of our existing facilities that way you can get an idea of the plant layout. There are some pictures of the landscaping around our newest facility. There is some just industry information, economic development information for your reference.

We have talked to the County Engineer about the roads and our entrance coming in off the south side. We have discussed widening the road and changing the road on the south end to help traffic flow.

Concerning the sanitary water, we have three proposals from municipals buyers for water at the site and we are reviewing these. We are fine-tuning the proposal from Alexandria for sanitary distribution.

Erin Hipple, Environmental Engineer was present.

Ms. Hisel said, one of the things I have heard a lot about, a lot of people have asked what kind of appraisal survives have been done on the properties around the site. This had nothing to do with property values. As part of the permit I had to have prepared to submit to the Core of Engineers because we are dealing with a lot of wetlands there. So, we were looking for information to submit to them.

Another thing a lot of people had questions on was, is the air permit. We are an industry that is considered a synthetic minor source. That is a federal EPA term. These are industrial occurrences that the federal EPA has determined are relatively insignificant. They are not going to have a detrimental impact on the over all air quality. They have established levels that we have to operate under and for that level they have established 100 tons per year, a five criteria rules.

We want to capture as much ethanol as we can. We don't strive for the high end of the market we strive for a good operating practice at our plant. There is an air permit that I put together in your packet.

The water that comes from our plant is on line contact water. Anything that is associated with the process of making ethanol is recaptured and reused in the process. Even cleaning of the tanks it is captured and reused in the process. Any of the water that is discharged from the plant has never touched the process. It's utility water that's been used to cool the grain and cool the dryers or it's water. We use a process called reversed osmosis. If water comes in to the plant we keep a certain percentage of it that clean and what is rejected by that filter is passed off. The water that is discharged is not used for the processing to make the fuel. It is water that is used for cooling purposes.

Mr. Newman said, they submitted this two weeks ago. They are coming before the Drainage Board next Wednesday for their final drainage approval plan. Their plans have been submitted and we have our consulting engineer reviewing them. The conceptual drainage plan has been approved.

Ms. Hisel said, in the worse case scenario the straight water balance on the plant is about 305,000 gallons which around 200 gallons a minute. It can be less than that but that is the worse case scenario.

Mr. Minish said, we are having discussion with the city of Alexandria, South Madison, Indiana American Water about supplying the water. We are still trying to determine which one will be best for us. We are bringing the water in we are not having any wells.

To get our industrial level of insurance for the property we have to have sufficient volume of water and pressure on the water for our operation.

Shane Addison, Co Engineer for Broin Company was present,

Mr. Addison said, the four-inch sanitary sewer forced main runs parallel with 100E. It is coming from Alexandria. This hasn't been worked out with Alexandria yet but we are looking at it to run south to 100. We have an eight-inch sewer and it goes into the four-inch sewer.

We have a tank on site for fire suppression that we will have enough pressure to handle that. That will come off the 12-inch tank water. It is a water tower. Gas is not in that area but it will come to us. From 1300 to the front of these tanks is roughly 610 feet. Those are the tanks that we fill and are delivered.

Mr. Minish said, the buffer on the hammer mill, at our Michigan plant that faces the west in that particular layout and we put walls around it to that is especially made to buffer the sound. So, we try to do that in the direction that it would be less annoying to the neighbors. At night there might be a hum that you hear but that would be all.

I think the people that took the tour to our plant were pleasantly pleased that the odor was a minimal as it was.

Ron Parker, 981 E 1300N.

Mr. Parker said, the biggest thing on this so far that my wife has come with is, the fires that started in Louisville. That's what we are really worried about besides the roads, which is going to take the front end of our property. Even if they get the road on their side it is still going to affect me. Since we were here last time they have changed site plan again. The bomb is there where they are going to mix the ethanol and the water and they have moved it closer to our house.

I went on the bus tour and anything we asked they answered or showed us. They went out of their way to show us their plant and how it worked.

We saw how they dumped the grain and there is a nasty odor to this process. The hammer mills create a lot of noise. We are going to hear those and it is close to my house. It going to make a lot of noise. I hired an attorney that spoke with them and they said they have no intentions of buying my property. So, I am going to be the one taking a beating on this one.

This is not an industrial park. It's farm ground and should be used as such.

Ron Fowler, Attorney for Ron Parker was present.

Mr. Fowler said, what I have done is present to you a list of objections to you, what we think you need to take a look at.

About two and a half years ago we were here talking about this ordinance. County spent a lot of money on this ordinance.

This ground at that time was agricultural. Now in two and a half years, when this plant goes in you have to scrap this ordinance. You spent all that time and money and all of a sudden you want spot zoning. Industrial. Spot zoning is all this is. That is not the intention of this site. What they are trying to do is, use farm products to make this farm related. This is not an ethanol plant it is an industrial site. This industrial site will be located in an agricultural and residential zoned area.

If you pass this rezoning you will do it over riding your staffs opinion. Two and a half of the five criteria that you must decide cannot be meet.

There's been about three different changes in their plans. The cart was put before the horse. This is one of those plans that assumes there is going to be so much toxins put in the air. Who is going to police this?

My clients will be wiped out here. They are sitting under these hundreds of feet towers, close to an industrial plant in area that they chose that was not going to be changed according to your earlier plan. Spot zoned industrial site is going to destroy their real estate, they won't be able to sell it, and they are going to lose their entire way of life.

I think the rezoning is premature with all the plans that we don't know what they are going to do. If you pass this you have to pass it with a no recommendation if you believe in your own staff.

Mr. Hershman said, for verification purposes staff did recommend approval.

Ted Smith, Attorney was present representing the petitioners.

Mr. Smith said, he has authorized his son to sign this application.

Max Bingham, landowner was present and told the board he lives in Elwood. I do affirm that my son, Barth Bingham does have the power of attorney to sign anything for me that would be necessary to sign.

The board was informed the power of attorney is now part of the record.

Mr. Fowler said, it is still a violation of the petition. This should have done when it was filed. It is just one more of many violations.

Mary Starky was present and said she is a resident of Madison County and she works for a developmental corporation, Broin Development.

Mrs. Starky said, one of the questions here is, do we want economic development in Madison County? This company does 105 million dollars here. It is one of the largest companies. With 40 jobs at \$18 an hour with 25 percent benefits, 40 families will benefit from this.

Do we want economic development? If the answer is yes, then you can't drive it away when it knocks on our door. We understand there are people that will be impacted by this and we are trying to minimize those impacts as possible.

The staff of the Planning Commission has recommended this. Broin is the leader in the ethanol, they are a company of integrity, and they have many companies all over the Midwest. They have a proven track record. Yes our lives are going to change. We have to look at the greater good and we have to look at minimizing the damage or the harm or the negative impact on the people closest to it. All of us are working together to do that. If we drive these people away who is going to come back and try to invest again?

George Isabella, 396 E St. Rd. 28.

Mr. Isabella said, approximately five years ago my wife and I purchased 3.3 acres on Highway 28. We wanted to be close to the city of Alexandria but at the same time live in the country so we could have some privacy to ourselves.

The back of our property backs to approximately three quarters of a mile to where the ethanol plant wants to locate.

I just recently found out I will be losing my job. We tested the market on selling our house just to see how things would go. Approximately three different people who were looking at our property commented about the ethanol plant and the affect it would have on our property. Until I saw the diagram I didn't realize how big this was going to be. It can be seen quite easily from our back yard.

I contacted a couple of real estate companies in Michigan and I was told that between a mile and two miles radius of their plant property value decreased about 20 percent.

I really think everyone needs to look to see what the impact on the surrounding properties will be. Please take that in to consideration.

John Carter, 13586 N St. Rd. 9.

Mr. Carter said, we are just to the west of the proposed plant. We bought where we bought because it was an agricultural area. We have invested quite a bit of money in that and with the proposed plant are property value is going to decrease quite a bit. We do not want to live in an industrial area. Our quality of life will be gone. We are concerned with the increase in traffic, access problems the cost to the community and what will happen if the plant moves out.

I am for economic development but not in a rural agricultural sitting.

Dan Brown, 2106 E 1250N.

Mr. Brown said, the plant would be about a mile west of me.

I also went to their plant in Michigan. They explained to us what was going on and were very nice to us.

I found it to be very noisy and the odor was very bad.

That plant was built in an Industrial Park and the people built there and bought there. The park was already there.

I talked to some of the people in the area. They said they are very stressed with the noise and the odor. It has also decreased the property values in the area. They were not happy with the plant. They also told me there have been several lawsuits against the company. We are worried about the carbon dioxide that would be emitted in to the air. I don't feel this would be a good location.

Mary Phillips, 1523 S 475E.

Ms. Phillips said, I am here as a Madison County resident to voice my opinions. My children and their spouses have had to go outside of the county to find jobs. Our house has power lines that go over it and out our back door is I-69. Who would I be to say, stop the electricity going across my property or I-69. These are some

inconveniences that some people may have to undergo. As far as noise, we don't hear the Interstate. Your body adjusts to your environment. So, my husband and I are outside and we don't hear the noise. Our bodies adjust to the environment.

Teresa Petty, 3426 E 1250N.

Ms. Petty said, I live not too far from where they want to build. I am one of the 18 that toured the facility in Michigan. I just wanted to say that I was very impressed with the facility. The odor was that of baking bread. The noise was dominant in the facility itself but as you walked away the noise barrier took care of that noise. It was a very nice facility and very, very clean.

I think this will be a nice addition to the community.

Bush Lewis, 451 E 1300N.

Mr. Lewis said, right on the southwest corner of this, immediately across the road from where the plant will be. How many of the people here today that are in support of this would feel if they live directly across the road from this plant?

I moved there for the solidarity and this will absolutely eliminate what I moved there for. I just ask your consideration and give this some serious thought other than for the money that people will make from it.

Ken Clark, 12134 N 200W, Alexandria, IN.

Mr. Clark said, I spent three or four weeks really talking about this just seeing if this was the right thing to do. I've known Ron for a lot of years. I have also known Mr. Bingham for a lot of years. It's hard for me to accept that Mr. Bingham could do anything, there is not enough money out there for him to involve himself in anything that he thought would hurt people.

In discussions that I have had with people on that and we couldn't equate this with Red Gold. In our area there are a lot of small businesses out there that are struggling. I remember when Red Gold first moved in and they were a very small company just starting out. Since then Red Gold has grown and I don't think people in that community thought they would see semi's going up and down the road and past their houses. They are now one of the leading employers in the county. Nobody ever thought General Motors would leave Anderson but they have and most of the jobs have gone. We have to start somewhere. You need to look at the whole picture.

Mike Shooter, 5376 N 300W.

Mr. Shooter said, most of the agricultural producers in this area are behind this project. You are looking at about 25 million bushels of corn to be consumed by this project. That could add about five to ten million dollars extra in to the agricultural economy in this community. If we don't get behind these types of projects to consume more of our products then we are just going to have it sitting in the grain bins.

The ethanol plants are here to help eliminate some of the use of foreign oil in this country. If we aren't careful foreign oil will destroy this country. This is an agricultural area and agricultural purpose. There are a lot of people who moved out of the city in to the agricultural area that complain about what's going on in the agricultural area. When they move out there that was there when they moved out there. That's what the agricultural community stands for.

Bush Lewis said, Ron Parker and I went to a meeting at the Alexandria Park several months ago. It was an informational meeting about ethanol. A man that is standing here with a yes, invest sticker on said and Ron heard this, you will never see an ethanol in northern Madison County. And in our case the ethanol plant was not there when we moved there. We have been there quite a bit longer than even the plans for this ethanol plant has been going on. So, as many good things as they are going to tell you I am going to keep coming back and telling you why we don't need it.

Bill Chastain, 18355 N 300E.

Mr. Chastain said, I have been in northern Madison County for 63 years. I have made my entire living by farming. Some years it has been pretty rough. But, this is a star that we can look up to, to really get us over the hump. There could be pluses from this. As far as economic development from this there could be trucking companies pop up. There can be a lot of different things that can be a plus to this situation. I am really in favor of it.

John Carter, St. Rd. 9.

Mr. Carter said, there are a lot of high hopes for the farmers and the corn products. I wonder how many are aware that Broin has invested in cellulose technically with major chemical companies. Within a few years there is a good possibility that instead of just corn they will be using switch grass or other corn products. I have heard one of the biggest products of cellulose is garbage. If that bears fruit we could be shipping in tons of garbage. Remember they talk about we are going to be using corn from a 30 mile radius, there are other plants within the 30 to 50 mile radius that are also going to be supplying corn within that radius. So, there is not going to be enough corn produced in this county to supply everybody.

These are things that I have heard that need to be known because there are huge economic implications with this that within in a few years this could turn disastrous.

Mike Lockerman, Vice President of Communication for Broin Company, South Dakota.

Mr. Lockerman said, just some clarification on our cellulose technology. We recently announced plans that would expand an existing plant in Iowa that is a corn ethanol facility to include cellulose technology. And our feedstock in that cellulose technology is corn. So, actually what we are looking at is, taking the rest of the plant, in addition to the corn, but taking the rest of the plant and revert that in to cellulose ethanol so in fact we will be going back to the same farmers.

We have not done anything in terms of using garbage in any kind of ethanol production on our end. In our technology with cellulose development we are going to recapture energy from the silver that will ultimately reduce the amount of energy. We are not looking at garbage, we have no plans to do it with garbage and we are not researching to make plan to do it. There are no plans to do this in the future.

What we are a part of right now is an 80 million dollar grant process through the Department of Energy and so that is where our cellulose efforts are coming from.

Ron Fowler said, both sides today of acknowledged that Parker's would be substantially harmed if not property values. If this thing goes through we all agree to that. What are going to do for these folks? Your taking their property without due condensation. If you pass this you are passing this even though your staff has recommended and acknowledged that two and a half of the five criteria are not met.

Downtown Anderson is begging for industrial sites like this. They have a lot of ground that is all ready set up with infrastructure. Why don't they go there? Why spot zone in the middle of this country site when we have property ready for development right in the city.

John Dockery, 214 E Church, Alexandria.

Mr. Dockery said, I feel for Ron. I think there are several things that we can do as a county to support and help the citizens. We do have a train that runs through Alexandria. There have been times that when the train goes through it stops traffic all through town. The county needs to get with the railroad and there needs to be spur off the south side of 1300N and I think they need to buy the three properties that are in question here. They need a rail spur at the end of town. The county needs to work to bring all access off of Highway 9 and not off of a county road. You need to turn 1300N in to an industrial parkway, buy the properties off of that road.

We need to look at everyone's concerns, lets look at the railroad, lets turn 1300 in to a parkway. I think there's good and bad. And the bad for three or four people is it will impact property values.

Greg Bolander, 8246 W 1300N, Elwood.

Mr. Bolander said, according to the Madison County Comprehensive Plan, agricultural plays a significant role in defining the physical and character of Madison County. Accordingly the agricultural industries and rural character has been identified as the highest priority in and around all phases of the planning process.

Madison County leadership, farmers and other concerned citizens have recognized the very benefit that agricultural activities and have identified the need to under take program that will actively preserve and protect this rich area.

Two weeks ago I able to attend a conference at Purdue University in which I heard three Ag engineers, biochemist, and ethanol researchers speak. One of which was, Doctor Michael Ladish, who is a professor and director of a laboratory of renewable resources engineering at Purdue. After his presentation I went and spoke to him about some of the concerns that I heard from the concerned citizens about specifically, benzene and polyamine. He said in 1984 Purdue researchers had developed a process of using the DDG, the dry reminsce of the grain, after the sugar was removed to use those to remove the water. He said since that time all new facilities that were built use that process. Polyamine and benzene are not used in the production of ethanol. Benzene and polyamine are conductants from conbusion of gasoline.

I also asked him about the introduction of lead. He said he had no idea where that came from. He has been researching ethanol for over 25 years.

It has been pointed out that other volatile organic compounds, carbon monoxide, nitoxide, sulfur dioxide and particulate matter are part of the process of producing ethanol. However, technology has come along way since ethanol was first being produced.

EPA has established the acceptable emission levels in air quality standards for criteria for pollutants adding minor source levels to be 100 tons per year. Much of the pollution control equipment in operation exceeds the EPA requirement for batten.

What can be seen coming from the smoke stack at an ethanol plant is really nothing more than water vapor or steam.

For every dollar in tax revenue generated 28 cents of that tax dollar goes to community services, fire protection, police protection, water, sewage, those kind of things that come along with city service.

Senator Richard Lugar has been a long proponent of renewable fuels and research to go in to renewable fuel research. He has talked about Indiana's potential to come a leading player in renewable fuel. Ethanol is just one of those fuels.

Technology is changing every day so that it's better for the environment, better for the economy of the local communities and better for the citizens from an employment standpoint.

(Alan Esche, board member left the meeting 10:48:18 A.M.).

Mr. Wilson said, the people in here will be concerned that this will be a benefit to the local farmer paying property taxes in Madison County.

Mr. Bolander said, corn prices are based the Chicago Board of Trade and when there is a demand on corn price it's going to trickle down to the local prices. Any opportunity to reduce the margins to local farmers, transportation cost, will be a plus for the farmers. Whether Madison County has enough corn to produce the production means of one facility becomes moot because of so much corn is produced in the State of Indiana.

Rod Keesling, 13849 N 200E, Alexandria.

Mr. Keesling said, I would like to point out that this is another issue that is dividing our community. I am not for this. I think what all the folks that are for this are missing here and not any of our group will tell you, nor have you heard anyone say that we are not for ethanol and how we can reduce our dependence on foreign oil. We want to preserve the agricultural zoning of where we are at. This has all been an issue of putting it where it belongs.

I talked to Mary Starky at the end of the meeting and she insisted there wasn't going to be any harmful emissions coming out that stack. I pointed out to her from their own documents that were left at the library that yes there will be. She had no knowledge of that.

My point was Nestles wasn't brought here and put in the middle of farm ground. It is in an industrial park. That is the proper sitting for large industry. There are other options than sitting this in the middle of farm ground.

We are not in opposition to that plant we are in opposition to its proposed location. There is so much more to be learned and looked at before a decision is made. I don't see how you can make that today.

It was my understanding that at the last meeting they were to have their air quality permit and a signed water agreement in order to proceed today.

Jeremy VanErmin, City of Alexandria.

Mr. VanErmin said, for the City of Alexandria one of the things I have been charged with from the mayors office is economic development. I have been involved with the City of Alexandria for over ten years. There are no new housing developments being built in Alexandria.

I would like for everybody involved to look at the larger picture and I do not detract from the neighborhood or the residences. There are integument concerns for things that are going to have to be worked out. Lives are going to be impacted.

However, people that need jobs have approached me and we really have a difficult time offering anything. Industry that we try to bring in to the community look at meetings like this to get a feel of what is going on. One of the things I would suggest to everybody involved in this process, we as a county have got to cross our t's and dot our I's and make sure we have quality procedures so if industry wants to come to town there is a clear plan on it needs to happen to protect both sides of the parties.

We are going to have to work with industries to bring them in to the county for jobs and to keep the citizens of Madison County from looking elsewhere. We want jobs in Madison County.

The City of Alexandria has been working with the Brion Company on water and sewer. Profit is not figured in to any municipal utilities. This would add more responsibility to the city. We would just like to support the industry and what it would mean to the community.

John Carter said, I would like to reiterate no body of the neighbors is against the ethanol plant. We are against where it will be located. Our desire is to have it put somewhere it is apporiate for that kind of facility. I would suggest the county works on rezoning some areas just for that.

Elden Alman, 14173 N 100E, Summitville, IN.

Mr. Alman said, I agree that the ethanol plant will be economically and politically good for Madison County today. However, I still have concern about the proposed plant site. In preparation for today's meeting I looked at 300 plus pages of the Madison County Land Use Development Code. I would like for you to look at Article 13.6 of the Zoning Amendment.

So, with these things in mind zoning 250 acres plus from agricultural to general industry for an ethanol plant in rural Monroe Township keeps the land consistent with current character and conditions of the district. It provides the most desirable use of this type and conserves property values. Is this fully responsible growth and development, I don't think so.

Will the property adjacent to the site be exactly in the same condition that they are today after the plant is operation able for a month, a year or longer? How can industrial plant not in some way negatively impact the agricultural areas and towns near by? I don't have an answer to these questions and neither do you.

As you make your decision regarding the zoning on this plant strongly consider, not only the short term benefit, but the potential long term impact that is much more difficult to envision and much easier to ignore.

Tom Fromholtz, 536 E 1400N.

Mr. Fromholtz said, I live about 350 feet from this site. It says in your ordinance that the petitioner shall prepare and distribute written public notice to all property owners within two ownership or 500 feet. I live about 350 feet and I did not get notice of this.

Kent Montgomery, 12527 N 100E, Alexandria.

Mr. Montgomery said, the land that I mentioned the last time, in their material in the library, that's where that came from, they state in that material that lead will come out of natural gas. Along 1300 for some reason there's still a temporary well casing sticking in the ground.

Erin Hisel said, Mr. Montgomery is correct. There is information in our documentation that does say the lead will come from the natural gas. Those are based on default factors that anybody using too much gin on the boilers and for natural gas heaters gets from the AP 42, that you gave us that out based on the emission factor was based on that.

Again the levels presented in our permit are very conservative and they are well below any regulated level for our type of industry.

When we look at sites we did install a temporary well on the property to investigate if there was potential for ground water resources. We did not find enough water at that time to support the use and we have not abandoned that well. There will be regulations on how to abandoned the wells and it will be done as part of the construction process at the site and it will be properly abandoned and documented with the state.

John Montgomery, 1250 E St. Rd. 28.

Mr. Montgomery said, I went through the Army Corp of Engineers and several other offices to find some answers to my questions. The overall conclusion was ethanol is a political juggernaut. From a short-term stand point there was to be really no major decontamination issues. From a long-term standpoint there are some questions that can arise from the levels that are being emitted from the plant.

I am concerned with the water, traffic noise and odor, property values and many other items.

Erin Hisel said, if somebody does want to do some off site monitoring I would strongly suggest that they begin that monitoring now because there are leads, everything like that found in the soil.

The rail spur issue, I think it is an issue for the County and the railroad. We have offered to work with the county as far as easements on our property.

The grinder room will be addressed at the site plan review.

Michelle Alford, 76 W 1300N.

Ms. Alford said, we have only live there for months. We are very new to all of this. We moved here to get away from the factories. I feel like I have wasted my money. This is going to devalue my property. I am very much against this as we moved in to the country to get away from city living.

It was the consensus of the board to take a ten-minute recess (11:42:55 A.M.).

The board was called back to order (11:56:04 A.M.).

Ken Closser, 1276E 1300N.

Mr. Closser said, I live just west of the plant. I have worked in power plants for almost 30 years. I have been involved in water treatment analysis. They have worked very hard to convince me that what they are doing is going to be within all the guidelines we have.

The water issue, I thought it was stated the last time I was here that the water issue had to be solved when they came back.

Somewhere close there is going to be a well. Neither Alexandria or Summitville have the capacity right now to pump that water. There will have to be a well. If there is it could impact us. It depends on where they drill the well.

It bothers me about the emissions. It is a continuous monitoring system. For people to get up here and say there is nothing coming out of the stacks, there are stuff coming from the stacks. This goes on 24 hours a day, seven days a week it's coming out of the stack.

I do not want the plant there. I moved to the country for country living. My property values will go down. Before you make any decision today I think this needs more fully investigate.

Judy Davidson, 13444 N St. Rd. 9.

Mrs. Davidson said, I feel I have a duty today as an attorney. I think that we need to mention that there may be a conflict of interest for some of the members on this panel as well as on the board of Commissioners. Under Indiana Law a Planning Commission member, if a Planning Commission member has a direct or indirect financial interest in the out come of a matter before it he or she should withdraw from the voting and should not participate.

It's my understanding that a few of you on this panel and on the board of Commissioners have an awful lot of corn that they want to sell to this plant. I feel like I would be doing a disservice if I do not mention that now so that issue is preserved when we get to the appeal process if we have to. I think you need ask your self if you can render a fair and impartial decision if in fact you stand to benefit by actually letting this go through.

This is all about a zoning issue. I am not against the ethanol plant either but it's got to go in the area that you folks designed to be the general industrial area. You have to uphold it. That's your job.

Gerald Shine, Attorney for the board said, there is a statute, Indiana Code 367-233 Conflict of Interest, Member of the Planning Commission legislative body may not participate as member of the Planning Commission or legislative body hearing a decision of that commission body concerning a zoning matter in which the member has a direct or indirect financial interest. A commissioner body shall enter in its record the fact that its member has such a disqualification.

There is not a definition of an indirect financial interest in the statute. It has been interpreted by how this board has in the past if they have land ownership, if they have a partnership interest and/or if they have a family member who does have such an interest on a matter that comes before the board if it is a conflict. Several of the BZA and Planning Commission members in the past have made that acknowledgment prior to and then they have disqualified themselves and have left the hearing. In fact we had that a couple of weeks ago at the Drainage Board.

Direct financial is very clear, indirect financial interest, the purpose of all this is to make sure that you have a fair and impartial decision. That you are to make that impartial decision based up on the evidence presented to you at our hearings.

If there is any body that has a financial interest in this directly then obviously you need to bring that to our attention and if you feel you have an indirect one then you may want to bring that up.

Mike Kemp, 541 E 1300N.

Mr. Kemp said, this is a rural community and most of us bought our homes here so we could live in a peaceful community. This should not be an industrial area. I think they don't have all their ducks in a row. It is not right for our properties to be devalued just to put a business in a rural area.

Mike Shooter said, I want to touch of this conflict of interest. Does everyone on the panel buy fuel? If ethanol helps to reduce the cost of gasoline so it's kind of a moot question.

Tom Fromholtz said, common sense has to come in here some place. I have a little farm that I raise corn and I am going to sell every ear I can to that ethanol plant. If I was on this board I am afraid I would be bias and would have to excuse myself.

Mr. Wilson said, they have been a lot of questions in reference to the water and permits from the EPA. Some of that, at least to me has been tied --- we are making a commitment here to rezone a property to General Industrial predicated up on Brion building an ethanol plant. But, there has been some worry expressed that if the zoning is moot and then there is something that would impede Brion from building the ethanol plant out there in the agricultural area have a General Industrial zoning, that was originally tied to agricultural proposes that could end up being something completely unrelated.

It's my understanding that to obtain your building permits with the change of zoning for that propose that you would need to have the water worked out, you need to have the discharge worked out, you would need to have the sewer, the air permits, the whole shebang. The state and IDEM permits. So, you could build the plant if you didn't have them any way. Which is some reassurance to the fact that that's on here. Having said that to reassure those who are concerned about it branching off in to some area that's completely unrelated to you ethanol plant, would the company stipulate in zoning change that if for some reason the EPA permits --- some time line like 18 months, 24 months, I am not sure what, that you would agree that if the bottom fell out of it as far as your company that would stipulate that it would be agreeable for you for that to return to an agricultural zoning?

Ted Smith said, are you asking as a stipulation to this zoning a condition that Broin or Ultimate Ethanol build its plant within 18 months?

Mr. Wilson said, no. What I am saying is, its obvious that you can't build a plant unless you get all those permits. If for some reason you don't get the permits, what I am saying is, if for some reason you don't get the permits which would impede, not at our level but some other level, impede the construction of the plant, the plant went away, would you stipulate that its agreeable to you that that ground would be retuned to agricultural zoning classification, not the General Industrial so the people that live around there would not have something else appear that they don't intend.

Ted Smith said, yes.

Mr. Minish said, we would be willing to go allow it to go back to agricultural zoning if we are unable to get all required permits. There would be some kind of memorandum of understanding that would be submitted.

Mr. Wilson said, I have been to a lot of public meetings over the years on a lot of controversial issues that has come up and I would like to thank all of you for your conduct in here today. It is a step in democracy where we do have a room full of people who very much believe in their point of view and we are not in here just beating this to death.

It's obvious that everybody in this room has an interest in this proposal and the particular zoning that's out there and also in the area that you live in. Everybody has a serious reason why they are here today. So, thank you very much for the way that this has gone.

I think the county has a duty here to try to do a couple of things. One, to protect the interest of the citizens who live in that area. The county also has a duty to try to protect and move forward the interest of the 134,000 people who live in this county. So, therein is the dilemma. How to move forward in a way to protect those who live in that immediate area of that plant and also try to move forward in a way that advances the interest of those who live in the entire county and who have vested interest in this county. And the problem we have is, is that we are at a crossroads as to how we can move forward and try to do those two things.

There have several of you up here who have said we don't have all the answers. Believe you me, neither do we. But, in saying that I do believe that we can move forward with this issue in a way to try to protect the interest of those in the immediate area of that plant out there. Hopefully in a way that will be sufficient to satisfy the people out there. But, we also have a need to move forward with a company who is willing to come in here and invest a larger amount of money in our county, produce jobs, and also everybody that lives around there is very much a local issue. But, I cannot turn the television on at night or pump gasoline in to my car and not wish that in some way, shape or form we weren't so dependant up on foreign oil, Arab oil in to this country. So, how do we do it? And how we do it I would hope to be in a way that would be safe and also promote the interest of the local agricultural industry. We have farmers in this room that have invested and borrowed and set their families on front street to make a living and put bread on the table and moved this country forward. We owe it to them to find a way to get this done. I still think we can do it. Some how this county, if we make the decision for the county as a whole, the county as a whole has a responsibly to reach to those people who are in the immediate area of that plant and try to make this work for their lives. I think we can do that. Can I sit here and say it will be 100 percent acceptable to every individual, no I can't. But, I can tell you that we can strive to get as close to that as we can. On the other hand we cannot move this thing forward unless this property is rezoned. Because

if it's not rezoned to the General Industrial classification then this whole end of it goes away. That opportunity of that multimillion-dollar investment and those additional jobs and less dependence on foreign oil goes away. It's not going to be acceptable just to say it belongs in somebody else's neighborhood. If you move it to another neighborhood in this county there will be other people in here with the same questions. So, we've got to address it now, where it's at, and make it work for both sides. The only way to move it forward and not have it go away is to rezone it and then craft it to make it work the best we can for everybody.

So, I will tell you, sitting here that, at this point in time to move this forward and this board is an advisory board to the Board of Commissioner. So, no matter how you cut it it's going to come down to a decision made by three people. I take that very serious. I believe that today it's worth moving forward with the information that we have gathered, with the goal of trying to make it work as best we can for everybody. I appreciate the time of the board in letting me say that because some how or other when you leave this room however this goes, and I have no idea right this minute but you need to understand some of the logic that's behind what I am thinking anyway when it comes to this particular issue.

Mr. Wilson said, I do not farm, my parents do not farm, I have no children that farms, I have no relatives that farm, I in no way, shape, or form have made or anticipate in the future making a living off of farming. I am only speaking for myself. I anticipate making no profit, advancing my family's welfare in any way, shape or form by this decision.

Mr. Wilson said, I make a motion that Petition #485 be given a favorable recommendation to the board of Commissioners based on the following criteria:

I believe that the Madison County Comprehensive Plan that has been adopted in relation to agricultural industrial use that this meets that criteria.

I make a recommendation that the current conditions and the character of the current structures in that General Industrial District for this propose will meet the criteria set.

I believe that with this petition and the evidence that's been presented to this board makes the change to General Industrial for an agricultural industrial propose the most desirable use of the land in this district as per the application.

And I believe that in the overall property values throughout Madison County that it will be a positive for property values through out Madison County.

And I believe that moving this forward for the County in this particular area for this use would be responsible growth and development.

Mr. Randall seconded the motion.

The vote was: Orick: yes.  
Wilson: yes.  
Newman: yes.  
Gary: yes.  
Randall: yes.

Likens: yes.

Maxwell: yes.

The motion carried. **Petition #485 of Max Bingham, landowner, and Ultimate Ethanol, LLC, petitioner to rezone property from AG to GI for an ethanol plant will be forwarded to the County Commissioners with a favorable recommendation.**

Mr. Wilson made a motion, seconded by Mr. Newman to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 12:41:32 P.M.

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Bill Maxwell, President

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Beverly Guignet, Secretary