

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, John Orick, Wesley Likens and Brad Newman.

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.
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. Newman seconded the motion. The vote was unanimous in favor of the motion.

New Business

Mr. Hershman said, this is for petition #483 and #484.

We have received letters from Gordon Byers, Attorney representing the petitioners on both petitions asking that they be continued until the November meeting. (Letter on file in Plan Commission office).

1. **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.

There were no remonstrators present.

Mr. Randall made a motion, seconded by Mr. Orick to accept the letter of continuance until the November meeting. 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 November 14 meeting.**

2. **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.

Mr. Randall made a motion, seconded by Mr. Orick to accept the letter of continuance until the November meeting. The vote was unanimous in favor of the 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 November 14 meeting.**

Mr. Hershman told the board the next item will be the miscellaneous items and then they can go back to item number three.

Mr. Hershman said, Nancy has taken the office managers position in the Surveyors office. Her last day is this coming Friday.

The ad has been posted in the courthouse. Depending on the response I may run an ad in the Sundays Herald Bulletin.

When this came up once before we talked about forming a subcommittee for the first round of the interviews so, do we want to go a head and proceed with that? One or two members would be fine for the committee.

John Randall and Bill Maxwell said they would serve on that committee.

Mr. Hershman said, the second item is, we need to set a hearing date for the Confined Feeding operation regulations.

We have discussed these changes before and the changes should be ready in time for the CAFO's changes. The next step is to have the public in put and then go before the Plan Commission so, we need to set the date for the first hearing.

Mr. Wilson said, it was his understanding this would take place after Thanksgiving.

Mr. Hershman replied that would be fine.

3. 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.

Mr. Hershman said, fields with scattered houses characterize the surrounding area. The site is field.

Staff has received proof of proper notification.

The Technical Review Committee forwarded a recommendation for approval at it's September 19, 2006 meeting.

The applicant is seeking variances of the following requirements: public sewer, public water, landscaping, buffering, street trees, sidewalks, height, and distance of an entrance to an intersection. However, public sewer and water should be available to the site.

The applicant wants to start construction in November.

The plant will initially produce 60,000,000 gallons of ethanol at the start. There are plans to expand the facility to 120,000,000 gallons in the near future.

The applicant is working on obtaining approval from the appropriate State agencies.

Mr. Shine said, what you have before you this morning is strictly a rezoning petition. It has nothing to do with an ethanol plant. We don't zone for usage. This is a request to go from agricultural to Industrial zoning for this specific property location.

Mr. Hershman read the following permitted uses in the General Industrial Zoning:

PERMITTED USES

Agricultural Uses

- agricultural crop production
- agriculture crop processing (of materials produced on-site)
- farm implement storage (operable implements used in the farming operation – not for sale)

Institutional/ Uses

- nature preserve
- passive recreation trail

Communications/Utilities

- utility substation
- sewage treatment plant
- wireless telecommunications facility/tower
- water tower

Industrial Uses

- mineral extraction and processing
- industrial uses (high impact)
- agricultural crop production and storage (materials pf produced off-site).

SPECIAL USES

Agricultural Uses

- grazing and pasture and livestock

Residential Uses

- dwelling, single-family (as an accessory to agriculture uses)
- dwelling, single-family (accessory, as an additional dwelling)

Institutional/Public Uses

- church or other place of worship
- government office/facility
- school (P-12)

Industrial Uses

industrial uses (low impact)

junk yard (including sanitary landfill refuse dump and scrap metal yard)

Bob Berens, Director of Site Development for the Broin Companies was present representing the petitioners.

Mr. Berens passed to each member a packet concerning the Broin Companies and the ethanol.

Mr. Berens said, the Broin Companies have been in business a little over 20 years in the ethanol business. If this is passed it will be our 29th plant.

They are the second largest produce of ethanol in the United States.

What makes this plant so unique is, the fact we have Cinergy across all of our tanks, equipments, all of our plants and all of our employees.

We have not had a plant as of to date that has failed.

This is a 60 million gallon pure ethanol plant. It is expandable and all of our plants are expandable. We build our plant small to test the market and then we will adjust accordingly.

This will be about a 105 million dollar capital investment. Broin Company is a partnering company and not a parenting company.

This thing will produce about 170,800 tons of dried distiller grains.

We estimate that this ethanol plant will attribute to about 100 million dollars in annual expenditures in to the county. We estimate it will raise the corn base any where from five to ten cents a bushel. We will draw about 21 million bushels of corn annually from around a 35-mile radius around the tank site.

We don't bring the corn in, we like to use locally.

This plant will hire about 40 new positions. Ninety percent to the people will be hired locally. We will pay approximately one to two million of pay roll annually.

We would like to start building the plant sometime in November. This is about a 12-month process for us.

We truck in the corn and it will be about 120 trucks per day. We unload the corn from the hours of 7:30 in the morning until 4:30 in the evening, Monday through Friday.

This site we choose is favorable for an ethanol site just for the fact that we know it's a good corn base in the area, there are strong highways around the Alexandria area, there is a good rail system going through there, and there is good water in the area.

We have been in contact with the area utilities, the electric, gas and all those things come together for this site. We feel the site is pretty well buffered. We tend to build out in the country so as not to impact the neighbors. Yet we need to be close enough to the city to accommodate us with the amenities.

We feel like we have chosen a good site for the plant.

We are currently in communication with the town of Alexandria and have a verbal agreement that they can furnish the water.

Mr. Shine said, the board has been presented a letter from the office of the mayor of Alexandria concerning the water supply. (Letter on file in the Plan Commission office).

Mr. Hershman told the board the petitioners are coming today before the Board of Zoning Appeals requesting a variance from water and sewer.

Mr. Berens said, we plan on using city water and sewer from Alexandria. We are telling the board today that under no way shape or form are going to use on site well water for this plant. If we don't get it from the town of Alexandria we plan on piping the water in from somewhere else. It won't be from the ground that we will be on.

Our intent is for our sewer needs to also come from the town of Alexandria.

Mr. Berens said, on advise of council, to make this thing go ahead we are willing to withdraw our variance request for city sewer and water for this afternoon and try hard to get an agreement with the town of Alexandria for those services.

Mr. and Mrs. Ron Parker, 981 E 1300N, Alexandria, IN.

Mr. Parker said, our house is directly across from where they want to build this plant. My business is located on my property also.

I do not want this to come across the street from me. Everything I have is in this property.

Some of my concerns are, the road is narrow, their entrance is going to be at the end of my driveway, devalue my property, noise, the air and water quality, the wetlands, and the impact on the community as a whole.

The documents submitted by Mr. Parker are on file in the Plan Commission office (traffic count, pictures of the narrow road and a letter from Chris White, ENSR Corporation in reference to: Initial Air Permit application for Ultimate Ethanol, LLC).

We do not want to see this ethanol plant go in.
Ted Montgomery, 12527 N 100E.

Mr. Montgomery said, I live less than half a mile from this site.

I am very concerned with the emissions from the plant. The toxins that will also be emitted in to the air. The roads are narrow and in very poor conditions.

We do not want the plant.

Tim Closser, 1276 E 1300N.

Mr. Closser said, I am the first house east of the plant.

Mr. Closser said, I am very concerned with the water concerns. I have talked to the EPA because I am concerned about wells. I am concerned with drainage in the area. I think there needs to be more investigation before this would be approved.

Robert Lewis, 541 E 1300N.

Mr. Lewis said, one of my primary concerns is the rail traffic. In the last two years the rail traffic has tripled. Many times 1300 hundred gets blocked in excess of two hours at a time. My concern would be if there was a tanker car derailment or if there was an accident at the plant getting emergency vehicles in there. There have been many accidents at that crossing that the emergency vehicles could not get to the accident because of the train.

Do you want to look out your window and see this plant in your front yard? I don't want to do that.

I do not want to see this plant go in and any consideration you can give this would be greatly appreciated.

Joann Sprague, 12208 N 100E.

Mrs. Sprague said, my concerns are with traffic, safety of the school buses, the narrow roads and the impact on our community.

I do not want this plant to go in.

John Carter, 13586 N St. Rd. 9.

Mr. Carter informed the board he lives west of this property.

Mr. Carter said, my concerns are the run off in to the creek on our property, losing the view, light pollution, noise, air pollutions, no guidelines, the water supply, etc. etc.

I just feel there are still too many unanswered questions.

I am not in favor of this operation.

Elvin Alman, 14163 W 100E.

Mr. Alman said, I am concerned about the proposed plant and the long-term effect and impact it will have on the community. What will happen if the ethanol industry and the site will become unprofitable in the future? Will the property adjacent to the site be in the same condition they are today after the plant is operation able for a month, a year or longer? Will there be a negative impact on the community? Not only the short-term affect but also the long term affects needs to be looked. I only ask that they be a good neighbor.

John Montgomery, 1250E St. Rd. 28.

Mr. Montgomery said, I am concerned with the emission and the affect with health problems.

Mr. Montgomery presented a document showing the hazardous air pollutant emissions summary. (Copy is on file in the Plan Commission office.)

Mr. Montgomery said, I am also concerned with the parking and with the evacuation zoned. The roads need improvements. Who will pay for that? I am also concerned with landscaping, noise, how it will affect the wild life in the area, traffic and what about the wells in the area?

I don't want this in my backyard.

Christine Duncan, 1087 E 1300N.

Mrs. Duncan said, I am concerned with the chemicals that they will be using and the affect it will have on our health. I hope you have done your research on this kind of operation before you make any kind of decision on this request.

Rob Keesling, 13849 N 200E, Alexandria.

Mr. Keesling said, he was also concerned with the air quality and the affect it will have on families in the immediate area. Will this devalue our property? Will they be held to the standards that are set? What about signs and where will the water go?

I do not want to see this go in.

John Carter said, for me it's not a matter of whether or not the government said these are safe. Cancers do appear from government approved levels of carcinogens. Right now I don't have to worry about that and I don't want that kind of worry. I feel more information is needed before this is approved.

Mike Kemp, 541 E 33rd Street.

Mr. Kemp said, I am concerned about property value, will they keep to their site plan, the wells, water run off, roads, and is there another site for the plant.

I do not want the plant at this location.

Julie Davidson, 13444 N St. Rd. 9, Alexandria.

Mrs. Davidson said, the only concern that I have is, I don't know how you can issue the zoning permit conditionally. I believe one of the conditions for approval is they have to have water.

Mr. Wilson replied, they have said they are going to withdrawal that request for a variance from the BZA today.

Mr. Newman informed everyone that the petitioners are going to be appearing before the Drainage Board tomorrow morning with a general drainage plan. They will have to comply with our strong water ordinance. If the plans do not comply with that ordinance then their plans will not be approved.

It was the consensus of the board to take a five minute recess 11:33:11 A.M.

The board was called back to order 11:50:42 A.M.

Ted Smith, Attorney, 215 W 8th Street, Anderson.

Mr. Smith said, I represent Ultimate Ethanol here in Anderson, Madison County.

We are very concerned with neighbors out in the area. We have talked with them and will continue to speak with them and to be good neighbors.

Madison County for a very long time has been a place where the energy industry has come. This is another opportunity for Madison County to bring in and energy industry, a leader in this area, to the county itself.

It is a corn-based product. So, the agricultural area is the ideal spot for this to be located.

Mr. Berens said, we have had conversation with the county and they are doing a traffic study. We have provided them the date and they take that date, do a traffic study and then they determine what upgrades are needed if any. They have also asked us if we would be willing to accommodate some of the widening if it is need and was said yes.

We change the entrance for a reason and that is, because of the wetlands. We did not want to take out a big chunk of that and try and replace. The new location will have minimal impact on that.

All the plants that we have we have never had a neighbor come back to us with anything negative to say about the plant.

Our patten through the growing process basically eliminated the majority of the noise, the odor, etc.

The general managers have said they will work with the neighbors on the lighting issues. Some are even shut off at night.

This is one of the most regulated industries in energy. On the State level it is called, IDEM. They set the standards and there is also the MPS, which pertains to water. We were just approved for the air permit for that project.

We have applied for an air permit here but it has not been approved yet. It is going through the process.

We currently have 28 plants. Twenty-four are operational and there are five under construction.

On the water issue there is about 1,000 gallons a day on the sanitary sewer system. We are in the process of working with IDEM right now. The discharge water will be within standards set by IDEM as far as open discharging of the run off water.

There will be hydrants on site. We have mock disaster drills to evacuate the area. There is a warning system that will be located in the plant.

We feel this plant will not adversely affect the lives of the surrounding landowners.

After some discussion by the board Mr. Gary made a motion, seconded by Mr. Orick to table Petition #485 of Max Bingham, landowner, and Ultimate Ethanol, LLC, petitioner to rezone property from AG to GI for an ethanol plant until the November 14, 2006 meeting. The vote was six yes; Orick, Wilson, Newman, Esche, Gary and Maxwell. Two no's; Randall and Likens. The motion carried. **Petition #485 has been tabled until the November 14, 2006 meeting.**

It was the consensus of the board to adjourn.

Adjournment: 12:34:56 P.M.

Bill Maxwell, President

Beverly Guignet, Secretary