

Decatur County Area Plan Commission
December Minutes 2019
1st Floor Meeting Room of Decatur County Courthouse

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Jay Hatton at 7:03 p.m. on Wednesday, December 4, 2019. There were 5 board members present with Tom Hunter, Jeff Hermes, Ryan Kennelly and Andy Scholle absent. Also attending was Melissa Scholl – APC Attorney, Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Kevin Fleetwood, Greensburg City Counsel, Rick Nobbe - Decatur County Commissioner and Jerome Buening – Decatur County Commissioner.

Jay Hatton opened the meeting at 7:03 p.m. and read the following: *To comply with Title VI of the Civil Rights Act of 1964, Decatur County requests that participants in this meeting complete a voluntary, anonymous survey that is available on the table in the back of the room.*

* The minutes of the December 4, 2019 regularly scheduled APC monthly meeting were approved as mailed.

Jay Hatton; I want to make everyone aware that the board is comprised of 9 members and that we only have 5 present this evening. We have a quorum but you have to have 5 favorable votes for your petition to pass. Any petitioner that wishes to table your petition until we have a full board, you are welcome to do so. Please state that when you come up to the podium or are called, if not we will continue with our agenda as posted and printed.

* **APC Petition 2019-08 – Mark Fixmer with BEX Farms** is petitioning to “re-zone” approx. 150.074 acres from an A-1 zoning classification to an I-2 zoning classification for future operational needs. This request falls under the Decatur County Ordinance **Section #1216-1228**. The property is owned by the petitioner and is located on S County Rd 280 E and Hwy 421 (7 parcels), Greensburg, IN in **Washington Township. PREVIOUSLY TABLED.**

Kirk Publo, Environmental Manager for Decatur Hills Landfill and I’m here for BEX Farms this evening. We had some questions the last time that we were in front of the board, since that time the APC was generous enough to host a meeting to present some information to the public and some members of the board. I have some other information for you but without there being a full board here, I can wait to present it when there is a full board. **Jay;** if that is your choice. **Kirk;** my choice would be to hold off until we have a full board. **Jay;** so you would like to table this? Is there any information that you can share, any new information that you have collected that might answer some questions or give others something else to think about, that you think would be beneficial to your petition? **Kirk;** I do have some further information that I can present now or wait until there is a full board. **Melissa;** if he presents it now I would suggest that he also presents it to the full board so that the voting members can hear everything. So if everyone wants to hear it twice we can do that or he can just wait and present it to the full board. **Jay;** I think presenting to the full board is fine, **Kirk** would you answer questions tonight of the audience. **Kirk;** yes. **Jay;** I think that is fair since we have a sizeable crowd and people came to post a question and it might be beneficial on down the road, might not be a question we would

have to cover again, possibly. **Jay**; I would like to have a time limit of 20-25 minutes. I would like to start with the board or wait until the end. **Paul**; can you tell us Kirk, give us some rough layout on how you plan to utilize the additional 150 acres of what would be landfill and then other areas, buffers or what that layout would generally look like? **Kirk**; yes, I didn't bring that map with me but I can still show you. (referencing the overhead map) this is the rough outline of the existing landfill along county road 280 E. The outline in yellow is the 150 acres that we are talking about rezoning and within that 150 acres the landfill will have.... the setbacks vary because of different things, but basically the outline of the landfill will be something like this (referencing the overhead map) within that 150 acres. **Jay**; you are calling that a buffer zone? **Kirk**; outside of that will be a buffer zone and maybe some sedimentation basins and infrastructure like that. **Jay**; and now that is standard requirement in the I-2 zoning. **Kirk**; yes, the Decatur County Zoning Ordinances have buffer zone requirements and then the IDEM permitting, which would come later down the road, also has buffer requirements. **Paul**; can you tell me how the construction of landfill... So I know there has been discussion about, it's not that there will be a 150 acres whole dug and you would start filling it in. More so in smaller developments. Let's look at if this would pass and we look farther down the road at a time when this would be sealed, capped and mounded, would that be a continuous mound across everything that you drew in in an outline or would each smaller development be mounded separately? **Kirk**; so it would be to permit the entire footprint so you have all of your infrastructure laid out. It would be done in 3-5 acres at a time, each of those would be adjacent to and tied back into, like the previous section. Ultimately it would be one consolidated space. **Paul**; if you have a 5 acre development, I assume that has to be clay lined and then lined hole. So does that liner tie to the next 5 acre one then, is it opened back up.... **Kirk**; for the purpose of discussion I will talk about a 5 acres cell, that 5 acres would be constructed would extend past the waste so that you would have an exposed edge ready to continue on with the next piece. **Paul**; that answers my question, thank you. **Jay**; for the parking lot area and the operational area is it going to be required for you.... You are asking for an I-2 for all areas, is there a possible thought that you would not need the I-2 zoning for the parking and the shop areas and other pieces of that operation that does not need to be I-2. **Kirk**; I think we would have to look at whether or not the support type activities and infrastructure, what level of zoning would be required for that. It's possible that it could be something lower and have those activities occur. **Jay**; as you were describing the cells, the 5 acres, have you thought any about reducing the overall volume of requested area from an A-1 to an I-2 zoning, making that a smaller request? **Kirk**; that is something that we can look at, are you saying.... **Jay**; you currently have a 50 acre landfill now, doing it in 50 acre increments versus 150 acres at one time. **Kirk**; that is something that we can look at and see if there is a way to still have a master development plan, if you will. **Todd**; with a 150 acre landfill, how many years would that project out? **Kirk**; to take one step back, we are talking about 150 acre rezoning and more like 100 acre landfill. It would be a very long term proposition, and part of what came out in the meeting that we had a couple of weeks ago with Dr. West and IDEM is that we would have to justify, at the time of permitting, the acreage that we are asking for based on current volume, and kind of their allowable life span. It probably wouldn't be able to permit the full 100 acres at that point. **Todd**; I still need clarification, if you are going to have a 100 acre landfill is that 100 years, 50 years, 5 years, 10 years, I'm not going to hold you to it. **Kirk**; 100 acres would be in excess of 50 years.

Jay; I will allow audience, please step up to the microphone and state your name. I would like to keep it at a couple minute answer and see what we can do in the next 15-20 minutes.

Audience

Jean Johannigman; would we be able to speak at the next meeting? I have questions and I also have handouts to give to the board and will do so at that time. **Jay;** that is fine. **Jim McIntyre;** my question is the water drainage, what will happen when this is done, I live downstream, I have paperwork from water quality monitoring and the Sand Creek Watershed Project from clear up until 2009. I want to know about the monitoring at the landfill, where it will go once they have dug this hole. I live downstream, there is only .76 miles of surface water in Decatur County compared to the 373 miles in the Decatur County land mass. We all live downstream, I want to know what will happen with the water quality, not just the surface water but the underground water. **Kirk;** the surface water is managed through sedimentation basins and so on, that is all covered as part of our permit. The groundwater is monitored separately, for the existing landfill, prior to construction we had to do soil borings and establish the soils types, where the groundwater is and where the monitoring zones would be for that water to ensure that at the water flows through the ground and past the landfill, that the landfill is not having an impact on that water. **Jim;** are those numbers made available from the currently landfill for us to look at? **Kirk;** yes, IDEM maintains a data base online for facilities in the state. That is accessible to the public. **Scott Mangles;** there are 3 different aquifer types in the county, if possible can you maybe talk about the different types and if possible for the operation to moving to one of the aquifer areas that would be less impactful? **Kirk;** this is part of the information that was covered in the meeting with Dr. West that the Area Plan Commission had a couple of weeks ago and he talked about the aquifers and soil types. On the DNR maps it does show what they call unconsolidated aquifer, which is the groundwater that is in the soil, if you will and then there is DNR maps that show the bedrock aquifers, which is what is down in the limestone 100 feet or so. At Decatur Hills, Indiana was subject to glacial activity, the glaciers left a till, a heavy clay and within that till as the glaciers came in and left, they left little streams of sand, there are a lot of disconnected sand veins if you will, and those sand veins do have some water in them but that clay is very resistant to water flow. Under Decatur Hills, it varies in different parts of the site, there is 30-50 feet of that clay below the landfill with some of those sand seams within that. Those seams hold the water that we monitor. The reason that that is important is because if there was a failure of the liner system, gravity will want to bring that water down but the nature of that clay will be very resistant to that water. It would take a long time for that water to move vertically. If it gets into that sand seam then it gets into the monitoring where it would be picked up. At that time you would realize that there was a problem and there is a series of steps you go through to remediate that problem. **Jay;** and just to further that, there was quite a bit on that topic with Dr. West and we advertised and tried to hold the meeting, not everyone could make it..... **Scott;** I couldn't make that one, just with a follow-up question to you Jay, was that the only professional brought in or did you look into some second opinions on those? **Jay;** Dr. West was brought in, we searched and Purdue had that available to us and IDEM was also there with their professionals to answer questions about the monitoring and how that is documented and the procedure that goes on through that. **Scott;** IU has professionals too, just so you know. **Melissa;** that presentation is available online if you were not able to be there in person, you can view it on

WTRE. **Scott**; excellent, thank you. **Tom Flemming**; go to WTRE Radio and look under the periscope. Jim; talking about the glacial till lines, I gold prospect, that is what I do, that is my secondary living. I understand the glacial movement quite a bit and that area that you are talking about is one of the top areas in the state of Indiana where you can actually see where that glacier came in and stopped, you can see the different stratifications of that glacial till line and you are talking about sand, sand never settles so everyone understands that. Every time it floods and rains that sand moves, that's how I get my gold out of that glacial till. Now you are talking about putting a liner over the top of it, and the water running under the liner or around or through and moving that sand, sand never settles. You just admitted that you are putting it on top of the glacial till that is never going to settle, it doesn't happen. **Jean Johannigman**; I just want to add that when I get the opportunity to present the information that I have accumulated that I have contacted (inaudible) and I have spoken to someone there about the aquifer sensitivity study that they did for the state of Indiana, so I will be presenting what I got from that particular person there as some other information. **Brenda Chapman**; from my research that I have done in regards to the glacial till part of the definition of it is that there is boulders and cracks in this till. So to me that shows it's going to penetrate down into the aquifer and that is what new research, from my research I have done online and reading different articles, that's what I have found, is new research and new studies that these people are doing, they are finding where these glacial till does leak through these cracks and crevices with the boulders and the jagged edges. Dr. West was probably correct back in his day but there is new information out there that I think needs to be looked into because this is our water that we are talking about. One drop can do hazardous damage for generations to come. **David Nobbe**; can you explain, I work in construction and with different types of fabric, how the joints are sealed and tied together so they won't leak? It cannot come in one big piece because you cannot handle it, you will have seams, how is that contended with? **Kirk**; the liner comes in rolls, a high density polyethylene, it is joined by heat fusion. There is a machine that rolls along on the top and the bottom and applies heat and pressure to put in and double row of stitching. That leaves a little gap in the middle, then the gap is air tested. Each weld is air tested to make sure that both sides are holding before it is certified. **David**; I guess.... (inaudible)....so you go one unit and then you go to the next unit, how is this connected? **Kirk**; it would be the same process. **David**; if you have your bowl and you drop it back down is it all going to run out, how does that work? **Kirk**; if the two were coming together at a peak then they would be lined up to that peak, most of the time the bottom of one would stop and then the bottom of the next would start, there may be a small berm in between but the berm would have liner up over it and they would be heat joined. **David**; I have one last question, so I understand this is a business and you are in it to make money and you want to expand, when I process it then you are going to also expand your customer base and bring more trash in so it's going to fill up fast, is that the way I have it processed right in my mind? I understand it's a business and I get it with the economics to make it work. Back to Todd's question again, how long is it going to last? It's not going to last that long if you are going to bring more in. **Kirk**; I understand where you are coming from, all I can really say is that it is not the way we operate, we are not out to be the biggest trash company in Indiana but what we are trying to do is to provide a long term resource for our business. To last a long period of time, Best Way Disposal is in the business of picking up waste and we have to have a disposal to put that waste in, that is what this is about. **Jay**; the air quality, how is it motored and when methane is released when is it released and is it during a time when there is someone there to monitor that or is that something that at the end of the day when no one is there that it is released. What is that process? **Kirk**; the landfill naturally produces landfill gas, as the waste breaks down part of that process is generating landfill gas which is about 50% methane and about 45% CO2 and a little

nitrogen and oxygen. It is created by bacteria that are just naturally occurring that are breaking down the food, paper and other organic things that we throw away. That is a biological process so that is happening continuously. It's not like a batch process. As the landfill is constructed we install collection (inaudible) which it's kind of like a water way in the waste so there is a hole drilled and we put a perforated pipe inside of that, gravel pack around it and a seal at the top. That is connected to the gas collection system which is actually a blower that is in a building onsite and it is pulling the gas out of the landfill and is happening continuously all day and all night. The discharge side, the pressure side of that blower goes to the flare and the gas is burned off. **Paul**; there is no daily or hourly cycle that something changes with that, is that correct. That at a certain time of day the blower is on/off? **Kirk**; no, it runs continuously, we actually have a day log that we keep on that for our information to know that things are working and working properly. **Jay**; but that also is monitored, is that correct? Is there a purity to methane or any standard or a reason to monitor that? Or is it just a process of the digestion system of the landfill? **Kirk**; landfills of a certain size are required to have a gas collection system and are required to do certain things. The other landfills that are owned by the same company are in that group, Decatur Hills, we operate under those same as them because it is good practice. **Jay**; any other questions from the Board or the audience? Again, this will not be voted on tonight, with only 5 members here they have requested not to have a vote. There will be another meeting and there will be more discussion and this will continue until the time is appropriate for a vote to be taken. We have spent a good amount of time on this, if there is a last question I will take it, if not we will move on. Thank you Kirk for answering questions and we hope to see you back in front of a full board. **McIntyre**; does the board intend to have a regular meeting on this or a public comment period? **Jay**; we did that at the Greensburg High School, I guess I'm going to say if the demand is high enough, this is important and we are taking out time, we want to try to find out what everyone knows. Then the Commissioners have to vote on this as well, it is multiple steps. **McIntyre**; I would like to ask for that if I could, and the time of day is important, day shift people can't be here. I work 3rd shift so when you have it I may not be able to be here. **Jay**; I would invite everyone to call the Area Plan Office, Krista Duvall is our Director and you can call her if you have questions. If we have a large enough response to do something I'm sure we can put something together. **McIntyre**; or even if you could put something on a web page where there is a public spot to make comments and raise questions. **Jay**; again, contact the office and she will set you up with what we have available and we will try to do our best.

***APC Petition 2019-18 – Redelman Heritage Inc. / Emilie Redelman** is petitioning to “re-zone” up to 3 acres from an A-1 zoning classification to an I-2 zoning classification to operate an auto salvage yard. This request falls under the Decatur County Ordinance **Section #1216 & 1226**. The property is owned by Redelman Heritage Inc. and is located at 5131 S US Hwy 421, Greensburg in **Marion Township**. **PREVIOUSLY TABLED**. The petitioner was not present, petition was automatically tabled.

***APC Petition 2019-23 – Sand Creek Homes / Steve Snyder** is requesting to rezone two (2) 1.50-acre parcels from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling on each parcel. This request falls under Decatur County Ordinance Section Number 915 & 920(7). The property is owned by Danny &

Jayne Gault and is located just North of 1785 N High School Road, Westport, in **Sand Creek Township**. **RETURNED BY THE COMMISSIONERS FOR RECONSIDERATION.**

Jay; we are sort of in the same spot we were last month on the voting side of things, just to make sure you know. I should have offered you a chance to table it last month and I apologize for that. We have 5 members here tonight and if you present some information and want us to vote on it again, we will have to have all 5 voting in favor of this. I apologize that all of the members are not here tonight. We need to do a better job of keeping the board of 9 here to allow the petitioners to have the most opportunity that they can. I apologize in advance but we will do whatever you request, if you want to present and ask us to vote we will do so. If you want us to vote on it you can give us a recap. **Steve;** just to clear up, do I just need 4 of the 5? **Jay;** no, you will need all 5 of us. **Steve;** I would like to vote today because we were trying to get this finished by the end of the year. We have property that we bought to the south of the parcels we are requesting. We are actually selling that (the parcel with the house) and we need to know the outcome of this. There is 5 acres total, we want to rezone it which will actually reduce the amount of ground we have to 4.5 acres. We will lose .5 acre and will leave that with the farm ground part. Danny Gault owns (referring the map) these parcels. He wants to connect these farms for tiling purposes. This ground is better farm ground than the frontage. We are trading out the road frontage acreage for the back side of the parcel with the home. We are actually putting more into the farm ground than we are taking. If there were any issues with the petition, I didn't think there was. The only thing after the vote that was asked is the school busses, I looked into it and there are two busses, one that delivers into Westport and one that delivers to the south side of Westport. It's not a highly traveled road for busses if that makes a difference, I know it seems like it could be but it isn't. I would ask that you vote on it again today. I would have to have all 5 votes today? **Jay;** yes, you would. **Steve;** do you have any questions for me or is there anything that is different? **Jay;** well I will be 100% honest with you, I have gone back, I had a thought in my mind, must have been on a previous comprehensive plan, that we were sort of working away from strip homes and rural developments and try to keep those parcels closer to small towns and cities in our area. I have re-read most of the plan and I feel that I was probably incorrect in what I had stated to you according to our comprehensive plan, I still have a feeling about rural homes and where they belong and where they don't, I will tell you face to face that it isn't in our comprehensive plan. **Steve;** I would ask that you vote. Paul; have there been any changes since last month? The construction of the home Steve, are these slab or crawl space? **Steve;** they will be crawl space. **Jay;** rural water? **Steve;** it runs down through there, we will hook to that and have septic approval to the other areas. **Jay;** I did understand that it will help Mr. Gault in his tiling and his farm operation so I understand why you want to swap the ground.

Todd Mauer made a motion to vote on APC Petition 2019-23; Paul Stone seconded the motion with all 5 members present voting yes. Jay; your petition passes, please stay in contact with Krista in the office.

***APC Petition 2019-24 – Belinda Bruner** is requesting to “**sub-divide**” 5.5 acres out of approx. 6.434 Acres and to “**re-zone**” 2.99 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under the Decatur County Ordinance Section Number 920(7) & 915. The property is owned by Swango Enterprises LLC and is located just west of 2816 E CR 640 N, Greensburg, in **Clinton Township**.

Belinda stated that her mom lives on the right next to this property and her cousin PJ lives in the back. She wishes to build a home in the pasture area on the left side of the driveway (referencing the overhead map).

Todd; you want to put a house where the H is (referencing the overhead map)? **Belinda;** yes. **Paul;** proposed home to the left of the drive? **Belinda;** yes. **Paul;** a shared drive I assume? **Belinda;** yes, that driveway is my mom's. **Jay;** so you are buying the whole lot to the road? **Belinda;** yes and back a few from the well house. **Jay;** so Swango Farms is keeping the ground closest to those buildings? **Belinda;** yes. **Jay;** is that area currently being farmed? **Belinda;** no it hasn't been for at least 50 years. **Jay;** do you have good water? **Belinda;** there is a well on the property. **Paul;** how is the driveway maintenance going to work? **Belinda;** actually my mom is going to sell me the driveway and she has another driveway in front of her house. **Paul;** as far as the home..... **Todd;** PJ's comes in the other way. **Belinda;** we will let him use it. **Paul;** one thing that at the present time that never seems to be an issue but if someone sells it could be a large conflict. **Jay;** will you have to bury the electric all the way back there? **Belinda;** there is electric there.

Paul Stone made a motion to vote on APC Petition 2019-24; Todd Mauer seconded the motion with all 5 members present voting yes. Jay; stay in contact with the office, we wish you well.

*** Don Schilling of the Decatur County Redevelopment Commission – Resolution No. 2019-1 Amending the Declaratory Resolution of the Decatur County Redevelopment Commission.**

Don Schilling stated that he has Lisa Lee, Attorney with him if any questions need answered. Don asked if we would have enough votes tonight. Jay; you will need 5 out of 5 yes votes, you have 2 options, we can table or you can ask for us to vote. **Don;** the Dec. Co. Redevelopment Commission has approved an Amended Resolution 2019-1 adopting an expansion of our current economic development area along the north from county road 250 W, westward to the junction of 3 & 46 and the south-west and south-east corners of said junction. We are asking the Area Plan Commission to approve that expansion area which conforms to the comprehensive plan of the development of the county. **Jay;** does everyone here on the board understand where that is, Don can you outline that with the pointer on the overhead map please? **Don;** referencing the overhead map) it starts here at 46, we do drop down to get the two south corners of the junction. This is the area that we are proposing to include in the economic development area. We are proposing to add this area to that. **Jay;** and the area in yellow that was done at what time, I remember it but not by date? **Don;** part of it was done in 2007 and the rest was in 2014. **Paul;** a little bit of background Don on the EDA, what does this mean for the area in the outline? **Don;** it means that the funds we receive from the TIFF District, the Redevelopment Commission can use to improve infrastructure within that area. It either has to be within or it has to benefit the economic development area. The proposed expansion, with the board approval, would allow us to spend some of the funds inside of that new area. **Jay;** in 2014 you had a list of priorities or thoughts that you could use that for, could you go over those and have any of those been executed since that time? **Don;** there are 14 now, I can't quote off top of my head. It appears I do not have the list with me. Some include road improvements, water system improvements, and sewer System improvements, mainly infrastructure improvements of any kind. **Jay;** I think our board has just had a recent petition, the Fire Department in Adams and I believe that you were of some assistance to that. **Don;** yes that is considered public infrastructure and we were a part of that. **Jay;** so that is an example of what you are trying to do for our community. **Jay;** our Comprehensive Plan very clearly

states that area as being our ag corridor. It's nice to have a plan to help direct those type of things out in that area. We have had petitions that have not had that clear of a vision and that becomes complicated. I think it is a testament to our Comprehensive Plan. **Todd Reed**; Next Gen and Kova have the ag side of this business. There is potential for expansions from our companies as well as others who support the ag side of the businesses in the community and the state. One of the biggest avenues for that is the infrastructure in this ag area, the biggest being rail. There is rail access in the vicinity of that area that is like nowhere else in Decatur County and it separates from the Honda traffic and things like that. So it is a very piece of an area that can be supported by a great piece of infrastructure that has been lost unless we do something with that. So as far as our company is concerned we do have great potential for expanding in that area and taking advantage of all of those resources from the state highway to the railroad. It is the crossroads of two transportation industries that are vital to this community and we would like to see that continue and even grow. That is the end of the line right there and it has great potential to create even more value for our commodity based businesses that are just so bulky that it can be very, very efficient if we use rail and road, most communities really pushed to put both of those two resources in, if you had a river it would be better but they like to use inter-modal transport and that is the optimum way of use for our transportation industry, this would combine two of those resources. It's a wonderful opportunity for us to keep going and take advantage of those resources available. Adding to this plan it sparks another interest in this community, not only having this bird in hand it has even future exposure. **Paul**; do you look for this district to continue to grow over the years and if so is there an area that you would look to grow toward? **Don**; we do not have any current plans to expand, only those. If something were to come up we would look at it. We do not have a master plan. **Jay**; I think this board is aware that there has been a new building built out in that area, 30-40 employees and septic wasn't available to them. That would be future potential, it would be nice to someday see that. I think this is maybe the base line for something in the future, we don't know when, where or how but it looks like a positive step forward for our ag community to develop a corridor that is not accessibly approaching a huge amount of ground but making a bigger value for our ag community. I would like to remind everyone again that it will take 5 votes for this petition to pass.

Todd Mauer made a motion to vote on the Decatur County Economic Redevelopment Commission; Bill Dieckman seconded the motion with all 5 members present voting yes.

Jay; thank you Don for coming in tonight, your petition passes and keep up the good work in our community.

With no other business before the board the meeting was adjourned at 8:12 p.m.

ATTEST

Secretary, Andy Scholle
Decatur County Area Plan Commission

President, Jay Hatton
Decatur County Area Plan Commission

