MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, May 13, 2024, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Richard Reid, Dave Goldenberg, Bob Johnson, Jeff Willis, Greg Webb, and Jeff Valiant. Members absent Amanda Mosiman.

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Kim Kaiser, and Assistant Director

**MINUTES:** President Valiant asked if everyone received a copy of the minutes from the April meeting. He asked are there any additions or corrections. He stated if not I will entertain a motion.

Bob Johnson made a motion to approve the April 9, 2024 minutes. Jeff Willis seconded the motion and it carried unanimously.

President Valiant stated it looks like we have one item on the agenda tonight a rezoning, and any decision on this will go as a recommendation for or against to the next Commissioners meeting…

Mrs. Barnhill stated June 10th is the next regularly scheduled meeting.

President Valiant said as we go through this if the owner would step up to the podium there should be a sheet there to sign in. He added we will go through the case and give you time to speak on it.

**REZONING:**

PC-R-24-04: PETITIONER/OWNER: Michael Heuring. To rezone .76 acres located on the W side of Folsomville Rd. a distance of 125’ N of the intersection of Folsomville Rd. and Folsomville Degonia Rd. (6657 Folsomville Rd) OWEN Twp. being Block 13 in the Town of Folsomville as recorded in PB1 PG 46 in the Warrick County Recorder’s office from “A” Agricultural to “M-2” General Industrial with a Use & Development Commitment. *Advertised in The Standard on May 2, 2024*

Michael Heuring was present.

President Valiant asked for a staff report.

Mrs. Barnhill stated on the notice to adjacent property owners we have all of the return receipts and all of the green cards except for one to Hugh & Stephanie Miller. She continued lot size is .76 acres. She stated the Comprehensive Plan shows town center, which would be mixed-use, residential, commercial, and community amenities. She said the existing land use is a parking lot for farming equipment. She stated the surrounding zoning and land use to the north are vacant lots zoned “R-1A” One Family Dwelling. She continued to the south and east is “C-4” General Commercial and “R-1A” One Family Dwelling with single-family dwellings, a commercial building, or vacant and to the west is zoned “A” Agricultural being vacant. She added further to the south is “M-2” General Industrial. She stated there is no floodplain and they have access on Folsomville Road. She said their stated use is two LP tanks for the purpose of filling residential tanks in the area and parking farm equipment, which would be in compliance. She stated the property was previously zoned “C-4” and “R-1A” and then in 2000 it was changed to the agricultural zoning.

President Valiant asked Mr. Heuring do you have anything to add.

Michael Heuring stated no, that all sounds correct. He said again just to reiterate these are tanks that have been in the County for approximately 50 years; they were located at Allegheny Petroleum, formerly Wilder Oil. He said he was contacted by MFA, the lessee, wanting to lease a place to move their tanks because they had lost their lease with Allegheny. He stated we did contact the County and there was a misunderstanding on whether we needed it rezoned or not and we were told to proceed so we did. He stated I have proof of that if you care to see it. He said the property will be fenced and they have halted construction after these proceedings came up so it is not complete it will be piped up, inspected, and fenced to be safe. He stated again it is used to refill residential propane tanks, which are quite common here.

President Valiant stated thank you, sir.

Michael Heuring replied you’re welcome.

President Valiant asked are there any questions from the Board at this time.

Jeff Willis asked is “M-2” the least path of rezoning this can be done in.

Mrs. Barnhill replied yes.

Jeff Willis stated I mean they can have a gas station in “C-4” so I didn’t know if…

Mrs. Barnhill stated it is listed in “M-2” specifically, which is why they chose to do the use and development commitment.

Jeff Willis asked but they didn’t have anything on there it just says none.

President Valiant stated it’s on there.

Jeff Willis responded oh, number one, okay it is up there.

Mrs. Barnhill stated I don’t know what you are looking at.

Jeff Willis responded the use and development commitment it says number one storage of two liquid petroleum tanks and number two is none.

Mrs. Barnhill replied right, two liquid petroleum tanks to be fenced in and parking farm equipment. She stated those are the uses.

Jeff Willis responded okay.

Michael Heuring said as I understand to be clear with that commitment I am not allowed to build anything else or do anything else industrial wise without requesting another change. He asked is that correct.

Mrs. Barnhill replied yes.

Michael Heuring stated okay, that is fine I don’t want to do anything else anyway.

President Valiant asked will there be residential sales on this like will people be able to bring in their LP tanks to be filled there.

Michael Heuring said I will refer to MFA but I think the answer to that is no, only their delivery trucks.

President Valiant replied gotcha.

Michael Heuring stated actually I guess I can clarify that. He said as stated in our initial contact to the APC the bobtail delivery trucks would be onsite to refill once a day three days a week through the winter months and during the summer months they would be there to refill two to three times per month.

President Valiant replied okay.

Michael Heuring said so just a storage facility and their trucks will take it to people’s homes.

Bob Johnson asked Mike, on top of that fence will there be any type of barbed wire, competine wire, or something…is that required.

Michael Heuring responded I am going to refer but I think that answer is yes. He said I was told by…

Someone from the seats stated there will be three barbed wire strands on top of the fence.

Michael Heuring stated the fence will encompass…originally the fence was planned to encompass only the bulk head where they fill. He continued they have since changed the plan to encompass the entire tanks and both heads so the whole thing will be fenced.

President Valiant asked you said there is an assortment of agricultural equipment that will be parked there.

Michael Heuring responded I just park…I use it to park equipment on periodically. He said I think anyone from the neighborhood would contest that mostly it is vacant in fact everybody else uses it like it is their own. He said but I do. He added when I am farming in the area it is a place to park a truck or if we get rained out it is a place to leave tractors so we don’t string mud on the road.

President Valiant asked are there any more questions from the Board at this time. He said seeing none are there any remonstrators for or against this I’ll ask you to step up to the podium. He stated there should be a sheet to sign in and there is a twenty minute limit on this and I will ask for non-repetitive comments if there are multiple people that want to discuss this. He said any remonstration please step forward.

Michael Heuring asked do you want me to sit down.

President Valiant replied just step to the side.

Linda Wilson stated I am a little bit nervous because I’m not used to doing anything like this so bear with me.

President Valiant responded you’re fine.

Linda Wilson stated I am a member of the town of Folsomville. She said I have been there two years and we just put a new house there two years ago. She stated from our driveway we can see those tanks. She said we didn’t get a letter about it, which we understand we weren’t supposed to but we have deep concern because of first of all the integrity of the tanks. She said Mr. Heuring said they are 50 years old and we realize that. She stated those tanks had to be rusted and they had to be fixed, I don’t know that for a fact but they have been here 50 years so I am just saying. She stated where our concerns range for the safety of the combustible fuel and the possibility of property damage or loss property value and we pray that you don’t allow this potentially deadly tanks to be left there. She said if signs of corrosion if a propane tank has rust accumulated on it that is a sign of aging. She continued ignoring a small amount of rust can cause the rust to spread and get worse over time and excessive rust will thin out the walls of the propane tank causing it to become weaker. She stated I got that off of GBB propane on the internet and the rust will thin out the walls off the tank making it weaker and possibly forming holes and when the gas leaks you won’t know it because it will leak off so slowly that there won’t be a smell anymore and that is a concern for us because the tanks…first of all they are supposed to be 25 feet from anything. She stated it doesn’t appear that they are 25 feet apart. She said I don’t know that for a fact, I have not been up there and measured it but I have just eyeballed it and they don’t look like they are 25 feet apart. She stated I also got on the internet and there have been accidents and one 18,000 gallon tank if it explodes it will burn three city blocks to nothing. She said there will be nothing left in three city blocks and there have been several accidents by tanks like this and the only thing that I have found was just one 18,000 gallon tank but there is two in our neighborhood. She stated we have children there and we want to keep this a safe place for our children. She said I have started a petition and I have signatures. She continued I have the petition here and I would like to give that to you if you would like to see it is right here but we would like that you would not rezone this, we ask that you wouldn’t. She said it is too dangerous it is right in the middle of what we would consider our town. She added Folsomville has nothing there right now but it doesn’t mean that we won’t ever but if you have those tanks sitting there the chances of anybody being able to move in there and do anything because it is right in the heart of our town. She said we wouldn’t be opposed if they were somewhere else but we don’t want them right there. She added I guess that is everything that I’ve got.

President Valiant said ma’am just to clarify. He asked you are saying that the tanks are rusty or this is just info that you have found on rusty tanks.

Linda Wilson stated they are 50 years old I have not seen any rust on them.

President Valiant responded okay.

Attorney Doll stated if you want to submit the petition you have to pass it off.

President Valiant stated yes, bring it down to the end. He said it stays part of the record.

Linda Wilson replied okay.

President Valiant said as long as you are okay giving us that copy. He said you can just hand it to the Board member there, thank you ma’am.

John Wilson stated I went out there and talked to Mike Wilder, not Mike Wilder yeah Mike Wilder twice and he wouldn’t tell me the truth so me and him had arguments so I went and talked to the business that bought from Mike Wilder. He said his name is Bill Flenning, I went and talked to him and asked him what happened. He stated he said well, we are scared of them tanks that is why they’re…that tank out there. He stated I asked where they come from and he said they come from Mike Wilder. He continued that is why Mike wouldn’t tell me the truth and me and Mike went around so that is why I went and talked to him. He stated them tanks were painted. He said I talked to Bill and he said yeah, they went out there and painted all them tanks to make them look like they was new but they are not they are from Mike Wilder and they had a new crew come out there and done it and they didn’t even buff it. He said I went and talked to that Bill, he’s the boss and we talked to him and he said yeah, them tanks have been there for 50 years and there was concrete in there. He stated the concrete that we have up there at Folsomville them tanks were never…I’ve got pictures if you want to see all of the pictures. He said I was there with him and that boss and they just put rock in and combined it and didn’t put them in. He stated those tanks can move anytime. He said and then we got them five trees on the south side of it because I was out there when Mike had a business come in and they had the excavator because them trees when the tornado come in there and almost hit them tanks and they had to go in there and…saying we’ve got four or five on the south side if we get another tornado they are going to come over on the north side and hit the tanks. He said and then they got them new tanks in there, I learned all of this, tanks within them. He stated they have tanks that you can see and they have gas in them. He said if someone took a rock and hit them or a gun and hit them glass things in there the gas will pour out and it is going to blow us up it’s just…you see it on tv we had all of them tornados down in Florida and that was little tanks. He stated if we ever have them 18 or both of them Folsomville is going to go out. He said I have been up here all of my life and I know how stuff blows up. He stated I’ve been up here and I’ve got all of the cosmic signs…them tanks is only 18 and this stuff happens all of the time it doesn’t take much. He stated if I fly across there I can have a tractor, I have a farm, if I accidentally miss it them fences is not going to hold up…I can take…he’s got the big tractors…they can come across there and hit them tanks and it will blow down. He stated the big equipment, people flying 80 miles per hour, or anything can happen at any time. He said yeah, anything can happen in Folsomville and she accidentally, Molly, accidentally didn’t have it signed right well 2020 is when it got signed for the barns and that is it. He stated we talked to the lawyer and that is when it got changed.

President Valiant stated thank you, sir.

Russell Lemond stated I live right across the street where the tanks were placed at and me and my wife both are concerned about the tanks and how they are setting. He said yeah, they are old tanks. He stated I looked up a little bit on the internet too as just what goes on with them. He said just the 200 gallon tanks is supposed to be 25 foot apart. He said I don’t know how far apart the 18,000 gallons should be but if the 200 gallons are supposed to be 25 foot apart the 18,000 should be a lot farther. He stated if one blows they are both going to blow and if they have been around like say 50 years how long is it going to take for one of them to start leaking or to blow up. He stated they said they are supposed to have a pressure valve on them and they get overheated then it lets the fuel come out and if you are within so many feet of them and you have a fire or a grill going then it will ignite back to the tanks. He stated there is fuel all the way around them there so they already have something going on. He said that is a concern. He asked is the property going to be big enough for the tanks and the farm equipment both to be setting on that .76 acres. He said I don’t know but it is the tanks that bother me the farm doesn’t bother me at all. He stated the equipment doesn’t bother me at all it is just the tanks themselves that I really don’t care for because like I said if they blow up then there is going to be no Folsomville or people that live there. He said some people might think that there isn’t much in Folsomville but there is if you are a family and you live there and you have put all of your money in your property there then there is. He said I am totally against it so hopefully you guys will see that and it’s a…hopefully you guys would take it somewhere and put it out in the middle of a field somewhere where nobody has to look at it and be close to it…living close to it with kids and everything else because like I said anything could happen if somebody comes by there and shoots at it or runs through it or whatever because then it is going to be a disaster. He stated I really don’t want it so I guess I can’t stop it and that is all I have to say.

President Valiant said thank you, sir. He stated I will reiterate one more time on the repetitive issues so that we aren’t talking about the same things all of the time.

Travis Butler stated I just recently moved into the area with my fiancé, Mindy Overton, and just plain and simple I guess I’m not against anybody making any money. He said honestly I just now met half of them with this little deal here. He said farmer Mike over here he wants to make money and I’m all for it; I want to make as much as I can too. He stated it’s kind of what everyone else has said it’s only three quarters of an acre basically and it is right on the edge of a town with a bunch of families. He stated I have a daughter and soon to be a stepfather with two more kids so I mean I just hope you would consider moving it outside of town to some farmland away from buildings. He said I am not going to stand here and say I know anything about the tanks or the integrity of the tanks and I don’t know anything about propane besides that it lights on fire and heats my house. He stated other than that I would just hope you take into consideration to moving it outside of town. He said I hope they can all make money and everybody can be happy and get along but as far as rezoning it for that purpose I am not exactly for it. He added thank you.

Several Board members said thank you.

President Valiant asked Mr. Heuring would you like to come back up and maybe address some of the issues that have been raised tonight.

Michael Heuring replied yes, sir. He said I guess one of the issues…would you like for me to go ahead and speak.

President Valiant replied yes, absolutely.

Michael Heuring stated one of the issues that I have heard here more than once is that someone is going to blow it up so perhaps we need to increase sheriff patrols in the area. He said I didn’t know we had so many terrorists but at any rate as far as the integrity of the tanks or safety of those tanks with your permission I would prefer to some representatives from MFA propane. He said they are going to be more well versed in the inspections that have to be done and how often they have to be done and also with regard to the spacing of the tanks and plumbing and pop off valves and other things that were mentioned.

President Valiant stated that will be fine.

Michael Heuring stated as I previously stated I am not out to hurt anybody else the tanks were right at the edge of Boonville and I don’t think anybody was worried about them blowing up there. He stated I think that is a moot point. He asked would one of you guys like to address the concerns.

President Valiant stated if you would sir just sign in and when you are ready state your name.

Rick Wilson, with MFA Oil and Propane stated I am the Territory Manager over safety and maintenance. He said I have been with the company for about 16 years now. He stated I have been working in LP for all of those years so I can actually speak to this. He said as far as the tanks being together as close as they are, the code is that they need to be at least five feet apart. He stated they are actually a little further than that I think we did pier to pier five feet not tank to tank and it was seven feet I think. He said as far as the integrity of the tank and piping, as far as the piping goes we use schedule 80 piping and it will be brand new but the piping itself at schedule 80 at three inch, two to three inch it has a torking pressure of 920 psi and some change. He said as far as pressure that would cause the pipe to actually burst apart is actually a little over 7,000 psi and we are not going to get anywhere near those pressures. He stated I think on the most extreme day in the summer you are probably going to see 180 psi so we are nowhere even close to getting towards those pressures where it would burst a pipe or anything like that. He said we do fast form we go around and inspect our stuff all of the time and you guys have state inspectors that make sure we are in compliance. He stated as far as these things popping off, the release valves are made to only expend enough pressure to get rid of excess pressure and then they seal back off. He said now this is an industry that has been around for a long time. He continued there have been things in the past, which have happened that has caused to take new measures as an industry to increase safety. He stated so if somebody were to drive through and hit one of these pipes and they actually did break them you have excess flow valves so it is almost like this thing knows that hey I’m putting out way too much propane and I am going to seal off. He said we have ESV’s, emergency shut-off valves, the release valves like I said they only release the correct amount of pressure to decrease the correct amount of pressure in the tank and then they seal off. He stated we have smart hoses to where if there is a pull away these things shut off so you would only lose the propane that was in the hose. He said throughout the years there has be reiterations for safety, the safety features that go into this stuff, to make sure that it is safe to be in the community. He said we have propane tanks in towns all over Missouri, Arkansas, Indiana, Tennessee, and we are in a lot of different places like Kansas and this is the first time I have ever been a part of anything like this. He continued I hope that this community doesn’t feel like we are putting their lives in danger, I would like to think that we are an industry that is very safety conscious especially in this day we are very safety conscious but the tanks themselves are painted, they are painted a reflective color that keeps the pressure down in the tanks. He stated we have people go around pressure wash these things all of the time, which takes care of the integrity of the on the outside as far as the inside propane is a very clean fuel there is not going to be…the only pitting you are probably going to see is from the bottom of the tank where the piers were but they are put on a felt pad and we inspected the tanks when they were up in the air there is no pitting. He stated as far as the wind if a high wind…if those piers could move and shake they are 20,000 pounds, they have a very wide base, they are buried underground, so there is no back and forth on these piers at all. He said I am not trying to discredit anybody but at 20,000 pounds with a wide base you are not going to get any side to side so as far as that goes all these tanks are rated, they are UL listed, they have a tank working pressure on it, and we adhere to all of those things. He stated there should be no problem whatsoever with those tanks. He said they can last for a very long time, longer than me, and longer than the next generation.

Bob Johnson asked is there a way, this is just for my own curiosity, is there a way to measure maybe an eddy current device or something like that to measure wall thickness on these things.

Rick Wilson stated I do think they make something like that…

Someone talking from the seats.

Bob Johnson replied sure.

Rick Wilson replied please.

Will Reniker stated the really short answer to that is yes. He said it is actually a process of x-raying the tanks so that cannot be done on site they would have to be taken somewhere else to have that taken care of.

Richard Reid stated your name please.

Will Reniker stated Will Reniker, I apologize.

Bob Johnson said thank you.

Rick Wilson stated another thing that was brought up, I’m sorry I didn’t bring this up earlier. He said that you could throw a rock through, I think what he is talking about is the site gauge or the dial where you can actually see what is in the tank. He stated that does not go straight through. He said if you threw a rock the only thing that would do is break the gauge there is no way a rock is going to go through that glass and into the tank and cause any kind of leak at all it is threaded in.

President Valiant said Mr. Wilson you brought up inspections. He asked how often do you guys inspect.

Rick Wilson stated we actually as part of the safety team we get around to as many of our plants as possible in a year. He said while we are there we do what is called a fast form and make sure that everything is up to code and we do that yearly all year.

President Valiant asked I assume the state inspection would be once a year as well.

Rick Wilson stated I am from Missouri and I’m not really familiar with Indiana too much as far as your state inspectors go but I am sure they make their rounds.

Jeff Willis asked how durable are the tanks if somebody was out target shooting and missed how far away could they be…how close would they have to be before it was an issue.

Rick Wilson stated I don’t want to give anybody any bad ideas but you would have to use a cannon and probably an armor piercing bullet to puncture the shell of the tank.

Jeff Willis stated that was something someone brought up I wanted to clarify that.

Rick Wilson stated it would take a lot.

President Valiant said thank you Mr. Wilson. He asked are there any further questions from the Board.

Attorney Doll asked are there any customers in the area that would benefit from having them there.

Rick Wilson replied absolutely yes. He stated as I said the tanks have been in Warrick County for quite some time. He added Steve could probably…Steve is a local representative if you would like to have him give more specifics about the number of customers.

President Valiant stated that is a very good question Morrie. He continued sir please step up and state your name.

Steven Shepherd stated I am the manager of MFA Oil and Propane in Oakland City and Odon, Indiana. He said the answer to your question is yes. He said we cover from southern Illinois all the way to Tell City up to Santa Claus and back across to Mt. Carmel from our plant up at Oakland. He stated and Odon goes north all of the way up to Sullivan, Indiana and across to Spencer County and we have had…I have ran this route down here for years before I became manager and we have customers all of the way up and down Folsomville Road and Rockport, Richland, Boonville, and we have them all over down here. He added and we have them in Evansville and Chandler so yes we service this whole area. He stated I could say there are several customers right in Folsomville that we fill up and I could probably name you most of them but you probably don’t need to know that. He said they spoke about tornados. He said there was a tornado that came through Oakland City and the town was torn completely up but the integrity of nine propane tanks, three of them 30,000 gallon tanks, three 18,000 gallon tanks, and two 6,000 gallon tanks and none of them were blown off their piers and no leaks other than we had a blown vapor line leak and we fixed that quite quickly. He stated they would have to be a direct hit and I don’t know that it would even take them off of it then.

President Valiant asked from my lack of knowledge what size is a residential like you see.

Steven Shepherd replied a residential tank is usually 500 gallons.

Bob Johnson stated mine is 500.

Steven Shepherd stated some might be 1,000 and some might be 250. He said I would venture to say that you probably have more of a chance of explosion with your home tank, residential than you do with these. He stated if you get a leak there and you are right there in the yard and people around it. He said our drivers inspect before they load and they inspect before they deliver that propane. He stated we are real safety conscious though we don’t want to get anybody hurt and we don’t want our drivers hurt. We don’t want to get anybody hurt we want to be as safe as we can be.

President Valiant said thank you, sir.

Steven Shepherd responded you’re welcome.

Rick Wilson stated something that I forgot to bring up that somebody else brought up is that if there is a leak you are not going to know it but you are going to know it; there is what is called ethyl mercaptan that is put into the tank. He said it is a very stinky substance that is added in to where it gives you a lot of advance notice even a small leak you will smell it from a distance. He added if the wind is right you are going to get a big whiff of it.

John Wilson said on the south side by the…

President Valiant stated wait until you get up to the podium because this is being recorded.

John Wilson stated on the south side where I am talking about there is still five trees. He said them trees are going to have to be gone before they can do anymore work. He stated if we have that tornado like I am talking about it is going to hit them tanks. He said you guys didn’t say nothing about them trees but there is four or five trees on the south side and Mike is going to have to come in and get the excavator and dig them trees out. He stated he done the west side and on the north side but he didn’t do on the south side. He said there are four or five big trees that are going to have to come back out in case they hit the tanks. He said that is the first thing they are going to have to do. He stated the ones on the west side almost hit the tanks and the ones on the north almost hit it so if they don’t get rid of the south side that is going to be dangerous because the trees are gonna…if we have another wind like all of the trees happened last week…

President Valiant stated I think if a tornado comes through the trees falling over is going to be the last thing I am worried about…

John Wilson said the wind we had last week…

President Valiant stated I would be worried about the houses and all of that around it. He said we will have them address it.

John Wilson said them tanks will come over and that is where we had the tornado if it is a big one we have if they went over through that and hit them tanks…they are big full trees and if they go they are going to go from the south to the north and hit them tanks and that is what is really going to knock them.

President Valiant replied we will have them look at it, thank you. He stated Mr. Heuring anything to add to the tree issue…

Michel Heuring stated only with regard to the trees that were removed were because they blew down in the storm so we just cleaned up the property. He said I don’t feel that the trees that are there are a danger but if the County does we can talk about that.

President Valiant asked how close are we to the nearest residence. He asked do we have that anywhere. He asked do you know that off the top of your head.

Mrs. Barnhill stated it is not on the site plan but we talked about it when he came into the office about how far it had to be away from the property lines.

Rick Wilson stated we are within code on that 50’. He said more than, way more than that.

President Valiant asked so the code is 50.

Rick Wilson replied from any buildable property line.

President Valiant asked and you are more than that.

Rick Wilson replied yes, more than that.

President Valiant responded okay, thank you.

Mrs. Barnhill stated Mr. Heuring we talked about whatever this Board recommends the next Commissioner’s meeting it could go to the June 10th or we could it to go the May 29th Commissioner’s meeting.

Michael Heuring replied okay.

Mrs. Barnhill asked do you see a need to…

Michael Heuring stated again as just the landlord I would refer to these guys. He said they are the ones that have to get their project completed in time for the winter heating season.

Attorney Doll asked if it is a positive recommendation do you want it expedited to the Commissioner’s…

Steven Shepherd responded yes.

President Valiant asked was that a yes.

Michael Heuring replied that was a yes from Mr. Shepherd.

President Valiant said thank you. He asked so “C-4”… can you just touch briefly on what is allowed in a “C-4” since it has that on three sides currently.

Mrs. Barnhill stated “C-4” is General…

President Valiant said for the record.

Mrs. Barnhill stated building material sales yard, contractor equipment sales, freight, truck yard terminal, industrial equipment rental, welding supplies, warehouse, any type of commercial activity you can think of can go in a “C-4”, and a gas station.

President Valiant said it is currently zoned agricultural but can you imagine the chemical like anhydrous and stuff like that that can be stored there as it sits currently.

Bob Johnson stated there is an old chemical, it used to be a school, a chemical factory that sits right behind Mr. Heuring’s property that’s probably got all kinds of ground saturation and crap.

President Valiant asked any other questions from the Board.

Michael Heuring stated I will add just…I know you didn’t mean it that way but I don’t use anhydrous ammonia.

President Valiant responded I was just thinking of …

Michael Heuring said yeah.

President Valiant said I was just thinking of as it sits that is something that could be put there without a question.

Michael Heuring replied I just wanted to make sure that everyone is aware that…

President Valiant without a question at all is what I was thinking.

Attorney Doll asked do you not grow corn.

Michael Heuring replied yes, I do.

Attorney Doll asked so you use liquid.

Michael Heuring replied yes, I went away from anhydrous for safety reasons.

Attorney Doll said yeah.

President Valiant asked any questions from the Board if not I will entertained a motion. He said remember this will be a recommendation for or against that will go to the Commissioner’s meeting it does not get final approval yay or nay.

Attorney Doll stated and it is going on May 29th.

President Valiant said and you are expediting the…

Attorney Doll said well…

President Valiant said well, I guess depending on the…

Attorney Doll stated the request was to expedite to the Commissioner’s meeting now and it is Memorial Day…

Bob Johnson stated the Commissioner meeting on the 29th is a Wednesday if I am not mistaken it is…

Attorney Doll asked when is it.

Bob Johnson stated a 10:00 a.m. meeting I believe.

Attorney Doll asked on Wednesday.

Mrs. Barnhill replied on Wednesday, yes.

Attorney Doll stated whatever the date that is.

Mrs. Barnhill replied the 29th.

Attorney Doll responded okay.

President Valiant said the 29th. He said what is the wish of the Board. He said I make a motion to give a favorable recommendation to PC-R-24-04.

Bob Johnson stated I have no reason not to second that motion.

President Valiant stated we have a motion and a second all in favor.

The motion passed for a favorable recommendation with a 5-1 vote. Greg Webb said nay.

President Valiant asked do we need to vote on the expedite…do we need to make a motion on that.

Attorney Doll replied yes.

President Valiant stated I will make that motion.

The motion was seconded by Bob Johnson and unanimously carried.

President Valiant stated this will go to the May 29th Commissioner’s meeting for their final approval or denial.

Attorney Doll stated with a favorable recommendation.

President Valiant stated we will give them a favorable recommendation.

Michael Heuring said thank you.

President Valiant said thank you, Mr. Heuring.

Bob Johnson stated Mike, I was the one that asked to stop for you guys to stop on your construction efforts.

Michael Heuring replied correct.

Bob Johnson stated with this favorable motion I think it is probably safe to say that you could continue.

Michael Heuring replied thank you. He stated I am going to speak for the fellows and say probably think that they will just wait until it is for sure done. He said they have…

President Valiant stated that would probably be a good idea.

Bob Johnson said I would hate for you to waste money…

Michael Heuring stated they have invested enough at this point that I think they want to make sure everything is in place but thank you to all of the members.

President Valiant said thank you, Mr. Heuring.

Michael Heuring asked may I step away.

Attorney Doll responded yes.

**OTHER BUSINESS:**

President Valiant said other business complaint 23-02.

Mrs. Barnhill stated it is officially closed. She added the inspector sent an email on Friday, Benjamin met him up there at the apartment and let him look into all of the rooms and they are all vacant.

President Valiant said cleaned out, good.

Mrs. Barnhill replied yes, nobody is living there.

Attorney Doll asked this is the gymnasium portion.

President Valiant replied yes. He asked do we need a motion to close that.

Mrs. Barnhill stated it has been closed.

President Valiant replied okay.

Mrs. Barnhill stated subject to that final inspection.

President Valiant stated that’s right we did that.

**ATTORNEY BUSINESS:**

Attorney Doll stated nothing.

**EXECUTIVE DIRECTOR:**

Mrs. Barnhill stated nothing.

President Valiant said I will entertain a motion to adjourn.

Jeff Willis made a motion to adjourn the meeting. Bob Johnson seconded the motion and the meeting adjourned at 6:41 pm.

ATTEST:

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Molly Barnhill, Executive Director Jeff Valiant, President