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## In Milton, a deal is done in the dark

### Ethanol plant OK'd in closed meetings

By DAN BENSON

[dbenson@journalsentinel.com](mailto:dbenson@journalsentinel.com)

*Posted: March 12, 2006*

**Milton** - A \$70 million, 60-acre ethanol plant is under construction in this city of 5,400 people just north of Janesville.

*Advertisement* But the dust has far from settled, thanks to the deal that was struck behind closed doors by city officials.

"This thing really isn't about ethanol," said Kathryn Bornemann, who said she at first supported the ethanol plant but later joined an opposition group partly because of the secrecy surrounding the negotiations. "This is about open meetings and open records."

The ethanol plant and the way the city went about negotiating with United Ethanol, the plant owner, have caused a rift within the community resulting in legal wranglings in Rock County Circuit Court and the state Court of Appeals, and have spawned a heated April election campaign for three City Council seats.

What's not in dispute is that the Milton City Council met in closed session over a period of nine months negotiating a development agreement with United Ethanol that included more than \$800,000 in subsidies to the company and required the city to borrow \$3 million to pay for infrastructure improvements such as roads, sewers and a well.

Other than the aldermen, the developer and a few city staff members or special insiders, no Milton city resident knew what they were talking about because agendas for the closed sessions never mentioned the subject of the secret meetings.

That is, not until aldermen announced in February 2005 they had approved the development agreement in closed session and without public input.

City officials say they adhered to the letter of the law.

"We posted everything that we were required to," Milton Mayor Nate Bruce said.

But critics say they violated, at minimum, the law's spirit.

"It's a slap in the face of democracy. They would have saved themselves a lot of headache and had more respect in this community if they had done the right thing," Bornemann said.

Bruce said city officials had to negotiate the development agreement in secret because the city was competing with other communities for the project. The city didn't want to reveal its strategy, he said.

But Bill Lueders, president of the Wisconsin Freedom of Information Council, said Milton officials "absolutely violated the spirit if not the letter of the state open meetings law. I hope the attorney general or the Rock County district attorney prosecutes this as a

violation."

Lueders said the council's failure to note the subject of its closed sessions is an obvious violation of state law.

"And it shows they don't respect the people of their community," Lueders said.

Attorney General Peg Lautenschlager agreed last June in a letter to the editor of The Janesville Gazette.

"The city's explanation for the need for secrecy, especially why the nature of the business could not be revealed, is not sufficient," she wrote. "I am not convinced that including the company's name or the nature of the business in the notice of the closed meeting would have adversely affected the city's ability to negotiate. Indeed, it is possible that a potential competitor, being aware of the company's approach to the city, might also choose to approach the city. That competition could only benefit the city and the taxpayers."

A Rock County judge, however, ruled in response to a lawsuit by an opposition group, Citizens for Responsible Development, that the city did not violate the open meetings law. That decision is being appealed by the citizens group.

Circuit Judge Daniel T. Dillon ruled that certain city records should be made public, but only after it became known that city officials had mistakenly ignored their own zoning laws in approving the project.

Similar battles over closed meetings have erupted in recent years in Brown County, Manitowoc, Oneida County and Beaver Dam, to name a few.

"At some point, public officials ought to focus beyond what they can get away with and focus on what's right," Lueders said.

Leanne Glorvigen, another project opponent and a former alderman, said she was so enraged by the council's conduct that she opted to run for City Council, nearly 20 years after her last term.

"It set me off. The arrogance and hubris of the council made me want to run again for public office. I'm not anti-development, but we have to have a public dialogue about it."

She's on the ballot this April, one of three anti-ethanol plant candidates vs. three supporters, two of them incumbents.

The plant is expected to add \$15 million to the city's tax base, help local farmers get more cash for their corn and attract other development.

Construction of the plant is well under way and is expected to be finished in spring 2007.

But the scars may linger for some time.

"If they had done what they're supposed to do, at least on paper, they would have saved themselves and the citizens of Milton a lot of heartache," Bornemann said.

Bruce said the ethanol controversy has made city officials more sensitive to the principles of open government.

"It's not that we think that we did anything wrong," he said, "but we want to improve."

From the March 13, 2006 editions of the Milwaukee Journal Sentinel  
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