

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES**

**December 7, 2017
Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

Board Members: Curt Campbell, Randy Curless, Scott Givens, Patty Godfroy, Doug Rice, Christian Rosen, David Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Curt Campbell, Randy Curless, Scott Givens, Patty Godfroy, Doug Rice, Christian Rosen, Cheri Slee, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Allen Jachinski, Jordan Tandy, David Moser, Mary Moser, Joe Slacian

The December 7, 2017 meeting of the Wabash County Plan Commission Board was called to order by chairman Scott Givens at 7:00 pm. Mr. Givens asked if there was a motion to approve the minutes of the November meeting. Doug Rice made the motion to approve the minutes as written, this was seconded by Randy Curless. Motion approved.

Mr. Givens: The first item on the agenda is the unsafe premise order on the property owned by Mr. Allen Jachinski in the town of Urbana.

Jordan Tandy, the attorney representing Mr. Jachinski, addressed the Board. We are here today because Mr. Jachinski received an unsafe premise order from Mr. Howard for the demolition of Mr. Jachinski's property located at 105 E. Mill St. in Urbana. I know that many of you are familiar with this property over the years, I just got involved recently. Mr. Howard has provided me with a timeline of the background of everything that has gone on. We are all aware of the condition of the property and understand that it is not acceptable as it is. When we got the unsafe premise order I talked with Mr. Jachinski about where he wanted to go from here. The options are demolition, or hopefully this board will give us the opportunity to bring the building back to reasonable order so that it is not a blight on the people and the town of

Urbana. We are asking for the Board to table the decision and give Mr. Jachinski time to do the necessary work on the building. Mr. Tandy presented the Board with copies of the proposed repairs and a timeline for these repairs to be completed. Allen has talked with two local contractors, Phase 1 secure the outside of the building, that can be done by next week (12-10-17 thru 12-16-2017); Phase 2 would be to remove the concrete footers, level the ground and fill in with stone. That could be done the next week leading up to Christmas. The final phase, Phase 3, would be replacing the siding all around the building the contractor said that could be done by the end of January 2018. Allen is willing to put in the quoted \$12,650 which is what it is going to take to put this building back into shape.

Mr. Vogel: Will it be steel on the siding and roof?

Mr. Jachinski: On the siding, the roof is good except the area around the chimney and I will repair that area.

Joe Vogel: Do you have a plan for the use of the building?

Mr. Jachinski: We will use it for storage, for staging. Mr. Jachinski continued by explaining some of the materials that will be used on the project and what clean up around the building will include.

Mr. Vogel: So your intent is not to have a business in this building?

Mr. Jachinski: No. We have had vandalism in the past so we will put steel on the entire building exterior to prevent future vandalism. By doing it this way, we are not expanding the footprint at all, the only thing we will be changing is putting in a barn door on the side for access to get merchandise in and out. It is hard to get in the front door because it is very small.

Mr. Howard provided the Board with the most recent photos of the building which were taken on the 26th of October 2017.

Mr. Jachinski: The two Birch trees will be removed to make sure the siding is installed correctly.

Mr. Tandy: By asking for this to be tabled instead of rescinding it altogether, I guess from your perspective the worst case scenario is that you schedule a hearing for February to review whether the work done has been sufficient and make your decision at that point and if you feel it hasn't been sufficient you can order the demolition then.

Mr. Givens: So if the Board approves this then you are going to give the ok and the contractor will begin next week.

Mr. Jachinski: Correct

Mr. Thrush: So if you don't fully comply you are going to demolish it after you have put \$12,000 into this?

Mr. Tandy: We hope not.

Mr. Jachinski: That surprises me that it would even be considered, there is no reason why it can't be brought up to speed.

Mr. Tandy: My point is that if you don't do the work, for whatever reason, they could come back in February and order the demolition.

Mr. Jachinski: But if I do the work and it is acceptable then there is no reason for this discussion. Is that correct?

Mr. Tandy: Yes, if you do the work.

Mr. Givens: I don't have any issues with this, I don't know if anyone else does.

Mr. Rice: At the January meeting could there be a review of the work that has been done.

Mr. Jachinski: Just so you are aware that the siding might not be done until the end of January.

Mike Howard: In talking with Mr. Tandy, I am concerned that on the east side of the building there is a footer or foundation. If you put siding over it what will prevent varmints from burrowing in and getting underneath it.

Mr. Jachinski: That will have 2 x 6 osmose treated lumber across there for the footing.

Mr. Howard: My biggest concern is that Mr. Jachinski gave the Plan Commission a plan for repairs in 2013, Mr. Jachinski did not follow through with those plans. I am not opposed to giving a person an opportunity. I feel we need to be very strict about this. He may send \$15,000 - \$20,000 but if the work is not done and request for extension of the timeline continues to then the building needs to come down. We have worked with this since 2008.

Mr. Givens: Are there any further questions or comments on this matter?

Doug Rice: Could we use the first two items on his list for review at our January meeting? Could we make it mandatory that Items 1 and 2 have been verified and complete, because they should be based on their timeline? That would be an easy checkpoint, if they haven't made that completion by January.

Mr. Givens: Is that doable?

Mr. Jachinski: The siding won't be done until the end of January.

Mr. Vogel: Phase 3 of the plan will have metal siding put on the sidewalls. The sliding barn door will be secure?

Mr. Jachinski: The sliding door will be secure and will blend in with the siding.

Mr. Givens: I will entertain a motion for a continuance, with Mr. Rice's comments that we will expect Phase 1 and 2 to be completed by our January 2018 meeting.

Mr. Rice made the motion allowing Mr. Jachinski until January 1/2018 to have Phase 1 and 2 completed and the project Phase 3 completed by the end of January. The motion was seconded by Mr. Curless. The motion passed Mr. Jachinski was granted the extension.

Mr. Givens: You have a continuance on this until our January meeting. We need to see Phase 1 and 2 done, hopefully you can get this done.

Next on the agenda is Mr. David Moser, unsafe premise order, Urbana.

Mr. Moser presented photos of the property located at 170 N. First St. in Urbana. The first group of photos were taken in July 2017, the second group was taken in June of 2015.

Mr. Howard: Presented photos of the property taken between 2007 and June 21, 2017. Mr. Howard informed the Board that the situation with the Moser property began in 1998 and has been ongoing for several years. After receiving this unsafe premise order Mr. Moser commented to me over the phone that there has been high water in the home.

We have two situations here, one is that Mr. Moser was previously been taken to court and was ordered to clean up the property and keep it cleaned up. That was before I started working at the Plan Commission Office in 2006. The County again took him to court in July 2009 and at that time he was issued a 60 day suspended sentence to and required to get the property cleaned up and it was not to be in violation again. As you can see from the photos that is not the case. I might have a little different view if this was material to repair the house, but as you can see most of this is irrelevant to the maintenance of the property.

The second concern is the house across from Mr. Moser belonging to Mr. Shelton which is another property we will be looking at tonight for an unsafe premise. That property was actually condemned by the Health Board in 2008. The property owner at that time moved out and vacated the property. We have not been able to locate Mr. Shelton. The lot area between where Mr. Moser's now resided and the Shelton property is now full of junk.

The Moser house at 170 First Street has not been maintained, or had repairs made. The roof is now starting to deteriorate and has open area, especially around the chimney area.

Mr. Moser: Informed the Board that he has had the materials for the repairs since 1998, the materials are stacked in the yard. He has not had time to work on the repairs due to working on water issues and clean up from high water. He stated that he quit working on the structure in 2015 due to the flooding issues. As far as the Shelton property, I have purchased that property twice at tax sales, due to health reasons I was not able to finish the purchases with an attorney. Today, I am just asking for a continuance on my property. I have talked with the County Treasurer and found out that the Shelton property will be in the tax sale again in April. I have talked with Mr. Harney and I can purchase his property on contract, I would tear down the Shelton and Harney house and keep the lots. I would build a shed on the lots.

Mr. Givens: Does anyone have any questions?

Mr. Vogel: I think you had two issues, you had a lot of junk around the yard. Can you work on that?

Mr. Moser: I have already, it looks a lot different than those pictures.

Mr. Vogel: The house that we are talking about, you aren't living in it now. You are wanting to fix it up, with the water problem isn't it a losing battle? Are you willing to get everything cleaned up in the yard within the next couple of weeks? We have dealing with this property for years.

Mr. Vogel asked County Surveyor, Cheri Slee if the Drainage Board is working on the water issues.

Mrs. Slee: explained that the Drainage Board is looking into the issues, but the flash flooding that has occurred in 2015 and 2017 has caused many problems in Urbana.

Patty Godfroy: We are listening to you Mr. Moser, Mr. Howard is trying to fulfill the obligations that we have all put on him of doing his job. He is trying to protect your health, and the community. It can't be good for you to be in a home with flood water.

Mr. Vogel: Are you willing to get all the stuff cleaned up in your yard within the next coming weeks before the January board meeting.

Mr. Moser: Yes, I have been working on it. Unless we get a blizzard or snow or something.

Mr. Vogel: I am trying to give you a chance here. We have been on this since summer, you have received notices when the weather was nice, now we are coming on bad weather. I think we need to get all of this area cleaned up.

Mr. Thrush: In 1999 the Plan Commission took Mr. Mosier to court over the property. Here is the Circuit Court order from October 27, 1999, you are permanently enjoined from maintaining any uncommon and unsightly accumulation of junk, clutter or other materials on the property located at 170 N. First St. in Urbana. You are currently in contempt of court.

Mr. Givens: Told Mr. Moser that he would like for him to make weekly reports on what work has been done. Then when we have our monthly meeting we know the progress that is being made, hopefully we can make some steps in the right direction.

Mr. Moser: Since I have received the letter I have been working on it really hard.

Mr. Givens: I think for now we are going to table this.

Mr. Howard: Stated that he preferred that 2 Board members, Jennifer Scott and inspect the property a couple times before the January board meeting to see how the work is progressing. Give Mr. Moser a call and make a couple of visits to see what is being done. This group can report to the Board at the January board meeting.

Mr. Moser: That is fine, I appreciate you working with me.

Mr. Howard: The properties of Don Harney and Chris Shelton, located in Urbana, are also on the unsafe premise list. Mr. Harney is working with the Urbana Fire Department on the possibility of burning the structure, if that can't be done he will be working on getting someone in to raze the structure. I have not been able to contact Mr. Shelton. I would like to extend both the Shelton and Harney Unsafe Premise Orders until the January board meeting to see if they can be razed by the Urbana fire Department.

Board members agreed to extend the hearings for the Shelton and Harney properties.

Mr. Givens: The next item on the agenda is the WECS and CFO amended ordinances.

Mr. Howard: Board member preciously received a copy of the proposed Ordinances and have had time to review the changes. We will look at the WECS Ordinance first. The key changes were explained.

Mr. Givens: doe we have any discussion on the ordinance amendments? Hearing none do I have a motion to approved the amendments to the WECS Ordinance? Mr. Rice made the motion to approve the amendments, this was seconded by Mr. Vogel. The motion passed. The amended WECS Ordinance will be presented to the Wabash County Commissioners for final approval.

Mr. Howard: Next is the amended CFO Ordinance, he then explained some of the changes. Board members discussed setbacks and screening.

Mr. Givens asked if there were any further questions. Hearing none Mr. Givens called for a motion.

Curt Campbell made the motion to approve the amendments to the CFO Ordinance, this was seconded by Christian Rosen. The motion carried, the amended CFO Ordinance will be presented to the Wabash County Commissioners for final approval.

Mr. Howard: Updates on agenda items:

- Mowing liens. I have nothing new to report to you, I plan to meet with some local contractors this winter and work on this.
- Solar Farms - I am working on a point system to determine areas of the county where a solar farm might be acceptable.
- Complaint updates were reviewed.

There being no further business Mr. Givens asked for a motion to adjourn the meeting. Mr. Vogel made the motion to adjourn, this was seconded by_____ The meeting adjourned at 9:30 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
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