

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES**

JULY 1, 2021

**Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

Board Members: Randy Curless, Jeff Dawes, Patty Godfroy, Sam Hann, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Susie Stephan, Joe Vogel
Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Randy Curless, Joe Vogel, Patty Godfroy, Jeff Dawes, Susi Stephan, Sam Hann, Cheri Slee, Geoff Schortgen, Larry Thrush, Mike Howard, Libby Cook, Donna Wendt, David Wamsley, Marty Crossland, Mitch Oetken, Ashley Oetken

The Wabash County Plan Commission Board met on Thursday, July 1, 2021. Board Chairman, Randy Curless opened the meeting at 7:00 pm. The first item on the agenda is approval of the minutes of the June 3rd meeting. Mrs. Stephan made the motion to approve the minutes as written, this was seconded by Mr. Dawes. The motion carried the minutes will stand approved as written.

Mr. Curless: The first item on the agenda is the review of the proposed Solar Ordinance.

Mr. Howard: Mr. Hann has e-mailed me a couple of comments regarding the solar ordinance, the portion about repair and maintenance of the roads. I would ask if anyone has any part of this ordinance that they would like to discuss.

- Mr. Howard provided each Board member with a copy of the proposed schedule of fees, which includes the fees for solar. Along with that you should have your Plan Commission Board review copy of the document dated 6/29/2021. It was decided that we should go to county attorney, Mr. Steve Downs and ask for a moratorium on commercial solar farm projects in the county. The moratorium would last through September of 2021, unless the new Solar Ordinance is in place before the end of September then the moratorium would be rescinded.
- Mr. Dawes stated that he and Barry (Eppley) talked with County Surveyor, Cheri Slee, when they make the topos available, rather than going back and requesting

the two foot contours from her office that they put the 2 foot contours on the Beacon Schneider website it would save a lot of headaches in her office. If we are going to make them available, rather than going through her just have them available through Beacon and have them available that way. Mr. Howard asked if it is stated in the ordinance that it is required for the drainage board or surveyor to provide that to them? Mrs. Slee said no, but that is probably what is going to happen, I get a lot of requests now. Mr. Howard said that he has no problem with putting the contours on Beacon if that is what the drainage board wants, but you can't download from Beacon. Mrs. Slee said if there are people who want the two foot contours, they call and ask and then you have to do the paperwork that says that they are not going to sell it to anyone else, so I just asked the Commissioners if they were ok with putting it on Beacon, since we are putting it in an ordinance about the 2 foot contours. Mrs. Slee also noted that the wording in the ordinance "legal drain" should be "regulated drain" that is something the state did change several years back that we have regulated drains not legal drains.

- Mr. Howard said the ordinance was prepared using the proposed new zoning maps. In discussion with Mr. Downs, he didn't think we should do this, he thought that we should use the zoning maps currently in place with the 1965 County Ordinance. By doing that we are losing control of the AG 1 and AG 2 zones, if we used the proposed AG 1 zoning they would have not been permitted, in that zone period. By doing it this way we only have one AG zone so this would open it up to any AG zone or agricultural land for a solar site.
- I did create a proportional setback based on the size of the acreage. As the acreage of solar complex increases the setback increases also.
- Required buffering - the layout would be solar panels, driveway around the perimeter of the panels, buffer zone of trees, then fencing would be the boundary of the setback requirement. Everything would be contained inside the fenced area except the drive into the facility.
- A drainage plan has to be approved by the Wabash County Drainage Board; in that plan I would certainly want to see wording if there is a damaged tile within the perimeter of the solar complex it has to be fixed. We state that they are responsible for tiles for 2 years after decommissioning and restoration of the facility. Mr. Howard asked Mrs. Slee if she thought two years was sufficient or did, she think it should be more. Mrs. Slee said that she really didn't know what your time limit should be but she noted that they had a waterway put in on their property 3 to 4 years ago, just now showing up that they crushed some of the tile with a dozer, so it is hard to say when that is going to show up especially if it is a small tile.
- Mr. Dawes asked Mr. Howard if he has had any feedback from Randolph Co. Mr. Howard said he has not, he has called and left messages but has not heard anything back. I have looked at numerous solar ordinances from other counties, and other states. This document from Randolph County goes into the most detail of any I have looked at.

- Something we want to make sure of is insurance coverages, bonding issues and that we have written agreements. We would state what written requirements would be required before we would issue any permits.
- Mrs. Slee asked about section 26-7-1-5, buried cables no less than 48" underground, does that include going through an open ditch too, would that mean 48" under the bottom of an open ditch? Mr. Howard said yes, he asked if she is talking waterways, open ditches. Mrs. Slee said a creek or anything, Mr. Howard said that at a creek they may go over top, that would be up for consideration. Mrs. Slee said that if we go through now and we haven't cleaned that ditch and you drop it 2 feet a creek, when we do our buried cable permits, we go 5' below an open ditch from an existing flow line. Mr. Howard noted that could be changed to meet that regulation.
- Mr. Howard: item 26-7-6-7, the taxation agreement, basically what we are saying is there would be no tax abatements granted for land use or tools and equipment associated with a commercial solar operation. No part of a commercial solar development shall be permitted to be established as a TIF district and PILOTS/PILTS shall be equal to but not greater than the annual tax assessment for the property, tools, and equipment. Opting to use PILOTS, as opposed to paying taxes, they contribute funds to the county up to the amount they are being assessed, it cannot exceed that amount. Also, profit sharing, I have been looking at that and have a lot of questions. I have also been looking at land use on solar complexes. Out west they are doing research, the panels are being raised higher so they could be pasturing sheep, or spacing the rows so they could raise vegetables, for example. It would be extensive labor to manually harvest. That is something to consider for the future, but for right now the draft requires it to be a natural vegetative ground cover of non-invasive species.
- Mr. Hann suggested reaching out to White County to see what they are doing with their solar taxation.
- Mr. Schortgen: They might be one to talk to see if it is just a matter of offset to their electric bill.
- Mr. Howard, I have a copy of a proposal that was submitted in Wabash County, the agreement would call for a 30 year lease of the land with 2 options to renew of 10 years each. They would pay \$950.00 per acre per year, with an increase of 2% per acre per year after the first year, or they would also offer to purchase the land at current market rates. I took a 40 acre parcel and ran the numbers, it does look profitable for the landowner, particularly considering the fact that you don't have the cost of seed, fertilizer, equipment or anything else to plant a crop. As a land owner would I want to tie up X number of acres for 30, 40 or 50 years, who knows what solar is going to be in 20 years? There are probably land owners out there that would like to do something like this and have that type of income. I don't want to take that right away from them, but I want to have an ordinance in place to protect the county.

- Mr. Schortgen: In that report did they talk about installation disturbance, reclamation or things like that? Mr. Howard said not in the part I read. Mr. Schortgen said it's inside of a field but are they going to have to dig 300 yards of lines to get to the station or is that for the land owner to worry about?
- Mrs. Stephan asked if they will pay for the land that is in the buffer and driveway. Mr. Howard said in one ordinance he read they provide the opportunity at decommissioning and restoration if there are buildings that in the solar complex that the land owner has the right to request that they remain.
- Mrs. Slee asked if you have a farm with a solar farm in the middle of it and you have a private tile going through it what rights does the farmer have to maintain that tile? Mr. Howard said the way the ordinance is written you would sit down and do a storm water drainage agreement and you stipulate that in the agreement that the farmer has that right. Mrs. Slee said because your neighbor could even have their outlet across there. Mr. Howard said that it could be their right to repair those tiles if they are within the complex. Mrs. Slee said that with the tiles and their electrical line she could see conflicts with that, but that is my job.
- Mr. Schortgen: Was it a solar company that sent you those estimations? Mr. Howard noted the company name is Next Era Energy Resources, somebody provided this to me. Mr. Schortgen said that he is glad that they came to the Plan Commission rather than just doing this.

Mrs. Slee said that their office has had someone contact her about our drainage ordinance, I told them they needed to contact Mike, but they wouldn't give me any other information.

- Mr. Hann asked if we have a maximum number of acres that one of these can take up. Mr. Howard said that the proposed ordinance does not have a limit on the maximum parcel size.
- Mrs. Slee: Under the drainage portion, is it possible to post our storm water drainage per our ordinance. Mr. Howard asked if she means the ordinance number, she said instead of storm water best management practices could we state that we have a Wabash County Storm Water Ordinance, not make the whole ordinance a part of it but that they need to refer to this as a part of the process. Mr. Howard, I will add the ordinance number.
- Mr. Vogel asked on the decommissioning, what determines the date of decommissioning, is that when they stop paying the land owner for it or is it sitting there not being used? It is kind of like the railroad track, they take out the track rails and leave the rest and you have to fight to get it back. Mr. Howard said on the decommissioning you have more than one, let's say if they are not compliant with some part of the policy or regulations that we have set forth, then they receive notification and they have so many days to rectify that and if they do not then the county has the right to require decommissioning and the point would be established then. Most likely it would be when the Plan Commission would set a

date for decommissioning, they are going to protest it, then you have the hearing before the BZA and you may have a hearing before the attorneys. The decommissioning part of it you would have multiple ways of requiring it to be decommissioned.

- Mr. Dawes asked if Mr. Howard feels this differentiates any between Ag 1 and AG 2, personally if one were to come, I would like to see it in AG 2 land trying to protect prime farm land. Mr. Howard said if we used the zoning based on the draft that we are reviewing for the entire county ordinance, yes because they are not permitted in AG 1 zone. Mr. Downs didn't think we should do that and that we should use the zoning that we currently have from 1965 and we just have agriculture and that would open it up to any place. Mr. Dawes asked if Mr. Downs said why. Mr. Howard said that he didn't think legally we could do it that way. Mr. Dawes asked if once the new County Ordinance is adopted the AG 1 and AG 2 land will apply? Mr. Howard said that when we move the solar ordinance over to the new county ordinance, we will have to rewrite parts of it to apply to AG 1 and AG 2 land.

Mr. Curless: in the meantime, if they apply, they are going to be grandfathered in. That is the only thing, according to our ordinance we were trying to protect AG 1 land and when these things come in it seems like they are taking hundreds of acres. Mr. Dawes said that he would hate to see 1200 acres come out of AG 1 land.

Mr. Hann: In White County they have a 200 megawatt farm that I believe is 1,200 acres, so that is two sections in our county that are gone if they bundle that all together. I would hate that to be AG 1 ground, I would hate for that to be in AG 2, but that is just me personally. We need to get the new ordinance passed to protect AG 1 land.

Mr. Dawes said that he would talk to Mr. Downs on Tuesday (July 6th) and tell him what the concerns of the Board are on AG1 and AG2 and see what he thinks,

- Mr. Howard said that he would like to get a better understanding of what they mean when they are talking about profit sharing and how that works for a county. I will check with White and Randolph Counties and see what they say. Mr. Hann offered to sit in on the meeting to White County to get information for County Council, so they could know what the income could be for one of these because that would be good for the Council to know as well. Mr. Howard said that out east they were contributing to the school corporations, directly to them as opposed to paying a tax. Those are the things the PILTS give you a little more liberty what you can do with that funding or how it can be used for the county. I also want to see if there is any other type of profit sharing and how funding could come in through that.

Mr. Schortgen asked if we have anything about solar watt yield per acre recording that? When I get my numbers for the year, we have average corn and bean yields per acre, do we want to have something to say that they need to record so we can see what the average solar watt yield per acre is, just so we have data. I would be interested to see what Wabash County would be compared to Kosciusko or Whitley County. Something to report yearly.

Mrs. Stephan asked, taking the land owner out of it, losing our ag ground, what is the dollar benefit to the citizens of Wabash County? Will bringing this solar farm, will it affect my personal utility bill?

Mr. Hann asked if it is up by Manchester is it going to be feeding Manchester, if it is by Wabash is it going to feed Wabash? Where is this energy going to be sent to?

Mrs. Stephan: Currently I am on REMC, so what does that mean? Do I have a choice as a citizen?

Mr. Howard: like the wind turbines, a lot of the energy created travels out of the area.

Mr. Schortgen: Are they sending it to Ft. Wayne, Indy? The further you move electricity the more you lose. It would be smart to keep it in the county but maybe they have plans to move it elsewhere.

Mr. Howard noted that the utility companies more or less have "imminent domain", they can put their utility poles and substations just about anywhere they want. If an electric utility owns a solar farm do they have the right to say we are ignoring your ordinance and we are doing what we want to?

Mr. Dawes: when you are talking 30 - 50 years, when the farm changes ownership, does that lease bind the farm to the new land owner? Mr. Howard said he did not know, there is a lot more to this, this letter is just a basic offer that was sent to this person and this is all of the information I have seen. I think they might have received a follow-up phone call or a packet of information and I have not seen that. The letter explains who the company Next Era Energy is and that they are contemplating a 200 megawatt solar power project in Wabash County. The letter states that they are the largest company you have never heard of, Next Era is larger than Fed Ex and UPS combined, we are larger than Royal Dutch Shell Petroleum Co.

Mr. Curless asked if there were any comments or questions from the audience.

Mr. David Wamsley said that as far as controlling where the power that is generated in Wabash Co. ends up, once it hits the grid it can go anywhere. You can try to put teeth in it but it will never work. Once it hits the power lines it is steered by remote forces and goes all over the place as needed, it is a given that way. So far as the dollars, the incentive dollars, the profit sharing that can all be structured at the county level where it can benefit the county in whatever way the county views as appropriate when the ordinance is drafted, so that part can have some good teeth. There are consultants that can advise land owners on these very lengthy contracts and very complicated formulas, as to how this works and what teeth the land owner has. There are good consultants out there, if the land owner will use them, it is out there for the taking.

Mr. Howard said he will work on the edits we talked about and will check with other counties and hopefully gain some information from them. Mr. Dawes said he would check with Mr. Downs and Mr. Howard is supposed to meet with Mr. Downs after the Commissioners meeting on Tuesday. I would think for right now we are good with that.

Mr. Curless: next on the agenda is the review of the County Ordinance draft. Mr. Howard told the Board that chapters 1 through 5 and 11, 12 and 15 are completed, chapters 6,7,8,9 are still being worked on. Mr. Downs would like to separate out of the development section and make separate chapters for solar, wind, and CFO ordinances. I told him if that is the way we need to do it, then proceed. I just don't want to lose anything in making these changes that the board wants in the ordinance. Mr. Downs would like to have comments from Board members, on the completed chapters. He would like these comments to be sent through the Plan Commission office then I can forward them to him so we can keep track of them. Mrs. Stephan said this ordinance was started before I came on the Board, she questioned if a mobile home could still be placed in Wabash County once this comes into play. Mr. Howard explained Chapter 5, 5.1 covers mobile homes and manufactured homes, he then reviewed the definitions of a mobile home and a manufactured home. Mr. Howard noted the following changes that have been made to the ordinance:

- Chapter 5.6.5 has been put back in the ordinance.
- 4.6 chart of designated uses, asked Board members to look the chart over and see if they feel any changes should be made.
- Chapter 15, Enforcement, Fines & Penalties, Mr. Downs created a separate chapter for this.
- Upon approval, we need to go through Rules of Procedure for both the PCB and BZA to be sure they coincide with the new zoning ordinance.
- Encouraged members to please read and send him any comments or questions and he will forward those to Mr. Downs.

Mr. Curless asked if there were any questions or comments from the audience, there were none. The next item on the agenda is Mr. Dawes with an update from Imagine One 85.

Mr. Dawes said that on Wednesday, July 14th they will be holding a public meeting at the Honeywell Center Plaza, they are wanting the public to review what has been done over the past 1 - 1 ½ years and give their input as to what they feel about what has been done so far, if they are on the right track as to what the community wants to do. The event will be from 6:00 to 8:00 pm and will include entertainment, things for families and kids to participate in.

Mr. Curless: Next on the agenda is complaint updates.

Mr. Howard:

- Shared a letter from Board Attorney, Larry Thrush to Mr. Rob Kowalczyk for the Board to read. Through discussions with the PCB, the BZA and Mr. Thrush this is how it was determined to approach Mr. Kowalczyk with the issues on his property. I will state that Mr. Kowalczyk failed to provide the

Plan Commission or Mr. Thrush's office the required information. Therefore, we are down to where his permit expired on June 24, 2021 and per the letter the failure to produce the requested financial proof the extension will not be issued and an unsafe premise order will be issued and that work on the property must cease. The photos you have to look at are prior to the June meeting, nothing has changed since then. My question to the Board is I would like your guidance or thoughts as to what extent the unsafe premise order is issued. You are talking either total demolition and the lot leveled and the perimeter areas around the structure filled in and the property cleaned up and maintained. I appreciate that Mr. Thrush pointed out that if the county would go in and build the structure to the point we were requiring Mr. Kowalczyk to be at by the end of the year, he could file bankruptcy and walk away and the county has paid the bill, so we don't want to do that. Mrs. Godfroy asked if the property still looks like it did on May 24th photos. Mr. Howard said yes. Mrs. Godfroy asked Mr. Howard if he has heard anything from Mr. Kowalczyk after this letter was sent. Mr. Howard said he has had no response and neither has Mr. Thrush. Mr. Dawes said that he would think you would have to have some kind of response.

Mr. Hann, should we send a 2nd letter and if he doesn't respond then proceed, Mr. Howard said in the past he has always responded. Mrs. Godfroy asked if the letter was sent certified mail. Mr. Thrush said the letter was not sent certified; the law presumes if it is not returned that it was delivered. Mrs. Godfroy said with the foundation walls the dirt pile could be removed by us and charged to him, but the construction that he has done is where I start feeling bad, but again they do have those rods sticking through so somebody could get hurt on that so I get it, maybe if we have him remove the bad stuff we will get his attention. Mr. Howard said we could also require backfill, use the dirt that is there and backfill around the structure, not to tear down what is there, the block appears to be used block and there is a whole pile of used brick, but will he ever have the funding to get it done. Mrs. Slee asked if Mr. Howard could e-mail him and refer to this letter, Mr. Howard said he could do that. Mrs. Godfroy noted that it has been a long time. Mr. Howard, I have compassion for the situation, but I just don't ever see it being done. Mr. Kowalczyk has stated in the past that when he tore the house down that the house was condemned, the Health Dept. didn't condemn it, the Plan Commission didn't condemn it, the town of Lagro didn't condemn it. To me, from the photos the structure of that house was salvageable certainly compared to what he has been doing. If you recall this is the gentleman who asked if he could put a utility shed on the property to store tools in, then he put a loft in it and was living in it and we ended up going to court for that. Mrs. Godfroy said, so this is saying that the unsafe premise order is being issued and work on the project must cease, and he quit and he doesn't care if it is unsafe, then that is all? So, he really doesn't know that we are going to do something else because we are not sure what that will be?

Mr. Howard, IN Code gives several categories of unsafe premise orders, first it is unsafe, second because it is a nuisance but there are several

different avenues we can pursue. I think there is enough in the IN Code document to force him to do something. Mr. Thrush stated that the unsafe premise order would tell him what has to be remedied, that it can't just stay there it has to be fixed. Mrs. Godfroy asked, do you feel like he really might know what that means? Mr. Howard said he thinks so because we previously had him in court for an unsafe premise when he tore down the house and just left the pile there. Mrs. Godfroy said that we said we are going to file that, so we need to file the unsafe premise order. Mr. Howard agreed and asked the Board to what extent? Mr. Kowalczyk said that he had financing lined up but due to Covid and loss of work he lost that. Mr. Howard said that his thought is that he needs to fill everything in around the structure, clean up the lot and everything around the garage needs to be removed from the property, flammable materials removed, and remove debris from the hill, needs to get it mowed and maintained. Mrs. Godfroy asked if we would give him so many days to do that. Mr. Howard said yes, for example if he doesn't have proof of financing by March 1, 2022, then the structure has to be demolished and the lot leveled to grade.

Mr. Vogel made a motion to follow the recommendation of Mr. Howard, to backfill around the foundation, clean up the debris, remove flammable materials, within 30 days and if by March 1, 2022, if Mr. Kowalczyk cannot provide proof of financial responsibility, then the foundation has to be razed, the lot leveled and maintained. This was seconded by Mr. Hann, the motion carried.

- Urbana, Cyclone Mfg., Commissioner, Brian Haupt received a letter from a neighboring property owner regarding the pounding noise. This person has submitted complaints previously, they are the only ones in the area to make a complaint. I have talked with Commissioner Brian Haupt and Jeff Dawes regarding this. Mr. Dawes said that he tried to talk with management of the plant, they were not there that day, he has met with the secretary of the plant to let them know that they have received a complaint. He was told that they were shut down during Covid, when they started up again an outside group was using the presses, that is what was starting at 3:30 am, that has stopped. I think they still do some outside work for other companies; it is zoned industrial. Like Mike said there are other residents but this is the only one who has complained. I told the secretary to give Sam the information and if they had any questions to contact either Brian Haupt or myself, she keeps calling asking what is going to be done so that is when we forwarded it to Mike. Mr. Howard shared photos of the property, compared the distance between the railroad tracks and Cyclone Mfg. to the property, he then reviewed the County Ordinance on vibrations and noise. Mr. Howard asked Mr. Thrush who is responsible to obtain the readings on noise and vibrations. Mr. Thrush said if this would go to court the plaintiff has the burden of proof. Mr. Hann asked if the noise complaint is inside her house or outside. Mr. Dawes said there is an overhead door at Cyclone that is closed in the winter and open in good weather. Mr. Howard asked if the Board would feel comfortable requesting more information from the property owner. Mr. Hann made the motion for more data to be

provided by the land owner, this was seconded by Mr. Vogel, the motion carried.

- Denver Cupps property, pond constructed too close to the county road (no permit issued for the pond). Mr. Cupps has the materials to construct the required guard rail, he has to locate a certified engineer for the installation of the guardrail and the pond liner. The BZA is requiring Mr. Cupps to provide proof of progress on the project by the end of Sept. 2021.
- Fountain Vue Mobile Home Park, Mr. Mike Cummins has been inquiring what it would take to make a subdivision out of the property. Fountain Vue was never laid out as a subdivision. My recommendations would be to require a subdivision plan for the Board to review, and involve the Town of LaFontaine as it will involve their water and sewage departments.
- The Silvers property in Lafontaine and Kowalczyk property in Lagro should the county consider bonding for landowners building their own home? What options could we consider to prevent what we have had with these two properties. Two in one year, this is the first time in my 17 years on the job so it might not be a big issue but be thinking of ways we can get assurance that these projects will get completed in a timely manner. I would appreciate your thoughts on that.
- I received an e-mail yesterday at 2:00 pm from Scott Matthews regarding the Gary Treska property. Mr. Matthews stated that he just wanted to update me on the status, he had met with Mr. Gary Treska on the wetland restoration site last week. The wetland restoration area was planted, we just didn't get monitoring reports. I visually inspected the site and found it to have trees planted and growing. Mr. Treska has not done any additional unauthorized work. He is still required to submit monitoring reports to continue to show progress at the end of the year. So that is where Mr. Treska is at this time. I did ask Mr. Matthews in their initial submission of the requirements that was for a 3 year program and that was dated 12-20-2018 if that meant as of 12-20-2021 that would be the completion of the three year time period, he said based on his current thought and the process that was done that it would be if he submitted the year-end documentation that he is supposed to.
- The copier in the Plan Commission office, we are getting quotes from Intrasect on repairs, replacement of the defuser or the printer or replacement of the printer, they will get me an official quote. Mr. Dawes asked if it would need to be replaced before the end of the year or could it be put in the budget for next year. Mr. Howard said he didn't know how long it would last.

Mr. Curless asked if there was anything the members of the audience would like to address. Mr. David Wamsley had a question on the Treska matter, there was a letter that came to you dated May 19 from Scott Matthews that stated that the restoration had not

been completed, what did Scott say as to how did that change in 1 months' time that it was completed? Mr. Howard said that in talking with Scott Matthews today he said that apparently when he was here back at that time that they didn't go into the area extensively enough and there was some growth out there already of vegetation and he didn't formally look closely enough, that is all I know. Mr. Howard said you asked a question that went through my mind. Mr. Wamsley asked , you spoke with him. Mr. Howard said I received the e-mail, then I spoke with him to ask about the deadline time, that is when he said that the official letter was sent on Dec. 20, 2018 and in that respect I asked him if that was when the three year time period was up 12/20/2021. He said that they still required a monitoring report before that determination. Mr. Wamsley asked, did he say anything on the monitoring reports? Mr. Howard read the e-mail he had received from Mr. Matthews again: just wanted to update you on the status I met with Mr. Treska on the wetland restoration site last week, the wetland area was planted, we just didn't get monitoring reports. I visually inspected the site and found it to have trees planted and growing. Mr. Treska has not done any additional work; he is still required to submit monitoring reports to continue to show progress at the end of this year. Marty Crossland asked, what about photos. Mr. Wamsley said photos were supposed to be provided to the Army. Mr. Howard said I am just reading what I have at this point. Ashley Oetken asked, where is the wetland, I don't know how you could go onto a wetland and not see anything and then two months later see evidence of two thousand trees, are we looking at different land? Mr. Howard said that is a legitimate point but it is not for him to decide, that is a question to ask the Army Corp. Mr. Wamsley said there was a very clear map showing where he needs to plant trees, clearly defined, there was a similar situation with the DNR, anything from Mr. Eggan on this wavelength? Mr. Howard said no, only from Mr. Matthews yesterday. Mr. Dawes asked if Mr. Matthews will provide us with some sort of correspondence come December that everything has been met? It would be helpful for us that come December everything has been met or if it hasn't. Mr. Howard said that he certainly believes so, because he has asked Mr. Matthews to keep us posted and updated and I think that is why we received this E-mail.

Mr. Curless asked if there was any further business, there being none he asked for a motion to adjourn. Mrs. Godfroy made the motion to adjourn, this was seconded by Mr. Vogel. The meeting adjourned at 8:45 pm.

Libby Cook

Secretary, Wabash County Plan Commission Board

MTH