

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

August 5, 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: Joe Vogel, Patty Godfroy, Jeff Dawes, Susi Stephan, Cheri Slee, Geoff Schortgen, Doug Rice, Larry Thrush, Mike Howard, Libby Cook, Victor Treska, Rob Kowalczyk, Richard Monce, Scott Siders, Marty Crossland, David Wamsley, Donna Wendt
Absent: Randy Curless, Christian Rosen, Sam Han

The Wabash County Plan Commission Board met on Thursday, August 5, 2021 at 7:00 pm. Mr. Howard informed the Board that both the Board chairman and vice chairman are unable to attend the meeting tonight, therefore we need to select chairman pro-temp, he asked the Board for a motion to nominate someone to fill the position. A motion was made by Doug Rice to nominate Mr. Vogel to fill in as Chairman for the meeting. The motion was seconded by Patty Godfroy, the motion carried and Mr. Vogel conducted the meeting. The first item on the agenda is approval of the minutes of the July 1st 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. Vogel: The next item on the agenda is Special Exception #10, Clayton Ellet for construction of a pond in Chester Twp. Mr. Howard gave the following details of the pond: the parcel is 9.6 acres; the address is 5442 E St. Rd. 16 in Urbana; Treska Bros. Excavating will be the contractor; no variances required, it meets all setbacks; no floodplain or flowage easement involved; water surface will be approximately .6 acres; dam length approximately 200 feet, the base width would be 60 feet and the top width

would be 40 feet; overflow will be a 6" outlet to an existing ravine to the south; maximum depth will be 16 feet; emergency overflow will be a natural overflow to the west side of the pond; watershed into the pond is approximately 3 acres; no geothermal feed; nearest drain would be Silver Creek which is immediately on the south side of the dam. Mr. Vogel asked about Silver Creek is it an open ditch, is there some setback for clean-out? Mr. Howard said it was approved by the Drainage Board. Mrs. Slee stated that Silver Creek is not a county regulated drain so there are no setbacks required by the Drainage Board. Mr. Vogel asked if there were any other questions or comments, there being none, Mr. Rice made a motion to give a favorable recommendation to the Board of Zoning appeals, this was seconded by Mrs. Godfroy. Mr. Thrush tallied the votes, the motion carried.

Mr. Vogel: Next on the agenda is Rob Kowalczyk for an unsafe premise order in the corporate town of Lagro. Mr. Howard told the Board that the decision was made to issue an unsafe premise order and he shared recent photos of the property. Which is located at 270 Main St., Lagro. Mr. Howard reviewed the Findings of Facts for the Unsafe Premise Order., Copies of the Unsafe Premise Order were mailed to Mr. Kowalczyk by both regular mail and certified return receipt mail. Mr. Vogel asked Mr. Kowalczyk how he was coming on the construction. Mr. Kowalczyk replied that the things that were asked for at the April meeting have been accomplished, my presumption was that we would continue with the renewal of the permit and just keep going on, I had accomplished what you guys had asked for. Then he received the Unsafe Premise Order, he said he didn't understand why it would be issued and prevent him from continuing to work and make progress. He is working on the build himself and can't work on the structure without a current permit so he has been working on the landscaping. There are steps to the construction process. Mrs. Godfroy asked about the debris that was to be cleaned up. Mr. Kowalczyk said that it has been hauled out and disposed of. Mrs. Godfroy asked about the warning tape, Mr. Kowalczyk said from the back of the house there is roughly 60 - 65 feet to the property line then it drops down about 12 feet to Blue Star Hwy, nothing has gone down to Blue Star Hwy., I have the environmental silt fence to prevent dirt and rock from going down the hill. A lot of the piles of dirt will be removed shortly for backfill. Mr. Howard said we met in May and discussed this, then in June Mr. Kowalczyk sent me an e-mail asking for an update of our last PCB meeting regarding his property. Mr. Howard reviewed the letter that he prepared to send Mr. Thrush on June 8th, the Board reviewed property clean-up agreed clean-up on property has been made but not totally pleased, Plan Commission is asking for him to provide proof of financial means to meet the requirement of having the exterior of the residential structure completed by 12/01/2021, the extension of the current permit which expires on June 24, 2021 will depend on the applicant or deeded owner providing proof of financial responsibility to complete the agreed requirement of the exterior of the residential structure to be complete by the deadline of the proposed extension of the current permit which is Dec. 1, 2021. On June 10th Mr. Thrush addressed a letter to Mr. Kowalczyk, stating that the Plan Commission has instructed me (Mr. Thrush) to notify you to produce to my office no later

than 12:00 pm on June 22, 2021 documentation showing (1) a construction loan of approval from a recognized financial institution and (2) a copy of your current bank statement; both documents must be verified, I affirm under the penalties of perjury that these representations are true and signed by you. Only if you produce satisfactory documentation as requested herein will your permit be extended, if your permit is extended then the entire exterior of your home must be completed by Dec. 31, 2021 as described in previous correspondence with Mr. Howard and Mr. Thrush both stated that neither of them had received a response from Mr. Kowalczuk. Mr. Kowalczuk stated that he is working with Rural 1st Bank in Kokomo and that he still has some things he needs to get in order, the loan was denied last week and I was told to reapply in 60 - 90 days. Mr. Rice asked, so you are at a standstill. Mr. Kowalczuk said that he could still do some work on the foundation while he is waiting. Mrs. Godfroy asked if he can finish the foundation, he replied that he is still short about 300 blocks, he has the mortar. Mr. Dawes asked about the pile of bricks in the photos. Mr. Kowalczuk said that they are used brick and will be used for retaining walls and such, I am doing the best I can to keep everyone happy, the hillside to the back of the property blends with my neighbor's property and helps to keep people out. Mr. Vogel asked how soon does he think he could have the house secured. Mr. Kowalczuk said the bank told him to wait the 60 - 90 days to reapply, then the time to process the paperwork, the day after the loan is approved I can go to 84 Lumber and get the materials ordered and delivered. Mrs. Godfroy asked if he could find another bank in the meanwhile instead of waiting for this bank, he replied that he has to get the numbers taken care of. Scott Siders asked what happens if he does not get a loan, I am all for him getting it and getting this house built but what happens if he doesn't get the loan, I am asking for the town and the neighbors? Mr. Kowalczuk said he understands the concerns and that he does have a couple of long shot options. Mr. Vogel said that is the Board's concern, we don't see a realistic end date, Mr. Kowalczuk said I can't give you a date. Mr. Dawes asked, do you think in 90 days you can have the bank documentation, Mr. Kowalczuk said the credit numbers are what I need to work on. Mr. Vogel asked for Board member recommendations on how to proceed. Suggestions were: Mr. Dawes, give him 90 days to get proof of financial ability to get the loan. Mrs. Godfroy, let him keep working on the foundation. Mrs. Slee said we want to see progress on that too, the block being laid. Mr. Siders asked if in 90 days can the block all be laid, Mr. Kowalczuk said within the 90 days the foundation should be pretty much done except for maybe except for a couple of small spots on the back addition, so I can use that area to get the machine in and out of that area. Mrs. Godfroy asked if he can have all the block that is on the property used, Mr. Howard reminded that he said he is short about 300 blocks to complete the work, is this being included in the 90 day requirements? Mr. Vogel told Mr. Kowalczuk that he is going to have to show progress, if you can't do that you are going to have problems with the rest of it. Mr. Howard asked the Board if they are including the 300 blocks to be put in within the 90 days, Mr. Siders said that the area between the new neighbors and Kowalczuk property needs to be cleaned up. Board members discussed what the financial statement should include. Mr. Kowalczuk said the first floor square footage will be about 1788 sq. ft. Mrs. Stephan

asked if the mailing address on file for Mr. Kowalczyk is current since he didn't respond to the letter that was sent to that address, he stated that it is correct. Mrs. Stephan then asked what does this do to his building permit, does he have to pay for a permit? Mr. Howard said that is the way we have done the permit in Lafontaine, each time they came in for a permit the fee was charged. Mr. Rice said that in 90 days we need definite language stating what happens if he can't get the financing approved, and complete understanding on both sides. Board members reviewed the requirements to be met within 90 days. Mr. Rice said that we don't want any more trash piles, we want a safe work site. Mr. Rice asked, if the foundation is in but financing is not done what happens? Mr. Vogel told Mr. Kowalczyk that as it stands you need to have the foundation and blocks done and proof of financial ability to complete the outside shell of the house by the Nov. 4, 2021 PCB meeting, Mr. Kowalczyk agreed to this. A motion to approve the requirements was made by Mr. Rice, this was seconded by Mrs. Stephan, the motion carried.

Mr. Vogel told Mr. Kowalczyk that this was probably the last go round on this. Mr. Howard will send you a revised Unsafe Premise Order.

Mr. Howard reviewed the following complaints:

- David Francis, 2 Unsafe Premise Orders in Servia. Property at 55 Mulberry St. was ordered to raze the structure, this was done but the debris was not cleaned up. Mr. Francis then purchased another property in Servia in the tax sale which also needs to have the structure razed and brush cleaned up. Mrs. Slee made the motion to approve the Findings of Fact on the property at 55 Mulberry St., this was seconded by Mr. Rice, the motion carried. Mr. Howard reviewed the information on the property at 170 Main St., Servia, it was the same situation as the first property. Mr. Rice made the motion to approve the Findings of Fact for the second property, this was seconded by Mr. Dawes, the motion carried. Mr. Dawes asked if there is anything in place that if there are unsafe premise orders or a violation in place on a property that the deeded owner is not permitted to buy another property through the tax sale. Mr. Howard said there is nothing in writing. I try to watch. It is definitely something that needs to be considered. In our new ordinance if you have a violation or are delinquent on your taxes on any property you will not be issued a building permit, but that is for the future for right now there is nothing.
- Laura Hileman property, Unsafe Premise Order in Noble Township. Ms. Hileman is deceased so we will be working with Daniel B. and Daniel R. Hileman. Mr. Howard reviewed the Findings of Fact. Motion to approve the Findings of Fact was made by Mrs. Slee, this was seconded by Mr. Dawes, the motion carried
- Danny Hackworth property in Disko. On July 16 they were sent a letter, they were told that they could appear tonight, however, they are not here. Ms. Stated that she could be out of the mobile home in 30 days, that has not happened.
- Swafford property in Disko, they have done some clean-up, they still have a long way to go. I have been told that they are potentially selling the property to a

neighbor. I will hold off on the unsafe premise order until after we hear that it is sold.

- Dustin Warren property in Pleasant Township at Sandy Beach. Mr. Warren owns the lot; he lives out of town and has someone renting the property. The property is a mess. Mr. Warren called Mr. Thrush on July 20th to notify him of an upcoming eviction hearing in the courts on August 2nd. After the hearing the property will be cleaned up.
- The Jeffry Fanning/Sandra Moore property at Sandy Beach, there was a fire in a small building on the property a few years ago. There is a large accumulation of junk and tires. They went through a court order to clean up the property, remove the tires and repair the roof. They are starting to clean it up again, the court order needs to be enforced.
- Rick Hollingshead property at 3001 N St. Rd. 15. We filed against Mr. Denton on this same property a few years back. A letter has been sent; Sonia Poe is on the recorded business title with Mr. Hollingshead. August 24, 2021 is the time line for clean-up.
- We have had a complaint about the noise level at Cyclone Manufacturing in Urbana. Brenda Sellers lives across the street from the plant. Cyclone Mfg. is zoned industrial, her home is zoned R1. I have talked with Ms. Sellers and explained that to file the complaint she would need to provide data to back up the complaint, which she has done. The data was gathered on August 2, 2021, Mr. Howard shared copies of the data with the Board. Ms. Sellers started the complaint with the County Commissioners, they felt it should be handled through the Plan Commission office. Mr. Dawes did go to Cyclone Mfg. and met with the office administrator to talk with them about the complaint. Board members reviewed the data. Mr. Dawes said in his discussion with the office administrator in February that they had been shut down for a while due to Covid, when they started back up they were also doing some outside work for other companies, he said that he has not spoken with anybody since then on this matter. Mr. Vogel said that he would like to find a solution to this problem, whether it is keeping the overhead doors closed or planting a buffer of shrubbery between the plant and her home. Mrs. Slee asked if any other neighbors have complained, Mr. Howard replied no others have complained to the Plan Commission office. Mrs. Stephan noted that if Ms. Sellers has lived there since 1994, that their manufacturing might have changed.
- Denver Cupps, pond violation in Liberty Township. Mr. Howard stated that he has been working with Mr. Cupps and County Highway Superintendent, Cole Wyatt on names and phone numbers for engineers who could oversee the work done on the guardrail. Mr. Cupps has until September 24, 2021 to have the guardrail installed as required.

Mr. Howard gave an update on the County Ordinance draft, Mr. Downs is working on Chapter 6, Development Standards. The section on ponds, Mr. Howard stated that he

doesn't feel ponds should be regulated by the Plan Commission but by the County Drainage Board. Mr. Dawes stated that all the Drainage Board does is to see if it effects a county regulated drain, I don't think they feel like it fits under their jurisdiction, we don't have the expertise.

Mr. Vogel asked for an update from Mr. Dawes on the Imagine One 85 comprehensive plan. Mr. Dawes said that he did attend the public meeting at the Honeywell Plaza on July 14 and felt they had a decent turnout. The next meeting was scheduled for August 20th but that has been pushed back, he didn't know the rescheduled date.

Mr. Howard reviewed the budget that has been proposed for the Plan Commission office for 2022. Mr. Vogel asked if there were any questions or comments, there being none he asked for a motion to approve the budget request. Mr. Rice made the motion to approve the budget, this was seconded by Mrs. Godfroy, the motion carried.

Mr. Howard gave an update on the color printer in the Plan Commission office. The original quote to replace the fuser was much higher than the final quote of \$189.00. The fuser has been ordered and will be installed. No fee for Installation.

Mr. Vogel asked if there was any other business. Mr. Howard said at the BZA meeting we were asked to contact the Army Corp of Engineers and the DNR about the Treska property. He reviewed e-mails with Scott Dean and Scott Matthews dated July 28, 2021.

From Mr. Scott Matthews with the Army Corp of Engineers: I believe the trees were installed in the early summer of 2019, so three years would be 2022. Based on site conditions, we are free to release early if the site is doing well or continue monitoring if more time is needed. I suspect I will visit the site next spring or summer to assess the conditions. For unauthorized actions where either restoration was required or some form of mitigation, compliance is done by several methods. It can be done in review of monitoring reports, it can be done by site inspections, it can be done with remote monitoring and imagery, or a combination of different methods. Each site is different, with the amount of impact, the amount of restoration/mitigation all becomes factors. The Corps is currently satisfied with the work that has been done on the site with remaining debris and such. The site is in compliance at this time.

From Mr. Scott Dean, Natural Resources Inspector Compliance & Enforcement Section, responses to the following questions from Mr. Howard:

- (Q) Has the remaining debris been removed to the satisfaction of the USACE and or the DNR?
- (A) The debris has been removed to the satisfaction of the DNR.
- (Q) When there are violations reported and acted on by DNR or USACE, such as this, do these departments inspect sites for compliance or do they rely on the submitted monitoring reports?

- (A) I follow up on a case by case basis. Typically, a monitoring report with photos will suffice.
- (Q) At any time beyond the original review/discussion between Mr. Treska and the Wabash County Soil and Water Conservation District, has said department been involved by receiving or submitting correspondence to either the DNR or USACE regarding the Treska case?
- (A) I have inherited this particular violation, so I am not aware of any discussion, except my June 1st meeting with Mr. Treska, and the conversations that are noted in the file.

Mr. Vogel asked if there were any questions or comments from Board members or the audience. Mr. David Wamsley asked if he could have a copy of the e-mail, this was provided to him.

There being no further business Mr. Vogel asked for a motion to adjourn. Mr. Rice made the motion to adjourn, this was seconded by Mrs. Stephan, the motion carried. The meeting adjourned at 8:50 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
MTH