

# Wabash County Plan Commission

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## Wabash County Plan Commission Board

Board Members: Randy Curless, Jeff Dawes, Sam Hann, Mark Milam, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel

Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

## Meeting Minutes of Tuesday, July 2, 2024

Roll call was taken with the following present:

Board Members: Randy Curless, Jeff Dawes, Mike Ruse, Mark Milam, Doug Rice, Cheri Slee, Joe Vogel

Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Jennifer Hicks, Administrative Assistant

Absent: Christian Rosen, Geoff Schortgen, Sam Hann

Others present: Matt Bates, Cheryl Ross, Nicky Burnsworth, Suzanne Peebles, Dave Blocher, Gabe Kelley, Robert Corn, Zach Hiner

The Wabash County Plan Commission Board met on Tuesday, July 2, 2024 in the Commissioners Meeting Room at the Wabash County Courthouse. The meeting was called to order at 7:00 pm by Board Chairman Mr. Randy Curless.

Mr. Curless requested Mr. Campbell introduce the new staff and board member. Mr. Campbell introduced Jennifer Hicks as the Plan Commission Secretary. She takes the place of Amanda Lyons. Mr. Campbell then introduced Mike Ruse, Waltz Township Trustee, who takes the place of Patty Lengel. Mr. Ruse is the Township Trustee representative for Wabash County.

Mr. Curless stated first on the agenda is approving the minutes from the May 2, 2024 meeting since there was no meeting in June due to the lack of a quorum. Motion to approve the minutes as presented was made by Mr. Vogel, second by Mr. Rice. Roll call vote was taken; motion passed 7-0.

Next on the agenda was the Unsafe Premise Order for the Curt Arnett property located at 23 W Branson St, Liberty Township. Mr. Campbell stated he visited Mr. Arnett's property and everything on the property was done or being addressed. Mr. Arnett has placed a cover over the top of his basement steps. Mr. Campbell stated they have done a good job clearing some of the rubble sitting around. Mr. Campbell stated Mr. Arnett has also started working on the back steps and back porch which were the only other issues that were in the Unsafe Premise Order. From what Mr. Campbell has seen he believes everything will be completed and recommends closing the Unsafe Premise Order. Mr. Campbell stated everything isn't completely done yet, but it appears as though they are doing everything they said they were going to do. Mr. Curless asked if a motion was required to close out the Unsafe Premise Order. Mr. Frantz stated that it is something that Mr. Campbell can do on his own.

Mr. Curless stated next on the agenda was Special Exception #5, Tree of Life Christian Academy, request to open a school in the existing church building, Pleasant Township. Mr. Campbell stated he did not see anyone from Tree of Life present at the meeting, Mr. Steve Searles was the person who requested the special exception. Mr. Rice asked what the location of the church. Mr. Campbell stated the church is on the southwest corner of St. Rd. 15 and 1400 North. Mr. Campbell continued by stating the church will not be adding any buildings. Mr. Searles sent Mr. Campbell an email clarifying what the plans were for the board, other than that there is no paperwork for this special exception. Mr. Vogel motioned to continue this special exception until next month since no one was present from Tree of Life, Mr. Milam seconded. Motion passed 7-0.

Special Exception #6, Gabe Kelley, to construct a pond, Waltz Township was next on the agenda. Mr. Campbell stated Mr. Kelley came into the office on April 30, 2024 to file an application for a Special Exception for a pond on his property at 7496 S 400 W. The Wabash County Drainage Board gave the project a favorable recommendation on May 6, 2024. Mr. Campbell stated the location of the pond on the property will necessitate the need for variances from both the north and west sides of the property if given a favorable recommendation from the Planning Commission Board. Mr. Rice asked how it works with adjacent property owners and how they are notified. Mr. Campbell stated that any property owners within 250 feet of the affected parcel will receive a letter prior to the Board of Zoning Appeals meeting. Mr. Campbell stated that it is the same procedure with any variance or special exception. Mr. Rice asked if Mr. Kelley had spoke with his neighbors regarding the pond. Mr. Kelley stated he had spoke with his neighbor the night prior and there weren't any issues from her. Ms. Slee asked that since a 24-inch tile is visible on the plans, although the tile is not a county regulated drain, is the pond going to affect the drain despite being 75 feet away from it and are they planning on utilizing it in any way. Mr. Kelley stated he believed they were going to tie into the drain for overflow. Ms. Slee stated since it is a 24-inch drain it's probably shared. Mr. Kelley confirmed it is shared. Ms. Slee wants to make sure that everyone is aware and knows what is being done. Mr. Kelley stated he was told the pond would catch more water and would be a good thing. Ms. Slee once again confirmed the county does not have control over that tile. Mr. Vogel made a motion for a favorable recommendation, Ms. Slee seconded the motion. The motion passed 7-0.

Mr. Curless stated the next agenda item was an Unsafe Premise Order review requested by Mary Siders regarding 320 Washington Street, Lagro Township. Ms. Siders was not present at the meeting. Mr. Campbell stated that Ms. Siders requested the review regarding an interest in purchasing the property and what the process regarding the Unsafe Premise Order is. Mr. Campbell stated Ms. Siders was notified of the cancellation of the June meeting and provided with the dates of the July meeting. Mr. Campbell continued by saying that this was just an update and therefore did not need a motion. Mr. Frantz confirmed that a motion was not needed. Mr. Campbell stated he would speak with Mr. Frantz regarding where we are in the process and call Ms. Siders with an update.

Special Exception #7, Todd & Diane Floor, to construct a communications tower, Pleasant Township was next on the agenda. Mr. Campbell stated that on May 31, 2024 Todd Floor came into the plan commission office to file a Special Exception to ask for approval of a communications tower on his property on St. Rd. 15 just south of the Wabash/Kosciusko County Line. Emily Gonzales, Project Manager for TeleCad Wireless Site Design sent Mr. Campbell copies of the plans along with other relevant and required information about the site and the proposed tower. Mr. Campbell noticed in his initial review some issues with information on the plans that needed addressed and TeleCad has addressed those issues. Mr. Campbell provided 4 pages of relative information regarding the proposed plans to the Planning Commission Board. Mr. Campbell stated the entire set of plans, the lease agreement, and the letter of non-interference are located in the Planning Commission office if they are needed for review. Everything

has been reviewed in its entirety, Mr. Campbell confirmed TeleCad and Mr. Floor have submitted everything that is required per the Wabash County Ordinance. Matt Bates from TeleCad was present and stated he works with the engineering group. Mr. Bates stated that Ms. Gonzales works for him. Mr. Bates stated that his company first searches for existing towers near the location they are looking for that can be utilized to avoid having to construct a new tower. In this case, Mr. Bates stated, that there was not an existing tower for over 2 and a half miles away, so in order to proceed with the project, they would have to construct a new tower on a new location. Mr. Bates continued saying he worked with Mr. & Mrs. Floor on their property to find a location that would meet or exceed the setback requirements. He stated the location they found should be right at the 250 feet or a little bit over from the property lines. Mr. Bates stated they are attempting to build a tower that's height would support 2-3 users at that location. He stated they are not attempting to go 300-400 feet tall, just 245 feet plus a 5-foot lightening rod would give the necessary coverage for a sizeable area. Mr. Bates continued by saying it is hard to hide the towers and that is something they struggle with; however, they try to meet all of the regulations and requirements of the ordinance. Another issue Mr. Bates has had brought up to him regarding the towers is the concern that the tower would fall over like a tree; however, the way the towers are constructed and the material they are made out of they tend to crumple. Mr. Bates stated that if the tower was to have a catastrophic failure, the engineer's letter explains how the tower would fold in on itself. Mr. Campbell noted that TeleCad has been sending information and has supplied everything needed referenced in the ordinance. Mr. Rice made the motion to make a favorable recommendation, the motion was seconded by Mr. Vogel. The motion passed 7-0.

Mr. Curless stated Special Exception #8, Robert Corn, to construct a pond in Lagro Township was next on the agenda. Mr. Campbell that Mr. Corn came to the Planning Commission office on June 4, 2024 and completed the application process for a pond on the property at 4563 E 150 S, Lagro. Mr. Corn is seeking permission to build a pond of approximately  $\frac{3}{4}$  of an acre. Mr. Campbell continued, in measuring the approximate location of the pond from the drawings provided, there is about 190 feet from the edge of the pond to the centerline of County Road 150 South and approximately 110 feet from the west property line, thus no need for a variance in this case from either the front or side setbacks. Mr. Corn will have an outlet for the pond that feeds into a ditch on his property so there is no need to have Mr. Corn get permissions from any adjoining property owners since all the pond overflow will be onto his property and not close to any other property lines. Mr. Corn did receive a favorable recommendation from the Wabash County Drainage Board during a regular meeting. Mr. Dawes made a motion to give a favorable recommendation, second by Ms. Slee. The motion passed 7-0.

Special Exception #9, Zach Hiner, to construct a pond in Lagro Township was next on the agenda. Mr. Campbell stated that on June 27, 2024, Mr. Hiner came into the Planning Commission office and applied for the Special Exception for a pond in Wabash County. Mr. Hiner owns the property the pond will sit on along with the north adjoining tract that currently has his home on it. While checking the measurements from the proposed pond to the property lines, the proposed pond is approximately 245 feet from the northerly contiguous parcel and approximately 1,100 feet to the next closest side property line and approximately 600 feet to the south property line. All the water overflow from the proposed pond will be draining onto Mr. Hiner's property in a natural way so no permissions were needed from any adjoiners. The Wabash County Drainage Board granted a favorable recommendation to Mr. Hiner at the meeting on Monday, July 1, 2024. Mr. Rice made the motion for a favorable recommendation, second was made by Mr. Vogel. The motion passed 7-0.

Mr. Curless stated next on the agenda would be the complaints update countywide. Mr. Campbell provided the board with the complaints update as follows:

- 55 complaints open currently in 2024
  - 43 complaints were rolled over from 2023
    - 13 of the rolled over 2023 complaints have been closed in 2024
- 52 new complaints have been received so far in 2024
  - 26 have been resolved
- 94 total complaints worked in 2024; 33 resolved
- 3 new complaints have been received and not yet checked.

Mr. Curless asked if any members of the public had anything to bring to the board. There was nothing from the public. Mr. Curless asked if the board had anything to bring up. Mr. Campbell stated he had a few issues to bring up. Mr. Campbell first spoke regarding a complaint that was discussed at the most recent BZA meeting. Mr. Campbell stated we have received a complaint regarding mowing a property. There is an ordinance regarding mowing and allowing the Planning Commission to mow grass; however, there is not a fund set up to pay for such. The situation regarding the current complaint, there is very little chance of being about to recoup the funds used since the property will be going into foreclosure. If the property goes to Sheriff's Sale, any liens that we would apply to the property would be wiped away. With the 2025 budget being due the end of the month, should we ask for funds for mowing or set up a special fund for mowing? Mr. Campbell stated that in a lot of the situations, we would not see the funds be returned even if Mr. Frantz takes it to court, there is a chance of never being able to recoup the losses. Mr. Campbell asked for direction from the Planning Commission Board and if they would like for him to request funds at the budget hearings. Mr. Campbell has asked for quotes regarding what mowing the property in question would be; however, he has not yet received any responses. Mr. Campbell stated the grass is approximately waist high and 3 acres. The neighbor is upset regarding the property conditions. He mowed and maintained the property in 2023, but cannot continue to do so. The neighbor has stated that they are having issues, such as bugs, that they have not experienced prior to the grass being this tall. Mr. Vogel asked if the property was in foreclosure and is the total property 3 acres. Mr. Campbell stated it was. Mr. Vogel then asked if anyone was living there. Mr. Campbell confirmed that no one is currently living at the property as both of the owners are deceased. Mr. Vogel asked if the taxes were current. Mr. Campbell stated he would check. Mr. Vogel then asked if it was going to go to tax sale or sheriff sale. Mr. Frantz answered that it would go to sheriff sale. Mr. Rice asked what the probability of the bank getting the property back. Mr. Frantz stated it was likely due to the judgement being close to the value of the property. Mr. Vogel asked if there was any trash or junk in the yard. Mr. Campbell stated there is no trash, just high grass. Mr. Rice asked what Mr. Campbell needed from the Planning Commission Board. Mr. Campbell stated the budget is coming due this month and wanted to know if mowing should be a new line item on the budget and what amount should he request. Mr. Campbell stated that at this time, he doesn't even know what it would cost to mow a property such as this. Mr. Milam stated that year after year it would need to be increased. Mr. Campbell stated that this is the first time an issue or complaint has gotten this far since the new ordinance went into effect in 2023. Mr. Rice asked if someone could be contacted to bail it. Mr. Campbell stated he had thought about that but was concerned about the insurance and the person being bonded. Mr. Vogel asked when the property would be going up for sheriff sale. Mr. Frantz answered potentially in a month or two. Mr. Vogel then stated that once it is mowed it will have to continue to mow to prevent it from getting into the same condition. Mr. Vogel stated mowing in small towns is one thing, but out in the county its something different. Mr. Campbell asked if the ordinance wording should be changed due to the probability of losing a lot of money in situations like this. Most complaints regarding mowing are resolved with a letter. Mr. Campbell stated this property is zoned agricultural. Ms. Slee asked even if it was zoned residential there are no funds or companies lined up to take care of a property. Mr. Dawes asked Mr. Campbell if he had spoke with Marcie Shepherd to see if there were any other accounts that could be used. Mr. Curless asked about the money taken in for

permits. Mr. Campbell stated all of those funds go directly into the Unsafe Premise Fund, which cannot be used for mowing. Mr. Rice asked if there was something that could be done with properties in certain zoning areas. Mr. Campbell stated there are other properties that are abandoned or boarded up within the county, but all of the other properties have been rectified with a letter. Mr. Curless asked if there was any liability on the county if action isn't taken. Mr. Frantz answered no. Mr. Campbell stated he would check with Ms. Shepherd regarding funding and looking into potentially changing the wording in the ordinance.

Mr. Campbell stated the 2025 budget is due on July 26, 2024, before the next Planning Commission meeting. Mr. Campbell asked if the board would like to review the budget via email prior to submitting it to the Auditor. He stated that at the next meeting, the board can then officially approve the submitted budget.

Mr. Campbell stated that he did have to request a transfer of funds from the Wabash County Council between the scheduled meetings. He stated he had to transfer funds from the office supply account which was at a balance of \$2,684.82. The funds were transferred into the certified mailer and legal ads accounts, which were at just under \$85 and \$58, respectively. When Mr. Campbell checked to see why there was a discrepancy, he found that so far in 2024 there have been 21 variance requests and 9 special exceptions, for a total of 30, and we are just now halfway through 2024. In previous 6-8 years, the Planning Commission had a total of 31 for the year. With the Special Exceptions approved at this meeting, there would not have been the funds required to complete the certified mailers or legal ads without doing a transfer. Mr. Campbell also emailed the newspaper regarding the raise in the rates. The rates were averaging \$22, but are now averaging \$35 for the legal ads. Mr. Campbell stated that the newspaper responded saying that there is a price increase mandated by the state each year. Mr. Campbell stated the representative from the newspaper stated that for some reason the regional office did not get the increase into their system until June, which is why everything from January through April were billed at the 2023 rates and everything going forward are at the 2024 rates. Mr. Campbell said that he has asked the newspaper every year if there were any increases coming and if they had any idea of what the new rates would be. Mr. Campbell stated that they had previously stated they did not know of any. He continued by saying he requested a transfer of \$175 to go into the certified mailers account and \$650 to go into the legal ads account, for a total of \$825 transferred out of office supplies. If this was not done both accounts would have been in the red. Mr. Curless stated that this is an area we need to look at increasing the budget for 2025. Mr. Campbell stated that the certified mailers and legal ads fees are billed to the applicants, so the money isn't gone, just circulating.

Mr. Campbell advised the Board that he had finalized the requirements for the Flood Plain Administration for Wabash County, so officially no one needs to be hired until next year. Mr. Campbell expressed an interest in completing the Certified Flood Plain Management Program. It is not required by the state at this time.

There was no other business for the board, so Mr. Curless asked for a motion to adjourn. Mr. Vogel made a motion to adjourn, Mr. Curless seconded the motion. Vote taken; motion passed unanimously. Meeting was adjourned at 7:46pm.

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