

Decatur County Area Plan Commission
March Minutes 2020
1st Floor Meeting Room of Decatur County Courthouse

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Paul Stone at 7:15 p.m. on Wednesday, March 4, 2020. There were 8 board members present with Sheila Kirchhoff absent. Also attending was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Rick Nobbe – Commissioner and Jerome Buening – Commissioner.

* The minutes of the February 5, 2020 regularly scheduled APC monthly meeting were approved as mailed.

* **Election:** As a result of the Commissioners revision to our board membership and the appointment of Brad Schutte to replace Andy Scholle we need to have an election for the position of Vice President. Andy Scholle has been moved to a non-voting advisory member.

Melissa Scholl opened the floor for nominations for the position of Vice-President.

Todd Mauer nominated Brad Schutte; Paul Stone seconded the motion. With no other nominations the voting was closed and all member present voted unanimously in favor.

* **APC Petition 2020-1 – Dave & Connie Weber** is requesting to “**Subdivide**” approx. 5 acres out of 39.403 acres and to “**Rezone**” approximately 2.99 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under Decatur County Ordinance Section Number **915 & 920(7)**. The property is owned by the petitioners and is located just west of 4620 E CR 300 S, Greensburg in **Washington Township**.

Connie Weber; we purchase the land and we are wanting to sell part of it to our daughter and her husband to build a new residence. **Paul;** tell us a little bit about the overhead map. **Dave Weber;** there is a waterway, it will go just past that. And then the septic sites are located a little further back (pointing out on the map where they are located). The house is in this area. We have road access there, we can also use the cell tower drive as well. **Paul;** so that is home 1 and then there are plans to build another home? **Connie;** there is a home here which down the road we may tear it down and build at some point. We currently live on 500 E, we don't know what we are going to do with that yet. The plan is to get Dana and her husband here, closer to us and in the Greensburg School District. **Paul;** is your intention to have a new drive or will you use the existing? **Connie;** right now we will use the cell tower drive to get in, there is road frontage that they can make a new driveway if we have to. This is kind of a valley, pasture ground, so it will take a lot to build a driveway, but we could do it if that is what has to be done. **Paul;** so currently it is non-cropland area, is that correct? **Connie;** (referencing overhead map) this in the front is pasture, this is the back is tillable, they will build over to the left so in essence this whole area will be made into yard. **Brad;** you are basically on the knob there, aren't you? **Connie;** yes, they are going to try to buy 5 acres, could be more or less, depends on how we get it surveyed. **Todd;** does someone live in the house now? **Connie,** no. **Brad;** it is a rough piece of ground, I drive by it a lot. **Connie;** the 20 acres on this side (referencing overhead map) is good

ground. **Tom C**; does the tower company own the drive or does the farm own it? **Connie**; the tower itself belongs to the company, they have an easement or right to the driveway. We cannot block it, we have not been in contact with the tower company, we have to do that yet. **Audience: Bill Obermeyer**; we live just west of there and we are glad to see you guys doing something with the property, the house has been sitting empty for a while.

Brad Schutte; made a motion to vote on APC 2020-1; Todd Mauer seconded the motion will all 8 members present voting yes. Paul; your petition passes, thanks for coming in and following the process. This is one of the steps, please stay in contact with the office regarding building permits and inspections.

* **APC Petition 2020-2– Michael Krieger** is requesting to “**Rezone**” approximately 2.99 acres out of 19.299 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under Decatur County Ordinance Section Number **915 & 920(7)**. The property is owned by the petitioner and is located just east of 4956 E CR 640 N, Greensburg in **Fugit Township**.

Mike Krieger; we bought this 20 acres and would like to build on the pasture ground on top of a hill. **Paul**; (referencing overhead map) the black line is what you are looking to build on? **Mike**; yes, on top of the hill and our septic systems are here (referencing overhead map)... **Paul**; road access? **Mike**; yes. **Paul**; how far east is the parcel that you own? **Mike**; we own everything in this black line (referencing overhead map). **Paul**; do you intend to keep the rest of the property tillable? **Mike**; yes. **Todd**; looks like a little nook back in the trees that has been farmed. **Paul**; will this be a full basement? **Mike**; yes. **Paul**; plenty of elevation to daylight a perimeter drain? **Mike**; yes. **Paul**; water? **Mike**; we will drill a well. Paul; the neighbors have decent wells as far as you know? **Mike**; yes. **Paul**; seems like a fine place to put a home. **Brad**; it’s a good spot for it.

Brad Schutte made a motion to vote on APC 2020-2; Jeff Hermes seconded the motion with all 8 members present voting yes. Paul; your petition passes and we appreciate you following the process.

* **APC Petition 2020-3 – Brayden Helms & Scott Helms** is requesting to “**Subdivide**” 47.593 acres into three parcels and “**Rezone**” approximately 2.99 acres on each parcel from an A-1 zoning classification to an A-2 zoning classification for construction of one single family detached dwelling on each parcel. This request falls under Decatur County Ordinance Section Number **915 & 920(7)**. The property is owned by Eddy Kearney and is located just west of 1816 W CR 1000 S, Westport in **Marion Township**.

Scott Helms; I along with Brayden Helms and Nick Schwering want to buy the property and split into 3 parcels and each build on the parcels. Looking to build just barely in the woods and continue to use the farm ground. We will put a driveway, we do have driveway approval and then run the driveway up the left side and split off into 3 parcels. **Paul**; initially there will be one driveway but it looks like there could be drives laid out, is that the goal? **Scott**; there could be but we don’t plan to. We plan on an easement, we don’t want to interrupt the farm ground. **Paul**; that is a plan to have an easement into the deed? **Scott**; yes. **Paul**; I would advise that, everyone is getting along good now but things can change. I would recommend that be in writing so maintenance is split and it can be defined. The soil borings for each site is fine. **Scott**; yes. **Brad**; they are actually above average, they are for that part of the county. **Paul**; what are your water plans? **Scott**; we will each drill a well. **Paul**; do the neighbors have wells,

anyone have rural water? **Scott**; they have wells, they said that they can't run water out..... inaudible. **Brad**; there is rural water on 1000 S. **Paul**; that is a good back up plan. **Brad**; that will be your only dilemma, the closer you get to sand creek the worse it gets. **Paul**; approximately what kind of distance between the homes? **Scott**; around 300'. **Paul**; the intention is that this will remain in crop land? **Scott**; yes. **Paul**; it appears there are several homes around there, not too far out of adjoined style properties. **Todd**; there in the corner, is that a house? (referencing overhead map) **Scott**; there are some sheds, no other dwellings.

Todd Mauer made a motion to vote on APC 2020-3; Brad Schutte seconded the motion with all 8 members present voting yes. Paul; thanks for following the process, please stay in contact with the gals in the office regarding building permits and inspections.

* **APC Petition 2019-08 – Mark Fixmer with BEX Farms** is petitioning to “re-zone” approx. 150.074 acres from an A-1 zoning classification to an I-2 zoning classification for future operational needs. This request falls under the Decatur County Ordinance **Section #1216-1228**. The property is owned by the petitioner and is located on S County Rd 280 E and Hwy 421 (7 parcels), Greensburg, IN in **Washington Township**.

Paul stated that his request would be that if you have something that adds value to the conversation, if your statement is that “I don't want it”, we can take this to midnight. You are certainly welcome to add to the conversation. We will start out, we have a few people who have requested to speak and Mr. Publo will speak first. I think that there is some misconception about this particular request tonight, this is the Area Plan Commission that has the responsibility of zoning on these parcels. There will be a lot of discussion regarding a landfill, this petition tonight has nothing to do with excavating a landfill, this petition is regarding the zoning of this property. Currently an A-1 zoning and they are asking to have an I-2 zoning. We certainly understand all of the comments and questions but please keep in mind that should this or some form of this pass, BEX Farms would come back and make another request for potentially a landfill. Please keep that in mind how this process works.

Kirk Publo: I am the Environmental Manager for Best Way, Decatur Hills Landfill. The petition is in the name of BEX Farms, BEX is the property owner. It is owned by the same people as Best Way, Decatur Hills. Kirk's presentation was then started with references made to the overhead power point.

Paul; there are a few folks to speak, I would like to allow those folks a few minutes. Next up is Mayor Joshua March.

Mayor Josh Marsh: Good evening Mr. Chairman Stone and the board. Thank you for allowing me to speak this evening. My name is Joshua Marsh, Mayor of the City of Greensburg. This evening we wanted to bring a couple of folks with us to share some information with you from the city's perspective, not necessarily one way or the other but just so you have the facts about how it affects the city. Obviously the city has a vested interest in this in different capacities and you will hear from 2 or 3 of the gentlemen with me here this evening. Of course our number one priority is public safety and how does that work. This isn't just for city residents, tonight's presentation, because we do supply the water to Rural Water, so it does affect county residents as well. I have with me our Water Superintendent Rick Denny, he has 20 years' experience for us and has working knowledge of our current facility system and our new facility that we are building. He will be available for questions from the board, if you have them, as we go through the evening. I also have Mr. James Carr, he is owner and president of Hydro Phase Inc. It is an

environmental consulting that provides solutions related to groundwater resources, development and protection and hydronic analysis as well as an environmental compliance company. Hydro Phase has been involved with the creation and implementation of Greensburg's well head protection plan which is mandated by State and Federal law for the last 7 years, but has been working with the City of Greensburg for nearly 14 years. Hydrophase was retained by the City of Greensburg to provide expert analysis relating to the landfill and zoning issues to provide an expert opinion and to answer any questions that you may have to the threat to the City of Greensburg's water supply. Mr. Carr will present for a couple of minutes with the Chairman's blessing to share our directional feed for the cities wells and share a professional assessment of any threats or lack of the water supply. In addition to public safety which is always priority #1, I also have a responsibility for economic development and growth of our community. I realize that growth and development is something I have spent a lot of time talking about and is what this board is here for as well, and that this topic has been controversial in both directions because it has been both potentially a detractor but also maybe and attractor for financial and investment in our community. That being said it is an idea that if you build a bigger landfill that people may not want to be near it or in the area with it, that is fair too. I think there is also the flip side to that coin in that if you have an industry or people that contribute waste to society... the landfill does not want a higher cost of living when it comes to a higher trash fee, an industry will not want to pay to move their trash elsewhere or move it out of the county so they will not locate here. So I think we have both arguments to that. And to that point I have Street Commissioner Mark Klosterkemper with me who will share the impacts that it will have on the sanitation department and how the citizens of Greensburg would be affected should our agreement with Best Way change in some capacity, that being said I won't speak for the landfill but they do collect trash and recyclables throughout the county so it is also a countywide impact on trash pick up. I do not have our Wastewater Superintendent Jeff Smith with us tonight but we do process all of the leachate that comes from Decatur Hills and also the Tinsman landfill as well, that is part of the services that we offer and that we work with. I know that we have to look to all aspects as a community for this controversial topic, but we do need to work with the professionals that I have brought with us as well as the Best Way professionals, make sure that the state and local guidelines and regulations that this body sets are met and followed, I'm not arguing for that in any capacity. I know that you are just the zoning body and that is an important piece of this as we move forward so I still feel that it is valid to hear from the gentlemen here. As a side note I had spent a couple of hours at the facility and spent talked on the phone with Mark Fixmer several times about this process and what it looks like, I was thoroughly impressed with the facility in how clean and tidy it was and I believe that they will continue to do that, I have seen nothing but the best from Best Way and they have been incredibly helpful. If the board is willing I would like to let Mr. Carr and Mr. Klosterkemper speak. Paul; thank you, we appreciate you being here and bringing these folks along. Please come up and state your name.

James Carr: I'm with Hydro Phase, and like the mayor said we have contracted with the city several times over the last 13 years. The most recent time was in 2018 when we did the Well head protection plan updates and preparations. Mr. Carr's presentation was then started with references made to the overhead power point.

Mark Klosterkemper, Street Commissioner: I was asked to prepare an estimated cost to the City of Greensburg if the landfill was not available for the residents to utilize. Mr. Klosterkemper then gave his presentation utilizing the overhead power point.

There were some questions from the audience on his presentation. Paul; Mr. Klosterkemper fulfilled the requests that if this landfill continues at this landfill and cannot expand, this is based on the current business model, approximately 15-20 years on the current volume, so if we deny the request for the expansion at the point when it is full what the city would do. We are going to open this up, everyone who is going to talk will come up here, please be mindful, there are a lot of people in this room, if you have a question raise your hand and come up here. We have another presentation and then we will open up for questions. Would anyone else from the City like to speak? No.

Jean Johannigman, I do want the board and the media to know that when I am done I have documented proof of to hand out. Jean Johannigman then gave her presentation utilizing the overhead power point.

Paul; at this time I would like to allow Kirk to respond to any of Jean's presentation directly. Kirk; I'll wait. Paul; here is how this is going to work, you will raise your hand, you will be asked to come up, state your name and talk. Please feel free, everyone has that right and I encourage you to exercise that, please allow enough time, keeping in mind that many people would like to speak so please try to keep it to a condensed conversation.

At this time the floor was opened for public comments and concerns. After much discussion the petition was tabled so that the petitioner could bring provide additional information to the board.

Paul; Kirk you have the option to amend the proposal, but if you choose not to the board is going to table this. I have several pages of things the I want to verify and check in to and questions to ask. At this point I'm going to ask that we table this and in the meantime, I would ask you to be diligent in your request and potentially put something before us that tightens this size up. Maybe some further definition of a site plan, and I understand that there is a lot to determine through IDEM, and a lot of that you don't know yet but as of right now it is something that I don't feel comfortable with and the board can choose to speak if they would like but it's my opinion. Kirk; are you asking that we table this? Paul; yes, if you would prefer otherwise I will not deny you the right to call a vote, but that is my advice. Kirk; we will table.

*** 2020 Ordinance Revisions** are available to view at the Greensburg – Decatur County Public Library, in the Area Plan Commission Office at the Courthouse and on the website at www.decalurcounty.in.gov.

Due to time restraints the discussion on the 2020 Ordinance Revisions will be delayed.

With no other business before the board the meeting was adjourned at 10:07 p.m.

ATTEST

Secretary, Todd Mauer

Decatur County Area Plan Commission

President, Paul Stone

Decatur County Area Plan Commission

