MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Wednesday, November 13, 2024, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Richard Reid, Dave Goldenberg, Jeff Willis, Jeff Valiant, Amanda Mosiman, Jeff Willis, & Brandon Pryor.

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Kim Kaiser, Assistant Director, and Shelli Clark, staff.

**MEMBERS NOT PRESENT:** Bob Johnson

**MINUTES:** President Valiant asked if everyone received a copy of the minutes from the October 14 meeting. He asked are there any additions or corrections. He stated if not, I will entertain a motion.

Amanda Mosiman made a motion to approve the October 14, 2024 minutes. Dave Goldenberg seconded the motion and carried unanimously.

President Valiant stated it looks like we have one primary plat and a couple of other things. He said primary plats get final approval here so we will go over the petition and then call you up. He continues there should be a sign in sheet up there for the petitioner to sign in. He stated we will state our side and then let you add or make a presentation if you want before we open the floor for remonstration.

**PRIMARY PLATS:**

**PP-24-21: Wren Lake No. 3:** PETITIONER/ OWNER: SABL Land LLC, by Brad Cottier, manager. Approximately 9.15 acres located on the north side of Titzer Road. Approximately 1200’ west of the intersection formed by Titzer Road and N Stevenson Station Road. Being Lot 1 in Wren Lake Subdivision. Campbell Township 29/32-5-9. *Advertised in The Standard on October 31, 2024.*

Scott Buedel with Cash Waggner & Associates is present.

President Valiant asked for a staff report.

Mrs. Barnhill stated they did send notice to the adjacent property owners and we received all the green cards back. She said the zoning is “A” agricultural and there is no floodplain. She stated the proposed development consists of two residential lots (4.441 to 4.726 acres). She continues the Commissioner’s approved their request for no street improvements for Titzer Road and the Drainage Board approved their request for no drainage plans be required. She stated on their septic we are still waiting on approved percolation test sites. She said we do not have those so any approval would be subject to that. She continues for water we have capacity letter from Chandler Water. She added we also have a limited Power of Attorney for Glen Meritt Jr. and Scott Buedel to represent the owners tonight.

President Valiant asked Scott do you have anything to add.

Scott Buedel said to follow up on the soils, Becky Langford is doing the testing. He added she was out there I believe last week and she has gone back and forth with the owner. He stated I texted her right before I came just to see where things stood, I know that she is covered up, but I did not get a reply back. He said I am anticipating that everything is okay with the soils and beyond that it is pretty straight forward division of that lot, it is two lots from one.

President Valiant said thank you, sir. He asked is there any questions from the Board at this time.

Amanda Mosiman asked is there anything on the lot now.

Scott Buedel replied no. He said they will have, I don’t know if you mentioned that Molly, they will have a shared drive coming off of Titzer. He continues I don’t know how far that will extend into the property but right now it is at least…to get them off Titzer Road and then have at least one drive.

President Valiant asked any more questions from the Board at this time…seeing none is there any remonstration for or against this property. He added if so please step up to the podium. He said please state your name for the record and there should be a sign in sheet up there as well.

Charles Murphy stated well for one may I approach to show you this.

President Valiant stated go to the end and start there. He said anything you have if you hand it over it becomes property of the Board.

Charles Murphy stated three acres of their property is the road, 3.5 acres of their property is like mine it comes out in the lake so they actually got 3.6 acres back here to build on. He said this section from right here to here is swamp and cattails if you walk back there and look at it. He said that is one. He asked may I continue.

President Valiant replied yes.

Charles Murphy said this is from (unintelligible)…you can read this right here the site for the septic system is damaged due to cutting, scraping, compacting, and smearing of the soil conditions. He said I spent a fortune putting mine in because the first one they put in failed, the second one when it started raining I had to have a tank truck out there two times to suck out and then I went back with Jerry Aigner and spent a lot of money. He stated if I hadn’t had my 4.7 acres I wouldn’t have passed it

Mrs. Barnhill asked so where are you at in relation to this.

Charles Murphy stated I am on lot 2A.

Mrs. Barnhill said 2A.

Charles Murphy responded yes. He said I am the house that lot 1 is north of me. He added I guess, Molly the thing I want to say too is it is 100 and something foot from my lot to the road back was a haul road. He said they put four foot to six foot of soil on my property…underneath it is packed like concrete. He stated that is why I had the issues with the septic. He said we had to bring a trackhoe out there and we had to bust through those hard pans…it was a mess and that is basically…I just don’t want to see a second owner that buys that back half pay that kind of money and then he goes out there and he can’t put a septic in or if he does the septic goes right in the lake. He stated that is basically my complaint.

President Valiant said thank you, Mr. Murphy. He asked anyone else.

James Mauer said I wish they hadn’t made Stevenson Station so long it takes forever to write. He said and I did not realize at the time that I should have made a shorter email address so now I am stuck with it for the rest of my life. He said years ago when Mr. Murphy and his lovely wife were wanting to subdivide their property just like this, we came before the committee and there was an attorney involved and they wanted to subdivide their property. He stated they had the exact same issue that this property has in that a large portion of acreage is in the lake. He said this one, it is a little more deceiving because that bottom half off of Titzer Road that goes back to their property, according to Mr. Murphy, is three acres. He said you can’t put a field bed on that section of the land and the furthest north of the property again, and I have been back there and seen it, is just a swamp. He stated you couldn’t…I mean you could put a boat in it most days. He added days like today you could easily put a boat in it but it is not where you could put a septic tank. He said the reason that we fought his…the division of his property back then and won successfully, was that we did not want his septic system to contaminate the lake. He stated they have to have certain space, the soil compaction that he found was even worse than what we anticipated. He said this argument has been brought before this commission before and we successfully at that point prevented him from subdividing his lot, which actually in many ways would have been more feasible, but there is a whole other story there. He continues anyway, we fought it because we did not want the septic system to contaminate the lake and in a lot of ways this lot has more endangered wetlands than what his property did. He stated in my opinion this has been reviewed once, been denied once, and this one should also be denied. He said thank you.

President Valiant replied thank you, Mr. Maurer.

Debbie Murphy stated I guess looking at a womans… I did a little homework, reclaimed strip mine land is compacted. She said the state only requires that you do a depth of six feet to put in a septic system. She stated but problems exist on mined land much deeper and it is compacted, which if it can’t go into the ground we have no…I mean one house back there is fine but not two. She said that second house is…it’s invariably some of that sewage is going to go into the lake. She stated my grandkids swim in that lake. She said it is an environmental hazard, you will have ground water contamination; if it doesn’t go into the lake it’s got to go somewhere so it can come up into your yard then it rains where does it go…into the lake with the fish and my grandkids. She stated the cost of repair on a septic is very expensive because ours failed and the lot next to Nancy and Brad his failed too. She continues he had to put in a whole new septic and it cost him I think $17,000.00. She stated because that land…that ground is compacted under there. She stated we have had three failed septic systems and it is very expensive, which means will the people fix it if it is contaminated. She stated I don’t know how anybody can split that lot…that back lot is swamp, cattails, and mud…there is no way any of us want two septic systems back there. She stated that is what we are arguing about because environmentally it is just dangerous so that is a woman’s prerogative. She added I have grandkids that swim in that lake.

President Valiant said thank you Mrs. Murphy. He stated I am going to ask that we…I think we have addressed the septic enough so if you have something different to bring to the table that would be…

Greg Patterson stated sure. He said my wife Billie and I live on Stevenson Station on the other side of the lake from where this is being proposed. He said we just want it to go on record that we do oppose this. He stated if you have seen the property it’s pretty pristine…the lake is a spring fed…it has two spring fed springs in it that keeps it clear and keeps it clean. He continues it’s like you know Debbie was saying we do swim in it, a lot of fishing, a lot of recreation out there at that lake, it’s quiet, it’s a peaceful place…. we used to live in Evansville and we lived on a small lot in Evansville and we moved out here to get away from that, I mean that was our ideal and we plan on living in this house until we retire and leave it to our children. He said that was our argument the first time we bought this property knowing that there was a limited number of lots on it and I think we have set a precedence that some of the other lots that are large like that may end up being divided as well and I would not like to see that because there was a finite number of lots on this lake and they all touch the lake…every lot in this subdivision. He continues we want to try to keep that the way it was when we bought it so we just wanted to make sure we are on the record as making sure that it tried to stay the same.

President Valiant asked you said you are on the Stevenson Station side, what lot.

Greg Patterson replied lot 8.

Mrs. Barnhill stated lot 8.

President Valiant responded thank you.

Greg Patterson replied thank you.

Eric McMichael stated we live on Titzer Road that adjoins the lake and same thing we oppose this because we moved here three years ago with a limited number of lots and that is kind of how we would like to keep it. He said I also like to fish a lot and if there is a problem with somebodies septic it is going to ruin a lot of good fishing. He stated that is why we oppose this, my wife and I.

Charles Murphy asked can I ask a question.

President Valiant asked another one.

Charles Murphy replied yes, just one.

President Valiant stated you have to step up to the podium because this is all being recorded.

Charles Murphy stated my septic is 120 feet from the lake. He asked how many feet off of the lake can you legally put a septic system.

Amanda Mosiman stated that is so, as Molly said, we don’t approve septic sites from this Board. She added that is all done by the Health Department. She said any decision we make is based on the environmental assessment from the Health Department and their things so we may approve it tonight but if those septic sites don’t come back as viable then this is moot.

Charles Murphy replied thank you.

Amanda Mosiman responded yeah.

President Valiant asked anyone else. Seeing no one he asked Scott Buedel to come back up and address the concerns that have been made.

Scott Buedel stated as far as the main concern is the septic and like I said we have Becky involved. He said she is out there doing testing on the property and like you said any approval that would be given tonight would be contingent upon the lots passing and having appropriate sites for septic. He stated the only thing that I have heard from Becky whenever I first contacted her about getting out here and doing the testing she was talking about putting the septic sites on the western side of the property, which is as far away from the lake as you can be on these lots and that is where she anticipated doing the testing just from her knowledge of the area and looking at the contours of the slopes. He added that is where she believes where the appropriate sites would be so from the stand point of the distance away from the lake it will be further away than right up against the lake or anything like that. He continued so she will be doing the testing and if everything comes back satisfactory then we would put those locations on the plat like we typically do. He added and then when somebody went out there to actually build wherever the location of their house is going to be there would still be additional testing at that point in time before the Health Department actually issues the permit. He continues right now they are just saying there are viable sites on the property and they would issue a permit for the actual construction of it. He stated from the stand point of recreation and not wanting additional properties on the lake and those type of things I don’t know if I can necessarily control that I mean it is a pretty lake and a desirable lake and I would think that somebody buying these lots would respect it just like the existing landowners do. He said I don’t know if that was all of the….but those were the main questions.

President Valiant stated yes, I think everything revolved around the septic and the lake itself and they would have said if there was an issue. He asked would you just for the record and for everybody’s peace of mind would you…who is Becky.

Scott Buedel stated Becky Langford with Langford Environmental.

President Valiant replied thank you.

Scott Buedel continues she does…as far as I am concerned she does 100% of the septic testing in Warrick County but I know there is someone else but I always use Becky and she’s very familiar with the County, the area, and does a very good job.

President Valiant asked any more questions from the Board.

James. Maurer speaking from the seating. (Unintelligible)

President Valiant said hold on sir.

James Maurer responded okay.

President Valiant asked any more questions from the Board. He said Mr. Maurer I will give you one statement.

James Maurer stated I would just like to point out one thing that I think we kind of overlooked. He said when Lake Group or whoever it was that originally plotted this; they laid it out and if they could have gotten two more lots in there they would have done it then. He stated it was under their opinion at that point is my understanding that this was the only way to lay it out because really that lot is kind of undesirable because you have this long driveway to get back to it. He said I just want to emphasize that when they set the original plot this was their people’s assessment of how to maximize the most number of lots for that location factoring in the wetlands and all of the other stuff. He stated if they could have gotten more lots in there and figured out a way to do it they would have done it at that time. He said I just want to point that out because sometimes we forget that people…this all went through a plotting process at one time and at that time this was found to too be the best way to get the most number of lots in there. He continues squeezing one or two extra ones in now kind of is reinventing the wheel, thank you.

Scott Buedel stated just to follow up on that comment just to be clear on that too but that adjoining property next to us lot 2 I believe, I think that was subdivided in 2001 so lot 2 is now lots 2A & 2B. He said there were two lots on the west side of the lake and currently there is three and if this would be approved then it would be four.

President Valiant said thank you, Scott. He asked any more questions from the Board.

Mrs. Barnhill asked is any of that considered wetlands back there.

Attorney Doll said officially.

Mrs. Barnhill added officially.

Scott Buedel responded no.

Mrs. Barnhill stated when we looked at it you go back this lane and then it opens up to the buildable area not including the lake. She asked what is you estimated acreage on just the dirt back there.

Attorney Doll said proposed lot 2.

Scott Buedel stated proposed lot 2 beyond the strip there is 1.5 acres of land.

Mrs. Barnhill said ummhmm.

Scott Buedel said I think the requirement now is…I know other counties have adopted it and it is 1 acre that is required for septic and on the back lot there is 2.62 acres that is land outside of that strip but again to build a house and put in a septic you know that’s going to fit in a relatively small area. He stated again like Becky had mentioned to me that the septic sites would be on the western side of the lots so the houses would be close to those.

Mrs. Barnhill said so the Health Department, so the Board knows, has changed some of their requirements. She stated they have a new type of system that is supposed to be better it’s…what is it called.

Scott Buedel replied presby system.

Mrs. Barnhill said presby system and they are allowing them on a 1 acre lot if the soil tests correctly.

Amanda Mosiman asked is this a mound.

Mrs. Barnhill replied no.

Amanda Mosiman responded no, so they are different, okay.

Scott Buedel stated and a mound is an option too I mean…

Amanda Mosiman responded right that would be an option but I didn’t …I was trying to put presby visual in my head and I can’t think of it.

Scott Buedel stated Becky’s testing would dictate what if anything can be there and what type of system it would need to be.

Amanda Mosiman replied right.

Brandon Pryor stated I am new and don’t really know the precedent here but you said lot 2 had been divided earlier.

Amanda Mosiman responded ummhmm.

Brandon Pryor continued that looks to be a lot larger lot than lot 3 is so when they divided lot 2 looks like they had a lot of property to divide to start with compared to lot 3 just by looking at this map.

Scott Buedel replied yeah, but then you also look at the amount that is in the lake.

Brandon Pryor said yeah, I see that.

Scott Buedel said pretty well lot 2A has a 100’ strip that goes back 957’ and then it opens up at the back 240’ probably, just roughing it, 240’ x 240’. He stated I can calc that area but it would be…

Amanda Mosiman asked you are saying lot 2 the actual land is probably close to an acre.

Scott Buedel stated lot 2A if you are talking about…

Amanda Mosiman said no, no, no I am not talking 2A I’m talking about your determined lot 2.

Attorney Doll said the proposed lot.

Scott Buedel replied 1.5 acres of land outside of the water and outside of the strip.

Amanda Mosiman responded outside of the water and the strip, okay I understand.

Scott Buedel stated the strip is 1.3 acres on each lot basically.

Mrs. Barnhill stated that was definitely a consideration when we looked at this.

Amanda Mosiman responded I know.

President Valiant asked what did you say lot 1 was… acreage…outside of the strip.

Attorney Doll responded 2.6 acres.

Jeff Willis asked is that the one that everyone is saying has a lot of cattails on it.

Amanda Mosiman replied yeah, I can kind of see that from the…I pulled up the satellite map.

Jeff Willis said going off this map I could tell there were a lot of trees there but…

Someone from the seating asked if he could ask another question.

President Valiant stated we are done with remonstrations.

Attorney Doll asked Scott do you know what the pool elevation is on this lake.

Scott Buedel responded we shot it but I don’t remember what that elevation is. He said if you turn the…

Attorney Doll said I am just wondering how steep the slope is…

Scott Buedel responded right.

Attorney Doll continued on the back of lot 1.

Scott Buedel said my copy has…

Amanda Mosiman replied a couple of feet at least.

Scott Buedel continued the contours turned off.

Mrs. Barnhill stated the first contour is a 394’ and then it comes up…

Amanda Mosiman said there is a 399’ and a 400’ but the 400’ is right where those strips come out so that whole property flows back towards the lake.

Attorney Doll said slopes.

Amanda Mosiman clarified slopes, yes.

Attorney Doll asked so if you bury the septic tank on the western edge it is going to be considerably higher than the elevation of the lake won’t it.

Amanda Mosiman replied those systems are designed to drain out, I mean…

Attorney Doll asked that is not where the field bed…

Amanda Mosiman responded it depends on where the field bed is and that would be something that Becky determines then…she has to approve it.

President Valiant asked are there any questions from the Board. He continued if not I will entertain a motion and remember anything that is done will be subject to the soil testing and the Health Department approval.

Someone from the seating asked to speak.

President Valiant stated you can say something but it’s we are past the point of remonstration. He said Scott just give them…

Mrs. Murphy said all I have…

President Valiant stated you have to step up to the podium because this is being recorded.

Debbie Murphy stated we spent $7,000.00 16 years ago to try to split our lot. She added we hired Krista Lockyear and they denied it and when everybody bought their lots they were told this is the plot plan and this is all of the houses that will be on there so they all spent a lot of money on their homes, a lot of money on their lot, and then somebody comes in and tries to split it and they told us no. She continued the attorney for the Board went to Indianapolis and said that we met the legal criteria to split it and the Board still told us no. She said that was in respect to all of the land owners that had been told there is only going to be…these are the plots on this lake because five years from now…we have five acres we’ll split that and sell two acres since you only have to have an acre for a septic system. She stated that wouldn’t stop any of us from doing it if he gets passed we all could sell our land and put a house here and a house there if it only takes an acre. She said I think that first rolled up thing Charlie gave you it still says on there 2 ½ acres…it is still on the record. She said we talked to…what’s his name….

Someone from seating answers but is unintelligible

Debbie Murphy continued anyway we already tried to do this and they told us no and we came to a meeting three times and it cost us $7,000.00.

Mrs. Barnhill asked you have four acres.

Debbie Murphy replied we do.

Charles Murphy stated 4.7.

Mrs. Barnhill stated it did use to be 2 ½ acres minimum for a septic system.

Debbie Murphy said yes.

Mrs. Barnhill continued but it is not now.

Debbie Murphy said yes, but it is not only the septic. She said you have to think about all of the homeowners and the money they spent building their dream homes and the land…what they spent on the land and now somebody is trying to come in and split two more lots down there and they already denied that…just to make money. She stated it just gets to my heart.

Mrs. Barnhill said I hear you.

President Valiant said thank you. He said Mr. Maurer you had something…

James Maurer replied no.

President Valiant asked are you sure. He said I gave her the opportunity and I want to give you a fair shake.

Charles Murphy asked if he could say something.

President Valiant replied yes, Mr. Murphy up to the podium.

Charles Murphy stated I just want to give this to you this is the guy that contacted me about the project… there is his name, number, and he said he tried to contact you guys today several times and no one would answer the phones or get back to him.

Unintelligible talking between Board members.

Richard Reid said Aaron Franz.

Amanda Mosiman stated he is no longer the director of the Health Department so that…

Charles Murphy said no he had done the whole…

President Valiant stated sir, to the podium we are recording and you have to speak into the microphone.

Mrs. Barnhill stated Aaron has my number and I didn’t hear from him.

Richard Reid stated I didn’t hear from him.

President Valiant said alright…Mr. Buedel. He said back to where we were. He asked any more questions from the Board and I would entertain a motion just keep in mind it will be subject to the soil test and the Health Department’s approval and everything depending on how the Board wishes to…

Amanda Mosiman stated I move to deny PP-24-21. Richard Reid seconded the motion and it carried 5-1 with Jeff Valiant being against denial.

Attorney Doll said so it has been denied.

**OTHER BUSINESS:**

President Valiant stated other business secondary plat approval amendment for The Enclave.

Mrs. Barnhill responded ummhmm.

Attorney Doll stated you might want to give them a couple of…

President Valiant said yes sir, please state your name for the record.

Joshua R. Trockman said good evening Commissioners. He stated I’m an attorney with Kahn, Dees, Donovan & Kahn 501 Main Street, Suite 305, Evansville Indiana 47708 here on behalf of the petitioners Coal Mine Road LLC and Ken Faver regarding the request to approve the secondary plat amending the PUD for The Enclave. He continued our surveyor is actually Scott Buedel as well so he is here to help me out.

Amanda Mosiman asked do we have a power of attorney on file for Ken, does Ken have to be here.

Mrs. Barnhill said so ok, this is an amended secondary, it’s not a primary plat, they did send notices.

Amanda Mosiman said ok, Morrie?

Attorney Doll replied I still think it’s a pending application for the approval of a secondary plat and the rules basically say there has to be a POA on file or else the owner or in this case, the developer, has to be present.

Mrs. Barnhill asked Joshua aren’t you the, who do you represent.

Attorney Trockman replied I represent the petitioner, Coal Mine Road LLC.

Mrs. Barnhill asked Coal Mine Road LLC whose purchased and is now the owner of most of this right?

Attorney Trockman said correct.

Mrs. Barnhill said actually all of the lots have been purchased by Coal Mine Road LLC and Ken Favor owns the road.

Attorney Doll asked so we have two interested parties, two owners on this site.

Mrs. Barnhill replied yes, we discovered that checking the plat.

Attorney Doll asked and you only represent one of the two owners.

Attorney Trockman said both.

Attorney Doll asked you also represent Mr. Faver.

Attorney Trockman replies yes sir.

Mrs. Barnhill asked Coal Mine Road LLC is Lance, what’s his last name, Lance Stephens.

Attorney Trockman replies yes.

Mrs. Barnhill said so Lance Stephens, who worked with Ken Faver on this project from the very beginning.

Attorney Doll asked what’s going on, why does Mr. Faver still own the road and not the lots and someone else owns the lots and not the road, I don’t understand that.

Scott Buedel answered I would say that if the road is a private road, there’s right-of-way that is dedicated like any other subdivision, but the right-of-way was dedicated, but the roadway within the right-of-way is privately maintained so. He continued I don’t know why that would necessarily be any different than any other subdivision where you sell some lots off. He said I kind of get it that the underlying roadway of any subdivision we do is still in the name of the…

Attorney Doll said developer.

Scott Buedel continued the developer who developed it but they gave …

Attorney Doll said well then usually that right-of-way is assigned to a home owners association or some such thing. He asked that’s not happened at this location Scott.

Scott Buedel answered well in a typical subdivision the right-of-way…

Amanda Mosiman said this thing has been anything but typical, that’s kind of our problem.

Scott Buedel said sure.

Amanda Mosiman said so we understand how it typically goes, but this has not been that way.

Scott Buedel said our right-of-way has been dedicated.

Attorney Doll said I don’t understand how the lots were sold but the road was not transferred at the same time to Coal Mine Road.

Mrs. Barnhill said yes, Coal Mine Road LLC.

Attorney Doll said Coal Mine Road LLC. He asked why would that happen.

Scott Buedel replied because there were lots that were created by the plat and those lots were sold like anybody else like any other subdivision would acquire ownership of a lot.

Attorney Dolls asked every lot was sold to Coal Mine, all of them.

Scott Buedel replied uh hum.

Attorney Doll said but the roads were not, the road was not.

Scott Buedel said I haven’t seen the deed as far as the transfer of how it was actually deeded to them. He continued it lists them individually as lots 1, 2, 3, 4…

Attorney Doll said yea.

Scott Buedel continued 5, 6, 7 then yea, then the roadway conveyed but if it was listed as the overall description then it’s the plat.

Mrs. Barnhill asked do I have that Enclave folder in the box. She continued it looks like each one was sold one at a time.

Attorney Doll asked each lot.

Mrs. Barnhill said yes. She continued I didn’t put all those out.

Amanda Mosiman said I didn’t mean to start a whole thing; I just didn’t see him in the audience and I’ve met him before and …

Scott Buedel said but the plat as far as the right-of-way like in the dedication certificate, that’s not any different than it would be on um Castle Ridge where we dedicated it to the County, its just that the roadway within the right-of-way is not maintained by the County, it’s privately maintained. He continued so like in Castle Ridge you’d buy lot 2, you don’t by the road, so this would be, I don’t know why this would be any different.

Attorney Doll said it wouldn’t be except in Castle Ridge, I don’t know the facts, but I presume that the roadway, the right-of-way is owned by the developer of Castle Ridge, in this case whoever the road is not owner of the lots at all.

Attorney Trockman said if it makes a difference, Commissioners, it’s my understanding that Ken Faver is one of the principal members of Coal Mine Road LLC, but obviously it’s still different owners.

Mrs. Barnhill said we are still holding letters of credit on street and drainage construction for this and Ken Faver submitted the letters.

Scott Buedel said just to the dedication certificate though is identical to what it would be on a regular subdivision.

Attorney Doll said but we would be approving a replat that includes the road tonight, your replat would include the road right Scott.

Scott Buedel said right it was dedicated.

Attorney Doll said and you’re now replatting the subdivision that’s what it’s on the agenda for, to approve the replat and the what is being replatted includes the road and Mr. Faver’s not here. He continued I think that’s a violation of the rules.

Amanda Mosiman said in black and white I tend to agree so…

Attorney Doll said and in fact is the owner, who’s the general manager of Coal Mine Road LLC.

Scott Buedel said Ken Faver I would assume.

Attorney Trockman answered they are both members, I don’t think there is a manager or managed LLC.

Attorney Doll asked you don’t have a manager managed LLC you just have member managed, ok and neither of them are here.

Attorney Trockman that’s correct.

Attorney Doll said and we don’t have a recorded POA for you or someone else to speak for them tonight on the replat, and it’s an application for a replat, we don’t distinguish in our rules about what type of application, we just say that on application that the owner has to be present.

Mrs. Barnhill said I did not tell them that the owner had to be here.

Attorney Doll said did they ask.

Mrs. Barnhill replied well…

Amanda Mosiman said I didn’t mean to… I expected them to be here.

Mrs. Barnhill said right. She continued I don’t think it was asked but I didn’t point it out either.

Attorney Doll asked and Scott, not to get ahead of ourselves, basically in the replat what are we dealing with, the drainage right-of-ways.

Scott Buedel answered so there are a couple of things, so whenever we got involved with this it was already, I believe an approved, it already had primary approval. He continued Bill Bivins had worked on this and he relied on a survey that Easley had done on the property, there’s a recorded survey from 2018, he used that survey to lay out the subdivision as you see it today.

Attorney Doll said and the property line was wrong.

Scott Buedel said it was based on a recorded survey.

Attorney Doll said the subdivision was based on a recorded survey; the recorded survey was wrong. He asked is that accurate.

Scott Buedel answered it was not agreed to by the neighboring properties, how about that.

Attorney Doll said it’s in dispute as to whether it was right or wrong.

Scott Buedel said there you go. He continued so there’s a reported survey out there that identifies the property, it was utilized to do the initial plat for the subdivision, everything was laid out. He continued we got involved at some point and I don’t know exactly where Bill left off and where we took it on.

Attorney Doll said he’s deceased.

Scott Buedel replied correct and we took care of I think finishing up the drainage on it, and getting, making sure all of the drainage within the subdivision worked. He continued we did go out and tie down boundary corners based upon what Bill had shown on his survey and we had a recorded survey that backed up…

Attorney Doll asked and that’s where you discovered…

Scott Buedel answered well, his survey matched the recorded survey, there were monuments out there, we tied into them, I mean, it was, we just moved forward with it, nothing necessarily changed. He continued and as they started building the subdivision, you know, they were on lot 1,2,3 moving back into the subdivision putting the roads in and when they got on these back lots back here, there’s a fence and the fence was into the property a few feet so they were wondering what to do with it. He said well they contacted the adjoining property to the east and said well your fence is on our property we’re going to have to take it down, we’ll re-construct it., we’ll relocate it. He stated they said well that things been here you know…

Attorney Doll said more than 20 years.

Scott Buedel said that’s the property line and so, anyway they got an attorney, Ken got an attorney and so that was kind of the situation and they’ve been in discussions. He continued everybody is in agreement, nobody has a problem saying the fence is the property line and so this plat was to go back and …

Attorney Doll said but for the Board’s edification with the fence where it is, the drainage easement is narrow at the back lots.

Scott Buedel replied it narrowed down, yes.

Attorney Doll said and there are already homes built on some of these back lots, is that true.

Scott Buedel said two of them, yes.

Attorney Doll asked do you know which lots, is that 4 and 5 or 5 and 6 or …if you know Scott.

Scott Buedel answered yea I do but, 6 and 7 already have...

Attorney Doll said homes on them, so only 6 has the easement, had past tense, had the easement, that easement has now been vacated.

Scott Buedel said so now going through the process, everybody has agreed to where the boundary line would be, we’ve prepared the new drainage as far as looking at drainage, making sure the drainage still works, modified a few things here and there. He continued we’ve presented that to the Drainage Board, they are aware of the changes, we did go back a couple of weeks…

Attorney Doll said but Scott, have they approved… I don’t think the Drainage Board approved the narrowing of the right-of-way.

Scott Buedel said they took…

Attorney Doll said they’re aware of it.

Scott Buedel said yes, they’re aware of it. He continued Dana wanted us to go …

Attorney Doll said before the Board…

Scott Buedel said to the Drainage Board meeting.

Attorney Doll said yes.

Scott Buedel said we went like two weeks ago and it was basically just the informal presentation to the Drainage Board saying here’s what we’re doing, here’s what’s been presented to you.

Attorney Doll said but they have not approved the narrowing of the right-of-way.

Scott Buedel said they have not, right, correct.

Mrs. Barnhill said and at that meeting they gave consent to vacate the highlighted portion on the front page of your exhibit and that’s the vacate…

Attorney Doll said so right now there’s no drainage right-of-way on file.

Scott Buedel said no it’s not been vacated yet.

Mrs. Barnhill said it’s not been vacated yet.

Scott Buedel said it’s been filed.

Attorney Doll said ok they’ve given consent.

Scott Buedel said correct, they basically agreed with the concept and didn’t have a problem of the concept of moving forward, but they didn’t…

Attorney Doll said of removing…

Scott Buedel said correct.

Attorney Doll said but they haven’t approved the replacement.

Scott Buedel said correct.

Attorney Doll said ok, and this really impacts lots 4, 5, and 6, yes.

Mrs. Barnhill said yes.

Scott Buedel said yes, right.

Attorney Doll said 4, 5, and 6, how does it affect 7 and 8 that’s on the sides, 7 and 8 is there a fence problem there too.

Scott Buedel answered there was a fence down there too yes, so and that’s the same situation with Reed and Cline to the east.

Attorney Doll said so as we sit here tonight the Board needs to know that the Drainage Board has not approved your modified drainage plan, they approved removing the right-of-way from the plat, the original approved right-of-way from the plat, is that right.

Scott Buedel said say that again.

Mrs. Barnhill said they gave consent to vacate.

Attorney Doll said consent to vacate.

Scott Buedel said they gave consent to vacate.

Attorney Doll said but they haven’t approved…

Scott Buedel said correct.

Attorney Doll continued your modified drainage plan.

Scott Buedel said correct, that is on the agenda for …

Mrs. Barnhill said the 25th of November.

Attorney Doll said ok, I don’t think this Board can approve a subdivision plat without Drainage Board prior approval.

Amanda Mosiman said I would agree.

Scott Buedel said and then…

Attorney Doll said we, I mean we just don’t do that, I’m wearing my APC hat now and not my Drainage Board hat, why are you here tonight verses after the 25th. He continued I mean, you don’t have to answer.

Scott Buedel said I don’t know if I can even answer that. He continued we’re here from the standpoint of this is how we’re getting, this is what you need to do to get through that process and to go basically to present to you, before the Board, for the purpose of I think just acknowledging the change in the easement sizes.

Attorney Doll said I mean, I think you can get a flavor for the Board I mean you could say hey, if the Drainage Board approves the amended drainage plan…

Scott Buedel said right.

Attorney Doll continued what do you think, do you think this is the kind of plan you would approve the replat of, I mean that’s a fair question but I don’t think we can approve the replat without the Drainage Board approving the drainage plan.

President Valiant said I’m sorry ma’am, this is being recorded so you’ll need to come to the podium.

Yvette LaPlante introduced herself and said I represent Cline and Reed and I did not record a Power of Attorney.

Attorney Doll said who are they.

Amanda Mosiman said the land owners on the east and south.

Attorney LaPlante said they are the affected fences.

Attorney Doll said ah.

Attorney LaPlante said so I did not record a Power of Attorney so I’ve been keeping quiet.

Attorney Doll said you don’t have to, its not your application.

Attorney LaPlante said alright, so I’ve been involved, I’ve been working with JR’s partner um to come to an agreement for both …

Attorney Doll asked Zach.

Attorney LaPlante continued for Ms. Cline, um Seth, Seth Zirkle, I’ve been working with them to come to an agreement for both Ms. Reed and Mr. Cline, there are two Mr. Cline’s that own that property. She continued I agree with most of the things that Mr. Buedel said, none of what he said that I didn’t agree with is material to what this Board needs to know. She stated my understanding from Seth is that we need, they were coming tonight mostly to show the replat to get through but my understanding was that we were always going to need a second meeting to approve later. She continued this one’s been really difficult, I’ve been working on it for a year and I think you guys have too, um right now I have full agreement for the Clines and Ms. Reed with the Enclave and with …

Attorney Doll asked signed.

Attorney LaPlante said well Mr. Cline wants to wait for you guys, everybody’s kind of waiting, we because he doesn’t want to, his property line needs to remain the same.

Attorney Doll asked is he behind lots 5, 6, and 7 or.

Mrs. Barnhill said yes.

Attorney LaPlante said he is, I don’t have the plat in front of me so I can’t tell you which lot number he is, he is the long fence on the …

Attorney Doll said east side.

Attorney LaPlante said and so it doesn’t make any sense for either of my clients to sign until I know that these lines are going to remain the same, what we’re asking for both fence lines existed before these houses were built and had been there for a number of years. She continued the um plot was, the survey was recorded was recorded before my clients were able to, the survey was recorded before my clients were aware of it and they got noticed that they were going to come tear down their fence.

Attorney Doll said I don’t know of a past experience where this Board has approved any plat much like a replat without it having been previously approved for drainage, by the Drainage Board.

Amanda Mosiman said no, that’s pretty common.

Attorney Doll asked can you think of any examples of anytime we’ve approved a plat prior to the Drainage Board, I mean it’s a sequence.

Attorney LaPlante replied I understand the problem and we, my clients, have the same problem and they’re anxious to get things done. She continued so um I came just to make sure that we knew that they knew and to represent their interest. She said I think they always believed that they were going to have… I have always believed that we were going to have to go to back …

Attorney Doll said back to the Drainage Board, back to the APC.

Attorney LaPlante said yes.

Attorney Doll asked why don’t you just do the APC one time and then a joint appearance you vacate the old and approve the replat, presto change, one time, that way the Board knows exactly what you’re doing, whereas if you approve the vacation, you, we can’t approve the replat I don’t think. He continued I don’t think we, it’s a violation of our ordinance to approve the replat because it says every subdivision shall be approved by the Drainage Board in our ordinance.

Mrs. Barnhill said we’ve done different variations subject to.

Attorney Doll said approval.

Mrs. Barnhill said yea, streets and drainage.

Jeff Willis said a couple of months ago we had a meeting and the Drainage Board got pushed back to a Tuesday or something and we had to continue everything.

Mrs. Barnhill said on occasion we have done for special circumstances.

Richard Reid said subject to.

Mrs. Barnhill said yes and this thing I just didn’t know what else to do with it and wanted to bring to you guys.

Attorney Doll said it’s up to the Board.

Mrs. Barnhill said yea.

Jeff Willis said but if we vacate it and we approve the vacation and they don’t get…

Mrs. Barnhill said the vacation goes to the County Commissioners, they’re just vacating that drainage easement and then they want to dedicate the new easement with this plat.

Attorney Doll said and, and it’ll go…

Mrs. Barnhill said and it’ll go on the 25th.

Attorney LaPlante said and it essentially memorializes what is currently happening.

Attorney Doll asked is there any structures in the right-of-way tonight.

Richard Reid asked you mean the fence.

Attorney Doll said well no, I don’t mean the fence, I mean a drainage structure in the right-of-way tonight.

Attorney LaPlante said no, I was out there the other day, so.

Attorney Doll said that it hasn’t been… was it in…Scott were they pipes or was it a swale.

Amanda Mosiman said swale, it’s on the thing.

Attorney Doll said it is.

Amanda Mosiman said it’s written up there, swales on this map.

Mrs. Barnhill said there looks to be a swale and there’s this page says see 101 on the bottom right here in the corner…

Attorney Doll said yes.

Mrs. Barnhill continued it does show that’s remaining, there’s this…

Attorney Doll said a pipe.

Mrs. Barnhill said yea, between lot 4 and 5.

Attorney Doll said yea I see it.

Mrs. Barnhill said and that’s where those are 4 and 5, those structures…

Attorney Doll said it’s the street drain and it goes to the detention facility.

Amanda Mosiman said yea, so 4 and 5 have swales and I can’t…side yard swale, yea so lot 7 has one as well, I don’t see one for lot 8.

Attorney Doll said ok, well obviously what complicates it is the existence of the house.

Amanda Mosiman said to Jeff’s point, I think we have done stuff you know, pursuant to Drainage Board decision, I think he’s right on that. She continued this one is so odd and so unique, I’m not comfortable doing it until I know what the Drainage Board says.

Attorney LaPlante said you just gave me sort of a road map as to how to get this done, I’m standing up here without notes, so I want you to say it again so we get it done and get to where we need to be.

Attorney Doll said I think you submit your new engineering for the Drainage Board to approve a modified drainage plan then you come back here simultaneously you ask to vacate the existing and substitute the replat the new, now approved drainage plan, I mean…

Mrs. Barnhill asked what do you mean vacate, they filed to vacate the easement and that goes to the Commissioners.

Attorney Doll said I understand but the recommendation or not recommendation because it’s a plat.

Mrs. Barnhill said they’re just vacating an easement, not a plat.

Attorney Doll asked well then why is it a replat.

Mrs. Barnhill said because they replatted those lines.

Attorney Doll said but it’s a replat.

Scott Buedel said it’s an amended, it’s amended.

Mrs. Barnhill said yea it’s an amended, this was…

Scott Buedel said and typically when its amended, there’s a number of amended plats out there and…

Mrs. Barnhill and Attorney Doll bot answered oh yeah.

Scott Buedel continued and a lot of those you never see the second time around, it’s usually just kind of an in-house thing that this changed and this changed and it didn’t change the overall character of the…

Attorney Doll asked can you get the drainage in the narrower right-of-way behind lots 4, 5 and 6.

Scott Buedel said yes, it’s all been, its’ all been relooked at, regraded, redesigned and resubmitted to the County and everything and is on their plate for approval.

Attorney Doll asked has the County Engineer looked at it yet.

Scott Buedel said well Steve…

Attorney Doll said the Assistant County Engineer…

Scott Buedel continued Steve’s been involved, yes absolutely.

Attorney Doll asked and Scott is it your opinion that Drainage board will likely approve it on the 25th.

Scott Buedel said that is my understanding yes, and that was one of the reasons, and I realize the consent meeting that happened didn’t really, I don’t think anybody really understood…

Attorney Doll said no.

Scott Buedel continued why were there or what we were doing either, I think it was just a presentation to say…

Attorney Doll said we’re coming.

Scott Buedel continued this is coming down the pike.

Attorney Doll said we’re coming.

Scott Buedel continued and does anybody have major objections to what’s going on and I think everybody consented to what was being discussed but there was no approval.

Attorney Doll said so back to her question, council’s question, I think the better plan is you table this, bring it back …

Mrs. Barnhill said December.

Attorney Doll said in December, um but you bring it back with full approval of the drainage plan and then everybody knows what’s going in behind and if the Drainage Board approves the narrower right-of-way, then so be it.

Scott Buedel said but then, and I’m just trying to think of the sequence here so when does it go before the County Commissioners to vacate the easements.

Mrs. Barnhill said the 25th of November.

Attorney Doll said no, you mean under my scenario.

Mrs. Barnhill said they’ve already filed to vacate it.

Scott Buedel said so on November 25th the easements, if approved, the easements will be gone.

Attorney Doll said and so you’ll have no easements for a few days.

Scott Buedel answered in those locations that are identified on the request.

Attorney Doll said and they have houses…

Scott Buedel said so then the plat is needed, the amended is needed to rededicate those easements to cover the infrastructure and…

Attorney Doll said its all out of sequence.

Scott Buedel said yea I’m not arguing with you on that, I think you’re… I don’t think anything has happened on a normal process here, but it’s...

Amanda Mosiman said nope.

Attorney Doll said if the Board wants to approve a replat, not knowing that the drainage is going to be approved, that bothers me.

Richard Reid said yea.

Attorney Doll continued um conditioned upon the approval of the drainage plan, the amended drainage plan, the amended drainage plan and wants to approve the amended plat, that’s fine but um well you sort of have a pig in the poke.

Richard Reid made a motion to table.

Amanda Mosiman said yea I’m with ya.

Richard Reid repeated I’ll make a motion to table. Amanda Mosiman seconded it.

Attorney Doll said now wait a minute, don’t rush into that, I mean, what do you got that’s got pressing time wise on this, I mean…

Attorney LaPlante said um…

Attorney Doll said I’m not trying to be an obstructionist.

Attorney LaPlante said so for one of my clients, for Ms. Reed specifically, she has, she trains dogs and she has a fence line that was torn down by the Enclave. She continued um so she has no way to enclose her dogs right now. She said now they have, as part of our negotiations, put up some temporary fencing for her, um but it is not strong enough to hold the dogs, um and she’s frustrated by it. She said we’ve been, I think this is probably, we’ve kicked this down few times and we’ve done a lot of negotiation on it. She continued there are also some stumps, so they cut down her trees to about 5-foot stumps, they cut those down and they’re getting ready to grind the stumps and…

Attorney Doll asked they being.

Attorney LaPlante said the Enclave, um and so then what happens next is we should be able to put up a fence that would have gone through where those stumps were, she is stuck without a fence until we get approval um all of that was taken down, that is what started the discussions between Ms. Reed and the Enclave. She said Ms. Reed didn’t allow that to happen without this Board’s approval.

Attorney Doll asked do you, does she have a contract with a fence company to re-erect the fence at some…

Attorney LaPlante said as part of our agreement, the Enclave is going to supposed to supply the fence.

Attorney Doll asked and is there a deadline by which that’s occurring that has some bearing why you’re here.

Attorney LaPlante said there is no current deadline in part because we can’t, we cannot, my clients don’t want to sign an agreement that says we’re going to put the fence line here if it turns out, it does say subject to the approval of this Board, but if it turns out that this doesn’t happen, then my clients are without a fence line and we end up I guess, we end up in litigation.

Attorney Doll said that’s why I’m saying to you I think if you want to poll the Board as to how they feel about it, if you bring back this amended plat with the approval of an amended drainage plan, whether that Board is likely to be receptive to amending your plat to this PUD or not and then your client knows what’s coming right.

Attorney LaPlante said yea I mean, and I think she feels that she’s been, that’s not your fault but yea...

Attorney Doll said well this is like a bull in a china shop. I mean this is, you…

Amanda Mosiman said I can understand your clients’ frustrations but at the same time we can’t throw our procedures out the window because…

Attorney LaPlante said I understand but I yea I do think to the extent we…

Amanda Mosiman said although sometimes I’ve seriously thought about it.

Attorney LaPlante said I mean he asked me what’s at stake and that is the problem and that is through no fault of her own, she um simply…

Amanda Mosiman said yea.

Attorney Doll said oh I agree.

Attorney LaPlante said she simply came home one day and didn’t have a fence so …

Attorney Doll said I understand, it’s up to the Board.

President Valiant asked what are the wishes of the Board.

Attorney Doll said there’s a motion on the table.

Dave Goldenberg said there’s a motion and a second.

Amanda Mosiman said it’s a motion and a second on the table yea.

Mrs. Barnhill asked and if it’s tabled who do you want to see at the podium on December 9th.

Attorney Doll said the Enclave with approved drainage plans and with approved amended drainage plans and to see the approval of the amended plat.

Amanda Mosiman said yes.

Jeff Willis asked and if the owner can’t make it, power of attorney.

Attorney Doll said yea.

Amanda Mosiman said yes.

Jeff Willis said just so we don’t have any issues.

Attorney Doll said they can get power of attorneys and it’s not for the neighbors, it’s the applicant.

Scott Buedel asked Ken personally and …

Attorney Doll said two, if somebody owns the streets differently, two, sorry Scott.

Jeff Willis asked what about signatures from the other owners, when do they need to have that in place.

Attorney Doll said she can be here and say amen to the amended plat.

Attorney LaPlante said praise the Lord, halleluiah.

Attorney Doll said yea.

Amanda Mosiman said it’s Christmas.

Attorney LaPlante said that agreement is a little more robust than what’s going on here.

Attorney Doll said I, if they’re not willing to sign the agreement ahead of time, I can’t believe you’re going to do all this and not have signed agreements, she can be here.

Dave Goldenberg said that that sequence now your off on another sequence and this is going to throw that sequence off if they don’t have signed agreement.

Attorney Doll said I can’t speak for them they’re not the applicants.

Attorney LaPlante said we’re going to be able to get the agreement done, I am not, I have no concerns about that.

Dave Goldenberg asked will they be here that night to sign or say yes.

Amanda Mosiman said their agreement’s not our concern, sorry.

Attorney LaPlante said yea, my owners will be fine, they’ve been ready to sign for a while.

Attorney Doll said they’re ready.

Amanda Mosiman said they’re waiting on us, it’s sad they’re going to have to wait a little longer.

Richard Reid said it’s up for a vote.

President Valiant asked Richard is your motion still good based on your...

Richard Reid said yes.

President Valiant asked and is your second still good.

Amanda Mosiman said yes. The motion to table passed unanimously.

Attorney Doll said now…

Mrs. Barnhill said December 9th, it’s at 6 o’clock.

Attorney Doll said you can make a motion to shorten the time to notice of the approval of the amended plat to the Commissioners as part of their application.

Mrs. Barnhill asked why does it have…

Attorney Doll said you’re going to have to tell the Commissioners you amended the plat.

Mrs. Barnhill said didn’t …

Amanda Mosiman said we didn’t amend anything.

Attorney Doll said not yet.

Mrs. Barnhill said it’s a secondary plat, we didn’t ask for streets or…

Attorney Doll said ok.

Mrs. Barnhill said or anything with the streets, which would’ve happened if they filed it as a primary all of that would’ve been done.

Attorney Doll said this is crazy.

Richard Reid said it’s been quite a night.

Scott Buedel said so it’s a continuance so we’re …

Attorney Doll said yea.

Scott Buedel continued there’s no new notice.

Attorney Doll said no.

Scott Buedel continued we’re just going to get you a couple of powers of attorney or make sure they’re here and then we come in with hopefully drainage approval.

Attorney Doll said drainage approval.

Scott Buedel said ok.

Attorney Doll said and the secret there, the key there is what Steve, ok.

Scott Buedel said ok.

Richard Reid said good luck.

**COMP 23-03 & 23-04:** Harley & Paula Walker. 3284 & 3294 E SR 62. Possible zoning violation. *Continued from August 14, 2023, November 13, 2023, January 8, 2024, April 8, 2024, June 10, 2024 & September 9, 2024 meetings.*

Harley Walker, owner was present.

Attorney Doll asked do we got our inspector here.

Mrs. Barnhill said yes.

President Valiant said yes, we do.

Amanda Mosiman said bright eyed and bushy tailed.

President Valiant said Mr. Walker.

Harley Walker said hi ya’all.

Amanda Mosiman said hello.

President Valiant said yes sir.

Mrs. Barnhill said so the inspector went out there yesterday and took some pictures, they are in the front of your packet. She continued he went through it and kind of just noted what he observed out there and he’s here tonight if you have any questions. She continued a lot of it has been cleaned up.

Harley Walker said and I made a bigger mess.

Mrs. Barnhill replied that’s what he said.

Harley Walker said well I got tired of putting lipstick on a pig and I had the opportunity to get some equipment so if we’re gonna to do this, we’ve been there for 34 years and its really gotten out of hand for the last 7. He continued so I figure if we’re gonna do this, we’re gonna do it right so.

President Valiant said it looks like you’ve cleared out a lot.

Harley Walker said about 20 yards deep. (laughing)

President Valiant said and in that clearing out, you found more stuff.

Harley Walker said yeah.

President Valiant said well, that’s how it happens right.

Harley Walker said yea, we did, we found stuff that I forgot was there. (laughing) He continued so I did finally get a hold of the doctor who owns the big trailer on the back of the first page because I had pulled it out from where it had sat for, I don’t know how many years and he’s been in an out of the hospital I guess, he’s a chiropractor here in town. He said I told him, I said, you either gotta come and get it, and he goes can you bring it to me. He continued I said I will not bring it to you because I’m not going to be responsible for hauling it down the road because if you pull it down the road and it breaks in half, you own both halves or we scrap it. He stated the front of the second page, those were two items that were buried in honeysuckle and some brush, the 4wheel drive frame it belongs to my middle son and he said the green one is supposed to be sold. He continued so over, flip that one over, that’s a cleaned area, there’s a lot of stuff, I’ve got a dump trailer now. He continued I had another dump trailer that his dad needed it real bad so I lost it, so I’ve got a lot of that dig, I was digging and hauling at the same time so I have a lot of stuff that I need to haul now that I’ve got another dump trailer so that will all disappear. He stated that next page, that’s the one that Molly suggested because my hired help, we got that trailer for him because he’s homeless, he got it remodeled and it is now in Lynnville park as of yesterday, ok. He said and then over the next one, that’s just a lot more stuff we found when we were digging that we haven’t got hauled out of there yet, and we found, we knew the old motorhome was back there but you couldn’t see it because it was all covered up so it will get destroyed too except for we’ll keep the motor and the trany because it’s a 460. He continued some of these part of the reason that some of these older motor homes haven’t disappeared yet, the Dodge, a friend of mine has an old Dodge so we’re taking it to his house and he’s gonna pull the motor and the rear end out of it and scrap the rest. He said and again some of these has got stuff that you can’t get anymore, so the all over, he’s got a picture that’s the one we just talked about, the Dodge, it’s got a tilt trailer backed up to it almost, the little micromachine is my old service van, which is the same thing as I’ve got now so when I get done with that in the back, it will go back, my plan is to put a fence up there so the stuff that I’m keeping will be behind the fence, ok, but since that has a lot of the same parts and the one I’m using now I don’t want to get rid of because parts are expensive. He said but yes, we found a lot of stuff, but it does pay to be nice to people because my buddy let me use his excavator for a processed hog. He continued and some of the miscellaneous stuff that had been over on the other side is behind that trailer where you can’t see it from the road, lawn mowers. He said so we had to move some stuff and we finished the job and I set stuff up on the front porch of my storage house and I didn’t get it put up. He said I am supposed to have knee surgery sometime this winter, I’ve put it off until the winter and a lot of these other vehicles are going to get moved and reorganized and that sort of thing. He continued so what I would like to do, and again it’s up to you guys, but let’s re-meet about the first meeting in May so I can get through this surgery and I’ll just continue to work on the winter because we don’t know what you know.

President Valiant said you know, think back to when we started, this has changed tenfold, you know the improvements, I do like that you have cleaned out the trees and the brush obviously you’ve found more stuff, I know you’re going to get rid of that too. He asked Jeff, would you take a second to come up, I know you’ve been working with the Walkers a lot and I kind of want your input and I’d like it on the record, your thoughts on this.

Jeff Daily, County Inspector said um I gave him this paperwork when we left, when I went out and took photos, he had explained a lot of stuff which is why we highlighted it and stuff. He continued it originally started for me as a nuisance, high weeds, debris and stuff like that, like you had stated it’s dramatically different. He said as far as the nuisance, I’m pretty much ok with it as longs as now you know keeps the debris up, and keeps it mowed, and trimmed around the cars and any other equipment that he has around there, I’m pretty happy about it as far as that. He continued so if anybody, if I get any more complaints, and it stays like this I’m not going to force the issue anymore so yea, he kind of added a lot of work to him whenever he suddenly added 20 yards to his back yard so we can kind of understand that.

Harley Walker said I used to mow, years ago when you’d drive by that place and it was nice.

Jeff Daily said well…

Harley Walker said it was smooth see…

Jeff Daily said well maybe next year you can mow it again.

President Valiant said there you go.

Jeff Daily continued but as far as the nuisance I was, if he keeps it at this level, I’m not gonna complain about it.

President Valiant asked what are the wishes or feelings of the Board, do we reconvene with Mr. Walker, what do you think at a later point. He asked when is surgery.

Mr. Walker replied I don’t know yet, I met with the…

President Valiant asked the knee, is that what you said knee.

Mr. Walker said yea I met with physical therapy today for a while and then we got another meeting and then I meet with the doctor and he’ll schedule the surgery, I hope to have it done in March.

President Valiant said I was thinking we had talked about this before.

Mr. Walker answered yea but my other technician, he had prostate cancer and I felt that was a little more important to get taken care of than my knee and my knee has gotten a lot worse over the summer. He continued I fell three times the day before yesterday.

President Valiant asked are they doing a full replace.

Mr. Walker said yea, they have to put a new one, there not… my family doctor said can’t they give you shots, I said there ain’t nothing there to give shots to.

President Valiant said well with today’s technology those things are a pretty quick turn-a-rounds on them anymore.

Mr. Walker said oh yea.

President Valiant asked what are the feelings of the Board.

Amanda Mosiman said if Jeff feels the nuisance complaint is fine, and it stays in this condition then yea, I’m all good with calling that concluded.

Richard Reid asked is that your motion.

Amanda Mosiman yes sir, if the Board’s ready to make one.

Mrs. Barnhill asked to close the file.

Amanda Mosiman said yep. Richard Reid seconded the motion.

Harley Walker said just don’t let it happen again right.

Amanda Mosiman said yes sir

Richard Reid said we’ll be back.

Harley Walker said we’ll be back.

Amanda Mosiman said yea, there’ll be another one filed.

President Valiant said so there is a motion and a second to close this one.

Attorney Doll said find it no longer in violation.

Amanda Mosiman said yes sir.

President Valiant said find it no longer in violation, thank you council.

Attorney Doll said yes sir.

President Valiant said all in favor. The motion passed unanimously.

Richard Reid said good luck on that sir.

Harley Walker said you guys just don’t want to see my good-looking face anymore.

President Valiant said we’re gonna miss you.

Harley Walker said you guys have a great holiday.

President Valiant said you too and good luck with the surgery.

**ATTORNEY BUSINESS:**

President Valiant said Attorney Business.

Attorney Doll said oh we have a hearing tomorrow at 2 o’clock on a violation, a joint petition for violation by APC and by the Drainage Board represented through the County Surveyors office on what the Schroeder’s, am I saying it right.

Mrs. Barnhill said yes.

Attorney Doll continued on the Schroeder property and we can report back to APC at the December meeting once the result of that hearing is…

Amanda Mosiman asked remind me of what that is.

Attorney Doll said they started to build a basement which is in violation.

Amanda Mosiman said ok, oh right, right I gotcha, I’m with ya.

Attorney Doll said ok.

President Valiant said all you had to say was basement.

Dave Goldenberg said engineer basement.

Attorney Doll said it’s just an open container of water now.

Amanda Mosiman said my brain ceases to function.

Richard Reid said inground pool.

Attorney Doll said I imagine right now it’s full of water.

Richard Reid, President Valiant and Amanda Mosiman all said yea.

Mrs. Barnhill said Brandon I’ll bring pictures next time.

Brandon Pryor said ok, perfect.

President Valiant asked is that all you’ve got.

Attorney Doll said that’s it.

**EXECUTIVE DIRECTOR BUSINESS:**

President Valiant asked Molly Executive Director Business.

Mrs. Barnhill said I’m not sure if this should have gone here, but Heritage Hills Mobile Home Park, this is the plat that was approved in the 70’s, 71 and you know once these are approved, they are approved with their individual lots, that’s what it is, that’s what it’s supposed to be and we don’t even issue permits inside a mobile home park.

Attorney Doll said no.

Mrs. Barnhill said they’re their own thing.

Attorney Doll said the state does.

Mrs. Barnhill said so what do we do, I have these lots circled on that front page and then I’ve put an arial in from GIS.

Attorney Doll asked so it’s 67 through 71 that you’re…

Mrs. Barnhill said yes, what they have done is they squeezed another mobile home in there and so there’s a picture and this is from the neighbor that lives right behind this place and that fence line is her property line and that mobile home their deck is right up just like what 2 feet from her fence.

Attorney Doll asked isn’t that a violation of fire code.

Mrs. Barnhill said um.

Amanda Mosiman said I’m still trying to orient this right.

Attorney Doll said last page.

President Valiant said yea I was, we were talking about that, the aerial…

Richard Reid said that’s what I’m looking at.

President Valiant continued the picture of the lots.

Mrs. Barnhill said yea, and not to mention there is a drainage easement that they’re in.

Brandon Pryor said oh wow.

Mrs. Barnhill said and I tried to draw it on the arial so you could see there’s a concrete pad, so where that concrete pad is, they’ve moved a home into in.

Amanda Mosiman said great.

Mrs. Barnhill said so she has been maintaining both sides of that fence and it has become an issue and now that deck is there. She continued I didn’t know what to tell her.

Attorney Doll asked is this her lot.

Mrs. Barnhill said her lot, yes.

Attorney Doll said strangely shaped.

Mrs. Barnhill said yes, she’s just due east of this property.

Attorney Doll asked and that’s her fence around her lot.

Mrs. Barnhill said the white fence is hers.

Attorney Doll said ok, well if the mobile home is parked in a drainage easement that’s a violation of the…

President Valiant said you’re right.

Richard Reid said yea.

Attorney Doll asked but we haven’t approved this subdivision have we.

Richard Reid said in ‘71.

Mrs. Barnhill said in ‘71.

Richard Reid asked is there a statute of limitations.

Attorney Doll said no.

Amanda Mosiman said I wasn’t here.

President Valiant said the whole Board.

Jeff Willis said that’s what I was thinking.

Mrs. Barnhill said me either.

Jeff Willis said I was.

Attorney Doll said I was born.

President Valiant said sorry buddy.

Amanda Mosiman said sorry, sorry, sorry.

Attorney Doll said um I can write them a letter.

President Valiant said I think we need to.

Amanda Mosiman said yea I think we have to.

Attorney Doll said so you can instruct me to write them a letter that they’re in violation of the plat.

Jeff Valiant made the motion. Richard Reid seconded and it passed unanimously.

Attorney Doll said I’ll do that at the first of the week.

President Valiant said it looks like they squeezed the 71 and a half in there.

Mrs. Barnhill said ok, thank you.

President Valiant asked anything else young lady.

Mrs. Barnhill said no, nothing further.

Richard Reid made a motion to adjourn the meeting. Dave Goldenberg seconded the motion and it carried unanimously. The meeting adjourned at 7:23pm.

ATTEST:

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Molly Barnhill, Executive Director Jeff Valiant, President