

## March 6, 2017

The Wabash County Board of Commissioners met in regular session in the Wabash County Courthouse on Monday, March 6, 2017. Chairman Scott E. Givens called the meeting to order at 9:00 a.m. with all commissioners present: Givens, Barry J. Eppley and Brian K. Hauptert. The proceedings were recorded by Wabash County Auditor Marcie Shepherd. The minutes of the February 27, 2017 meeting were reviewed. Eppley made a motion to approve the minutes as written. Hauptert seconded the motion; it passed by a 3-0 vote.

A group of landowners and concerned citizens spoke regarding the Wabash River Trail. Glenn and Sheila Butcher led the discussion by asking the commissioners a number of questions. The Butchers have hosted two public meetings and asked the commissioners questions which included:

- Have the commissioners seen the proposed bike trail plan?
- Are they aware of any permits request, zoning or otherwise, at the county or state level?
- Will higher taxes be placed on the landowners where the proposed trail will be located?
- Is the county considering re-zoning for the trail?
- Are there any signed agreements between WRT and landowners?
- Has an appraisal problem analysis or location control survey been completed?
- Has the office of the state historical preservation been contacted?
- Will the uniform act be used for just compensation?
- Have emails been received by commissioners for or against this project?
- Are the commissioners aware that the county could lose its national flood insurance if the trail is not done in 100% compliance with regulations?

The commissioners answered the questions that they could but didn't have knowledge regarding some questions due to the fact it is a private organization project and no county funds have been asked for by WRT. Givens stated a lot of the questions would need to go before the zoning board or plan commission board before the commissioners would be requested to take action.

Butcher continued speaking on behalf of landowners and concerned citizens:

- They believe construction/land disturbance has been completed without an IDEM permit and is in violation of IDEM Rule 5. A complaint has been filed with IDEM concerning the matter. They are awaiting a response from IDEM to verify if WRT is in compliance.
- They feel eagles are a great attraction for people to our county and if the trail runs along the river this will violate the Bald and Golden Eagle Act because it will disturb their natural habitat.
- What impact would the trail have on the habitat of endangered and threatened species along the Wabash River? Such questions will need to be addressed to the DNR.
- The state constitution states the people have the right to hunt, fish and harvest wildlife (voted in 2016). The trail may impact this state right

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because of not being able to hunt because of the trail (with shooting restrictions).

- Property taxes may be increased because of the trail (with asphalt). Would this increase be borne by the property owner because they own the land and the trail would have an easement over the land? Downs stated this can be negotiated in the contract with the individual landowner. The contracts are private matters between the landowners and the WRT.
- Do the Commissioners know how the WRT is titled as a private recreational development, when they are proposing a 33 mile public trail.

Givens stated they have no idea how they named themselves. Downs stated that the zoning board would be the governing body over the use of the land and suggested they speak with the zoning board. The Butchers main concern was that public meetings are not being held and people are not aware of the project.

Sheila Butcher stated that the commissioners are to supervise the construction of roads and bridges as well as economic development to the county and believes that the WRT should be coming before the commissioners for this project. Butcher stated the commissioners are the owners of the Wabash River and need to oversee any projects that are within the river or flood plain areas and verify that they are following the DNR flood act which includes public notification. Givens stated that drain and flood plain permits are processed through the state.

Butcher stated WRT is seeking funds for this project from the Regional Development Authority (RDA), and that the guidelines of the authority states that they may take property by condemnation. Downs stated that the authority does have condemnation powers, but there are several procedures that have to be followed before condemnation could take place. Butcher requested that the County withdraw from the RDA. Downs stated that once you have joined the RDA the membership is to be maintained for a period of eight years, which would mean that Wabash County can't withdraw until the year of June 2023.

Butcher stated they believe the trail will be a safety issue and hard to police and maintain. Alternatives were given for a trail instead of following the river. The suggestion was to have a small town to small town bike route which would connect all small towns through a bike trail. Promote what is currently in place: Dam to Dam, All Pink Breast Cancer Awareness and the Veterans Victory Ride.

The landowners and concerned citizens requested the commissioners to issue a stop work order to the WRT. The commissioners stated a written request would have to come from the plan commission director on the recommendation of the U.S. Army Corps of Engineers.

Tom Christman stated that it is his property and he can do what he wants with it.

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Mike Shoemaker spoke on issues of security and litter around his property if the trail goes in and suggested that such efforts be concentrated to parks for the children.

Doug Simons spoke on behalf of the eagles and believes the trail will interrupt the eagles' breeding and nesting periods, because people will be on the trail and this will disrupt the normal flow of their lives. One of the leading dangers of eagles is habitat destruction.

Jim Keffaber agrees that what happens on his land is his business, but is against for the trail because of security.

Lori Siders stated she did not want her property taken away by condemnation. She just purchased the property for the privacy it offers. If the trail goes through her property the value will drop.

Ron Bakehorn stated he is against the trail because there isn't enough room for the trail in front of his property and people would be in his front yard.

Angela Christopher, 4-H Extension Educator spoke on how the trail will affect the 4-H Shooting Sports Club. Currently they use the property at Bass and Bucks and have never been charged. If the trail is to go in, the 4-H Gun Shooting Sports Club will have to consider closing down.

Mark Heitz stated he is against the trail because of the wildlife that utilizes the river will be forced to move to different habitat locations because of the people on the trail.

Lena Gray spoke against the trail and said the trail will be in a dangerous spot and feels someone will be hurt at that location.

Commissioner Givens thanked everyone for their attendance and voicing their opinions on Wabash River Trail project.

John Martin, County Highway Superintendent presented nine utility permits from NIPSCO to retire gas service in the Sandy Beach area. There will be one bell hole dug at each location.

1. 5 Lakeside Dr
2. 13 N Canary Lane
3. 13 N Vacation Way
4. 14 N Cardinal Dr
5. 24 Hillside Dr
6. 24 N Long Lane
7. 51 N Surf Dr
8. 67 W Lakeside Dr

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9. 450 Wren Road

Eppley made a motion to approve the permits. Hauptert seconded the motion; it passed by a 3-0 vote.

Martin presented a utility permit from QC Communications for Indiana Fiber Network to run fiber optic cable along the north side of Division Road from 200 W to SR 15. Eppley made a motion to approve the permits. Hauptert seconded the motion; it passed by a 3-0 vote.

Martin requested permission to replace Bridge #155 on Meridian Road over Clear Creek. This bridge has been slated for replacement for some time due to deterioration and the volume of traffic. The estimated cost of the project is \$350,000. Martin would like to hire Butler, Fairman & Seurfert, Inc. for engineering and design of the new bridge. Eppley made a motion to approve the request to replace Bridge #155 for the estimated cost of \$350,000 and to hire Butler, Fairman & Seurfert, Inc. for the engineering and design work. Hauptert seconded the motion; it passed by a 3-0 vote.

Martin requested permission to begin the process of obtaining federal aid for a new four year contract with INDOT for the county-wide bridge inspections as required by federal law. The process needs to begin soon in order to have all the requirements in place before the required inspections in 2018. Hauptert made a motion to approve the request. Eppley seconded the motion; it passed by a 3-0 vote.

Bob Land, Wabash County Sheriff reported that the Wabash County Jail currently has 79 inmates with 48 inmates housed at the Miami County Jail, 5 inmates at the Elkhart County Jail and 3 inmates housed in the Wells County Jail. Last week there were 28 new book-ins and 7 transports to the DOC. The peak population was 80.

Land stated that the jail replaced an ice machine. The old machine is still working and he would like to donate it to a not-for-profit or public entity if that is allowable. Land will verify that a public entity can take it. If that is not feasible, the old machine will go into the county surplus auction.

Keith Walters, County EMA Director was present with nothing to report.

Steve Downs, County Attorney was present with nothing to report.

Eppley presented a professional service agreement with Lori Shipman Consulting LLC to provide grant administration services associated with the Workforce Development grant. The grant needs signed and submitted to OCRA. It is for the \$13,000 fee for the consulting group to do the administration of the grant. Wabash County's portion of \$4,333.33 has already been paid out of EDG funds.

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Hauptert made a motion to approve the professional service agreement. Eppley seconded the motion; it passed by a 3-0 vote.

Marcie Shepherd, Wabash County Auditor presented:

1. Accounts payable claims and allowance docket for 3/6/2017
2. Payroll claims and allowances for pay ending 2/25/2017

The commissioners approved the claims.

Eppley made a motion to appoint Carrie Vineyard to the Tourism Commission. She will replace Sarah Lochner who resigned to join the YMCA board. Hauptert seconded the motion; it passed by a 3-0 vote.

Eppley made a motion to transfer the title of the "Old Jail" to Indiana Landmarks, and to authorize the payment of \$75,000 as prescribed by the memorandum of understanding with Indiana Landmarks. Hauptert seconded the motion; it passed by a 3-0 vote. Givens clarified that the building is being donated to Indiana Landmarks and the \$75,000 is what the county agreed to give to help with the initial renovations. Indiana Landmarks will be putting their own funds into the renovation which will far exceed \$75,000.

Givens requested a motion to pull a piece of property out of the commissioners' certificate sale which is adjacent to the Wabash County Fairgrounds. Eppley made a motion to pull that piece of property from the sale. Hauptert seconded the motion; it passed by a 3-0 vote.

Review Items:

Wabash River Heritage Corridor Commission – agenda 3/8/2017 and minutes for 1/11/2017

IDEM Notice – Notice of decision – Approval – Gaunt & Son Asphalt, Inc.

Hearing notice for unsafe building – 1369 Adams St. Wabash – March 16, 2017 – 4:00 p.m. at Wabash City Hall

Hearing notice for unsafe building – 531 E. Hill St. Wabash – March 16, 2017 – 4:00 p.m. at Wabash City Hall

With no other business to come before the Board of Commissioners the meeting was adjourned. The commissioners will next meet on Monday, March 13, 2017.

Also present: Wabash Plain Dealer reporter Mackenzi Klemann, News Journal reporter David Fenker, The Paper of Wabash County Editor Joe Slacian, Wabash City Mayor Scott Long, Economic Development Group of Wabash County CEO Keith Gillenwalter, Economic Development Group of Wabash County Project Manager Tenille Zartman, Wabash County Councilman Matthew Mize, 4-H Board President Jeff Michel, Lagro Town Clerk Kristie Bone, Butler Fairman & Seufert representative Toby Steffen, Teresa Witkoske, Luann Layman, Pam Simons, Scott Dahms, Tom Christman, Tim Cooper, Elaine Anderson, Larry Young, Amanda Kerr, Justin Gillespie, Helen Elrod, James Urschel, Angie Hipskin, Mike Shira, Jancie Berry, Bud & Bonnie Pressler, Alan & Heather Bolen and David & Nan Roe.

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