



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES August 25, 2015

MEMBERS PRESENT: HAROLD PARKER JIM PRESSEL
 GENE MATZAT MIKE BOHACEK
 GLEN MINICH TONY HENDRICKS
 RITA BEATY KELLY

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Doug Biege, Attorney, Darlene Pavey, Secretary.

PLEDGE OF ALLEGIANCE

ROLL CALL

Anthony Hendricks, President, asked Darlene Pavey for roll call.

APPROVAL OF AGENDA

Anthony Hendricks asked for a motion to approve the agenda. Mike Bohacek made a motion to approve the agenda. Rita Beaty Kelly and Jim Pressel seconded. All approved. Motion carried 7-0.

APPROVAL OF MINUTES

Anthony Hendricks asked for a motion to approve the minutes. Mike Bohacek made a motion to approve as presented. Rita Beaty Kelly and Jim Pressel seconded. All approved. Motion carried 7-0.

PETITION

1. Come now, D & M Excavating, Inc., by Ryan J. Miller, Vice President, ("Petitioner") and by counsel Andrew D. Voeltz of Howes & Howes, LLP, respectfully petition the La Porte County Plan Commission in an appeal of a red tag and stop work determination as related to the Permit that was issued by the Plan Commission on or about July 16th, 2015 for the property located on County Road 400 West, Center Township, Northeast Quarter, Section 17, Township 37 North, Range 3, West, with a Latitude and Longitude of 41°39'30" North 86°45'57" West. This property is zoned R1B on fifty-two point five zero (52.50) acres of land.

Anthony Hendricks said that he believes that is the Northeast Corner.

Attorney Voeltz said that is correct.

Attorney Andrew Voeltz said that he has the affidavit of publication, as well as certified letters that went out to all adjacent land owners.

Attorney Biege said that notice is adequate.

Andrew Voeltz said that he's an attorney with Howes and Howes in La Porte, Indiana, representing Ryan Miller, D & M Excavating in a petition to appeal and challenge the red tag and stop work determination that was issued by this commission. Attorney Voeltz said as a brief synopsis, he'd like to provide a time line where they're at and then allow his client, Mr. Miller to present some evidence and testimony in regards to his intentions concerning this project.

Attorney Voeltz said that on or about June 19th of 2015, there was request for a permit applied for a driveway coming off County Road 400 West. Attorney Voeltz said that a permit was issued for a pond on or about July 16th of 2015. Attorney Voeltz said that approximately a week later there was a meeting before the County Commissioners in which there were several remonstrators present that were allowed to speak during public comment, which he believes is slightly inappropriate considering the fact that this matter was not on the agenda for the County Commissioners. Attorney Voeltz said that his client did not have an opportunity to address those issues in regards to what was presented to the County Commissioners. Attorney Voeltz said that he certainly looks forward to presenting his side of the story tonight.

Attorney Voeltz said that he thinks that one of the issues that we have here is a lot of misinformation going on; there is a lot of 'he said, she said', going on, and there is quite a bit of confusion about what his client's intentions are concerning this property.

Attorney Voeltz said that notice went out to all adjacent landowners pursuant to statute, as well as publication in the Herald Argus.

Attorney Voeltz is up at the bench handing out an overhead shot of the area in question so you can familiarize yourself with the location. Attorney Voeltz said that he would like to present an e-mail that he received this morning from Dan Diedrich. Mr. Diedrich is a property owner that is adjacent to the property in question and he lives on Malaga Drive; 3834 North to be exact and he's provided a letter in support of D & M Excavating and Ryan Miller's intentions concerning this property.

Attorney Voeltz said rather than put words in his client's mouth, his understanding is that it's more appropriate for Mr. Miller to present his issues to the Planning Commission as related to the issuance of the red tag and the stop work determination and appeal that stop work determination. Attorney Voeltz said that his client will provide information and a packet of materials to the Plan Commission that will show, and not to use a legal term of beyond a reasonable doubt, beyond a shadow of a doubt, said his intentions are concerning a property that

is zoned R1, being Residential and his intentions to construct a home on this property. Attorney Voeltz said that he will turn this over to Mr. Miller.

Ryan Miller is up at the bench handing out a packet to the Plan Commission.

Mr. Miller told the board members that the first page of the book he presented to the Plan Commission is color coded. Mr. Miller is explaining the different colors of this book and what they represent. Mr. Miller said that the driveway is constructed and it runs along the north side of a pipeline easement. Mr. Miller said that this kind of gives you an overview of what their intentions are.

Mr. Miller said that the intention is to excavate the material out where the pond will be located, and instead of clear cutting the entire property to place that material on site, they're going to remove the material from the site. Mr. Miller said that it works out with his benefits of being the Vice President of D & M. Excavating to use that material anyplace they can find a home for it, and in turn, they dig the pond for him for free and he slowly buys out a parcel of land.

Mr. Miller said that he has copies of both driveway and pond permits that he was issued. Mr. Miller said to clear up one misunderstanding that he thinks has taken place; the Notice of Intent that was done through IDEM is for eleven acres or ten acres of disturbance; that would be the access road and for the pond itself. Mr. Miller said that the pond permit that he pulled through La Porte County is for four (4) acres. Mr. Miller said that the pond permit is a one (1) year permit. Mr. Miller said that he can't envision getting more than the four (4) acres done in the first year. Mr. Miller said that the Notice of Intent is a five (5) year permit. Mr. Miller said that in the five (5) year process he plans to pull multiple permits through La Porte County. Mr. Miller said that is why the two vary in size.

Mr. Miller said that he has the MS4 permit through La Porte County and it was turned in with Notice of Intent to the State, and behind that it will say Indiana Department of Environmental Management and it will say that the Notice of Intent is sufficient. Mr. Miller said that there is a document from La Porte County Health Department where a Soil Solutions did soil testing out there prior to starting where the ball park area is where he wants to build for a septic. Mr. Miller said that he has the design specifications for a septic.

Mr. Miller said that he can answer any questions that you may have.

Anthony Hendricks asked the Plan members if they have any questions for Mr. Miller.

Harold Parker asked Mr. Miller how he's going to hold water in this pond.

Mr. Miller said if the soil isn't conducive and he doesn't run into a clay vein to get clay on site to line the size of the pond, he will import clay from other sites to line the size of the pond up to the level just shy of the top. Mr. Miller said a good example would be Lake Weather Stone on the west side of Michigan City ---- the trailer park community where it's called Paris Acres on one-half and Weather Stone on the other; the north half of that pond is the same type of sanding material and it wouldn't hold water until they lined it with clay.

Mike Bohaeck told Mr. Miller that Notice of Intent is for five (5) years. Mr. Bohacek asked Mr. Miller how long he anticipates the entire project taking.

Mr. Miller said that he hopes to complete it within the five (5) years; it depends on the availability to move the material. Mr. Miller said that the pond might be half constructed and a second pond and the two tied together if need be; it depends on the availability to find a home for the material.

Jim Pressel asked Mr. Miller how deep he sees this pond going.

Mr. Miller said that is a trick question. Mr. Miller said that the south edge of the property is fifteen to twenty-five foot in higher elevation than the north edge of the property. Mr. Miller said that the south edge would be approximately fifteen to twenty foot depth which would leave them thirty --- thirty-five foot on the south side on the bank.

Jim Pressel said that it would be the depth of water that he was going.

Anthony Hendricks asked if there are any other questions from the board.

Anthony Hendricks said that before we open this up to public comment -----typically we will try to watch this, we allow three minutes for comment and we don't like to have issues repeated over and over again. Mr. Hendricks said before that a little housekeeping. Mr. Hendricks said that he's the President of the Plan Commission and there has been some discussion about his ability to sit on the Plan Commission. Mr. Hendricks said that he's also an employee of Charles Hendricks & Associates Engineering and Surveying and his firm has no pecuniary interest in this project. Mr. Hendricks said that there are seven members here tonight and he's not going to vote just out of the full disclosure to leave no doubt.

Anthony Hendricks said if the public would like to speak we would like to keep your comments to the pond permit. Mr. Hendricks said that the pond permit is the only thing this board has control over. Anthony Hendricks that he has an erosion control permit with the State of Indiana; Mr. Hendricks said that he understands that he has Army Corps release; he has the DNR release and he has IDEM release. Mr. Hendricks said that we have an Erosion Control MS4 in this County that has taken that and has run as far as they can with that and approved. Mr. Hendricks said that we have a County Engineer which would be someone you would ask if you have storm water questions. Mr. Hendricks said that the Plan Commission is only here for the pond permit and its stop work order.

Anthony Hendricks said that he will turn this over to the attorney for his discussion and his conflict of interest.

Attorney Biege told Mr. Hendricks that he reviewed and discussed with him your participation and he doesn't believe that you have a conflict of interest; you have no financial interest whatsoever. Attorney Biege said that when you talk about surface water and drainage, the Plan Commission does not have jurisdiction period over those issues.

Anthony Hendricks said that with that he will leave the floor open to the public.

Anthony Hendricks asked for name and address for the record.

Randall Veach, 4177 W. Schultz Road. Mr. Veach said that three minutes is really cutting this short. Mr. Veach said that originally Ryan Miller got a hold of John Randgold from the Pipeline on June 1st. Mr. Miller said that the digging started on the 15th; they started mowing down the wood the first of July, when the excavating equipment got drawn in. Mr. Veach said that at that point there were no permits. Mr. Veach said that Pat Meaney started calling all the offices asking what was going on. Mr. Veach said that all the permits in question, the driveway permit was dated 7-16; again, he got the land and his permission from the pipeline company – John Randgold on 6-1.

Mr. Veach said that he's a business --- D & M Excavating owns this land; the sand on it is CH1 sand. Mr. Veach said that you look at the same paper work he gave you from the beacon website, it can show you the type of soil that is on it; every one of these sites say CH1 soil.

Mr. Veach said that he wants to mine on the land; mining/ borrow pit, it's all covered in 2008. Dunes. Mr. Veach said disregard the storm water runoff.

Anthony Hendricks told Mr. Veach that we have no jurisdiction over storm water runoff.

Mr. Veach said that the wetland that was back there; he has not heard from DNR once, and he's been in contact with IDEM and DNR and nobody can show him where that wetland has been taken off the maps. Mr. Veach said that it is still located on the maps.

Anthony Hendricks told Mr. Veach that we don't have any jurisdiction over wetlands; that is an Army Corps, IDEM and DNR function.

Mr. Veach asked Mr. Hendricks if he can dig up the wetland too.

Anthony Hendricks told Mr. Veach that they have Federal and State Statutes that he would be fined heavily if he doesn't comply.

Mr. Veach asked what we can talk about here.

Anthony Hendricks told Mr. Veach that he has a pond permit.

Mr. Veach asked if we can talk about the Valparaiso Moraine. Mr. Veach said that Article 22 of this code says that it's natural resource protection. Mr. Veach said that in Article 22 one of the first item that is mentioned, the Valparaiso Moraine; that's the land run. Mr. Veach said that is a protective land that La Porte County is supposed to watch over. Mr. Veach said that the sand on this land is the same CHC sand and it goes anywhere from twenty to eighty feet deep. It's the same sand that Paveys been digging off. If you look at his layout --- his road follows the edge of the sand.

Anthony Hendricks said that he doesn't think that we have any rules about putting roads and driveways in other than the County Highway.

Mr. Veach said that the County should be watching the drainage on that; he has flooding on his land; his neighbors land is getting flooded.

Attorney Biege said that the County Highway Department has inspected the driveway and finds it to be acceptable.

Mr. Veach said that he has sixty-two inches of water culvert coming onto his property. Mr. Veach said that he put thirty-two inches drain out there. Plus the top water drain ---

Anthony Hendricks said that we need to focus on the pond permit.

Mr. Veach said that he's trying to put a pond right on top of the Valparaiso Moraine – he says that he can bring in the clay --- why do we have to have a CHC sand. What is so important to every one of the excavators in La Porte – you have Pavey Excavating, Ray's Excavating and you have another gentleman that are all taking in the same CHC sand.

Mr. Veach said that he's saying that he wants to put this pond in to have it fifteen to thirty feet deep. If you read how to build a pond – it's put by the Corps of Engineers, by Purdue Extension, the average depth of a pond in this area should be around eight feet. Mr. Veach said that the average depth is zero, sixteen, and anything after that it has to be spring fit. If it's not spring fit, everything down there dies. Mr. Veach said that there is no way the sun can get down there and if it's not that deep, then everything freezes.

Mr. Veach said that the Moraine itself is a sandy soil. Mr. Veach said that if he's putting this sandy soil on, what he is doing for a dam if the sand gets washed away. Mr. Veach said that if you look at the erosion that's already been happening back there, it's ungodly the erosion that's going on back there just from what he's put in so far. Mr. Veach said that he was supposed to put in erosion protection; he was supposed to have sign engineered drawings. Mr. Veach said that he has none. Mr. Veach said that the only paper work that we're able to get from the county is a building permit that's dated; a beacon view with the same wetland that he's showing off the state is marked that it doesn't have no wetlands and it marks that it has no urban drain. Mr. Veach said that he has sixty-two inches of urban drain coming through towards his property, let alone all the surface water. Mr. Veach asked how the paper work is complete.

Mr. Veach asked where he has one engineered stamped drawing; one drawing that shows the mathematics behind the water flow. Mr. Veach said that he is a member of the IBEM Water Flow and he doesn't have anything here saying this is done right or wrong. Mr. Veach said that you got questioned by Pat Meaney about a week ago and you said that you were going to have Rick Brown send us over all the engineering reports. Mr. Veach said again, they only still have these three pieces of paper. Mr. Veach said that he can't get anything else from the County and they can't find anything to retrieve from the county.

Mr. Veach said that he had gentleman that comes into the land behind his house on the 15th of June mowing down with equipment that says stay back four-hundred feet. Mr. Veach said that he has two pipelines and an easement on his property. Mr. Veach said that every one of them that have an easement from the pipeline were told that they were going to be coming through; Mr. Veach said that he brought in an excavator and a bulldozer and his knocking thirty five foot trees when he and his wife were trying to walk through their backyard. Mr. Veach said that the treetops exploded.

Mike Bohacek is asking Mr. Veach to show him where his property is located on the site plan. Mr. Veach is up at the bench going over the site plan with the board members.

Attorney Biege asked Mr. Veach to step up to the microphone so we have a clear record.

Mr. Veach said that there are people that are getting severely flooded by people that are not looking at the problem. Mr. Veach said that you say that it's not this committee, or this council's problem, but it's another council, but the other council says everything is alright.

Anthony Hendricks said that we have a pond permit in question and if you have pictures of water that would go into the pond; anything that affects the pond permit that was issued and the stop order that was issued.

Mr. Veach is up at the bench passing out pictures of Schultz Road after the rain.

Attorney Biege told Mr. Veach that anything that he presents to the commission has to stay with them for the record.

Mr. Veach said that this is the pipeline that they put on the back of his house. The dirt that is on the top of it used to be a fifty foot ravine that was four feet deep and six feet wide.

Mr. Veach said that he actually hired a drone that he had fly over this property that shows where all the cutouts are; where he cut everything. It shows where the wetland used to be --- where all the storm water used to go – it used to puddle up there every time. Mr. Veach shows where all the pipes are; a topographical view showing the drain coming off of it.

Attorney Biege said that this is a MS4 issue.

Anthony Hendricks said that he's giving a little leeway here because this is the water that goes into the pond. Mr. Hendricks that it isn't an MS4 Erosion Control water quality issue, it would be a water quality issue that he's asking for right now, which is either the County Highway or the La Porte County Drainage Board in some sense. Mr. Hendricks said that he's giving him a little bit of latitude because they discussed how he would keep the water in this pond and he's showing us some pretty dramatic photos of a lot of water that would go into this pond.

Mr. Veach said that in 2008 we had the storm of the century. We had eight and a half to twelve and a half inches of rain and it shut down all Northwestern Indiana. Mr. Veach said that rain came through his land; it went through his land and it didn't flood his land. Mr. Veach said that

now he gets two and a half inches of rain and it says that it was a strange event. Mr. Veach asked what he's going to do the next time we get six inches of rain. What's his other neighbors going to do, because it's backing up on their land first; then it backs up on his land.

Anthony Hendricks said that for the record, you have never had your water back up on your land.

Mr. Veach said not like this. Mr. Veach said that is six feet of water.

Anthony Hendricks asked Mr. Veach if there is anything else he wants to present to the commission.

Mr. Veach said going back to the Valparaiso Moraine; all this water goes back there and sits on top of the soil to the wetland that is out there; it takes all of the contamination out of the water. Mr. Veach said that they brought in three hundred tons or more of ground asphalt. Mr. Veach asked what is in the ground asphalt. Mr. Veach said ground has (inaudible) where they grind the asphalt up and grind roofing shingles up. Mr. Veach said that he has reports from 2009 what you're supposed to do to make sure there isn't any asbestos in the ground asphalt. Mr. Veach said that you're supposed to take boring samples.

Mr. Veach said that he asked Ryan Miller for the MSPS for what was found and Mr. Miller told him that he couldn't have the MSPS. Mr. Veach asked why he can't see what he put down in the land. Mr. Veach said that he put down twenty-four to thirty-six inches of this ground asphalt.

Mr. Veach said that he found out that after a ten acre lake there are different rules, so now he's putting in a nine and a half acre lot. Mr. Veach said that after five acres, you have more rules. Mr. Veach said that he's not following the rules for four acres and he's not following with five; he is not following any guideline to put in a pond. Mr. Veach said that he's digging the CHC sand. Mr. Veach asked why is the CHC sand? He's not a soil scientist. Mr. Veach said that every report that he goes through on the soil studies sold that sand.

Anthony Hendricks asked Mr. Veach if he has anything else in regards to the pond.

Mr. Veach asked if they can see the reports because that is their drinking water. Mr. Veach said that the Valparaiso Moraine has a few little townships on it. Mr. Veach said that it goes through La Porte, the City of LaPorte; it skirts Michigan City, the northern edge.

Anthony Hendricks asked Mr. Veach if he can verify to the commission the importance of the Valparaiso Moraine in relation to the pond.

Mr. Veach said that it's all northern La Porte.

Attorney Biege told Mr. Veach that he has to speak in the microphone because we need to keep a record.

Mr. Veach said that the Valparaiso Moraine is the only place in the world that exists. Mr. Veach said that it has already been torn apart in (inaudible). Mr. Veach said that the water population in

Lake County is ungodly. Mr. Veach said that it doesn't drain anything out, it goes down to the drinking water. Mr. Veach handed out a brochure of the Valparaiso Aquifer Systems of La Porte County.

Anthony Hendricks asked Mr. Veach if he wanted to discuss any Valparaiso Moraine ground water drinking contamination.

Mr. Veach is talking about the DNR and what the DNR says about the Moraine. Mr. Veach said all this water is already going to end up on Trail Creek. Mr. Veach said that affects forty-two miles of bacteria and pesticides and agricultural runoff and PCBs.

Mr. Veach said that the flyover of the land; this is where he hired the drone and the drone comes in and in Article 22.

Attorney Biege said that he doesn't practice criminal law, but it sounds like trespass to him. Attorney Biege told Mr. Veach that he might want to think about introducing that into evidence.

Mr. Veach said that he has google earth and he will map it out. Mr. Veach said that back in Article 22 and all the reason that you should be looking very carefully at the Moraine and what you're trying to do. Mr. Veach said that this is a legal (inaudible) property by a business. Mr. Veach said that Ryan Miller does not own this land. Mr. Veach said that D & M Excavating owns the land who is going to take the soil back to their site that they're putting the pond in and using to build the pond, and sell the soil. Mr. Veach said that is a business on residential property, which he doesn't think he or his neighbors want.

Mr. Veach said that he has the flood of 2008 for Northwest Indiana and he referenced that about the amount of storm water that came --- eight point four inches what was supposed to be the measurement for this project.

Mr. Veach is up at the bench going over picture he took this evening at 4:30 p.m.

Anthony Hendricks asked Mr. Veach for the record, is that area you're showing on your property.

Mr. Veach said that it's directly behind his property.

Anthony Hendricks asked Mr. Veach if this impacting his property.

Mr. Veach stated yes. Mr. Veach said that these pipes are flooding his property and the neighbors.

Mike Bohacek said that we have two issues. Mr. Bohacek told Mr. Veach that he has an issue with the water backing up on your property because of construction, but that is separate with the pond which is further north and west of the property. Mr. Bohacek said that the other remonstrations are against the pond. Mr. Bohacek told Mr. Veach that he has a complaint water and remonstrations against the pond.

Mr. Veach stated yes.

Mr. Veach said that the northwest edge is sitting on the wetland. Mr. Veach said that the wetland goes from the Pavey property directly behind two trees that he is pointing out on a picture. Mr. Veach said that his roadway which follows right along it goes into the west probably about another hundred feet and then it goes directly north.

Mike Bohacek asked Mr. Miller to move the water more efficiently, what is the size of the pipe that he put in.

Mr. Veach said that it's going to have to be at least a seventy-two inch pipe.

Mike Bohacek said that if it's a water flow issue and the culvert needs to be upgraded to be standard with whatever else is going on there, then Mr. Miller can agree to that, or not agree to it, but that is a separate issue.

Mr. Veach asked how much clay Mr. Miller has to bring in.

Mike Bohacek told Mr. Veach that he's going back and forth. Mr. Bohacek told Mr. Veach to try to stay on one thing at a time.

Mr. Veach said that he's going back to the pond. Mr. Veach asked how much clay Mr. Miller is going to have to bring in to fill in this CHC sand. Mr. Veach said that it is CHC sand – soil study since 1946 shows that this is CHC sand that he's taking in there. Mr. Veach said that every excavator digs this CHC sand; not CHB or CHD, its CHC sand they go after.

Anthony Hendricks said that if you look at the soil maps that are in the State of Indiana done by the United States Department of Agricultural, any CHC sand is Chelsey. Mr. Hendricks said it is for building, for septic systems; it's mostly sandy and a little bit clay --- a very very good sand for doing about anything. Anthony said that it's CH for Chelsey and the letter that follows is the depth of the site that you're on. Anthony said that obviously an A is really a steep site, a B is less steep site and a C is kind of a gentler site. Anthony said that if you see a lot of people going after CHC it's because it's easily changed to excavate the ground, or change the ground for a subdivision or a business park.

Mr. Veach said that his land from his house drops down fifty feet. Mr. Veach said that Mr. Miller's land is rolling hills. Mr. Veach said that in Article 22 there are eleven different subjects that are listed through out there of what you're supposed to allow, or not allow on that type of soil.

Anthony Hendricks said that the A is forty-two percent slope. Anthony said that the first two letters are the type of soil.

Mr. Veach said when you go back to the Valparaiso Moraine studies will show that sand buried in there is anywhere from twenty to one-hundred foot deep.

Anthony Hendricks said that you're asking about the soil type in the pond. Anthony told Mr. Veach to stay on the pond.

Mr. Veach said that when you're digging a pond that deep using the CHC sand that he wants to take back and sell, that is a business. Mr. Veach said that he's selling the sand. Mr. Veach said that he's going to borrow it and he's going to mine it. Mr. Veach said that if he puts in a mine, a mining is spelled out in Article 14 and they talk about mining. Mr. Veach said that mining is a borrow pit --- borrow pit in 2008 in the county council code put mining and borrow together. EPA said that if you're going to do mining, it has to be classified as an industrial site.

Anthony Hendricks asked Mr. Veach if he has anything else for the pond.

Mr. Veach said that once you have this pond in sandy soil that doesn't hold water unless it has clay brought in, what happens if it gets washed out, where it is going after that. Mr. Veach said that it will go to Trail Creek and what are we going to do to prevent that. Mr. Veach asked how many gallons of water are in this pond. Mr. Veach said that this pond is going to be thirty feet deep; it's a lot of water. Mr. Veach said do we put in alarm systems for the storm water when we have another two inches of rain.

Mr. Veach said that this is a wetland and we're putting a pond. Mr. Veach said due diligence inventory is what the board is supposed to do to make sure that something like this isn't going on to a site like this. Mr. Veach said that there should be recommendation to find a better place for this to go. Mr. Veach said that this is the only place that Valparaiso Moraine is.

Jim Pressel asked Mr. Veach if we have any topographical elevations --- anything where we could see --- Jim told Mr. Veach that he mentioned a couple of times that this is a wetland, Jim asked if he had DNR or anything that would show us that.

Mr. Veach said that he presented the DNR – Natural Wetland.

Attorney Biege asked Mr. Veach the source of that.

Mr. Veach said that you can get it through the DNR website. Mr. Veach said that he actually has the actual wetland certification number of it.

Anthony Hendricks said that it's a National Wetland Inventory Protection Map, which is also on the beacon website.

Mr. Veach said that he has been in contact with the different agencies and none of them can tell him that the wetland certification has been taken away.

Anthony Hendricks asked Mr. Veach if he has anything else to present to the board.

Mr. Veach said that earlier you received a letter that they were in favor of this. Mr. Veach wants to know if there is a number of people --- is it fifty to one? Mr. Veach asked how that works.

Anthony Hendricks said that this is a pond permit and we are required to follow the code that was recommended by this Plan Commission to the Commissioners and adopted on January 7th, 2012. Mr. Hendricks said that they're required to follow this ordinance and that is what you're here for tonight. Mr. Hendricks said that it's not as clear as it should be for the Building Commissioner, who is an employee of this commission and she red tagged it.

Mr. Veach said that is everything he recited out of Article 22.

Anthony Hendricks asking for remonstrators.

Anthony Hendricks asked for name and address for the record.

Jacqueline Thomas, 3484 N. 400 W., La Porte, Indiana. Ms. Thomas said that she just bought the house and ironically closed on her first home ever on June 15th. Ms. Thomas said that she and her husband are self-employed and they worked for years to buy this house. Ms. Thomas said that they missed out on all of the letters that came out. Ms. Thomas said that shortly after they moved into their "dream home", out in the country where it's quiet; it's beautiful, they noticed truck traffic --- dump truck traffic -- constant dump truck traffic to the point where the dishes in her cupboards are rattling. Ms. Thomas said that her family is her husband, herself and a two year old daughter and four year old son. Ms. Thomas said that they want their children to be able to run and play. Ms. Thomas said that she keeps a tight eye on her children, but with that kind of dump truck traffic going back and forth, which he's going to need to take the soil out of the pond, she can't let her kids play in the front yard.

Ms. Thomas said what happens if a ball rolls into the road? You're going to tell me a loaded dump truck full of clay -- full of sand -- if he's got to haul in water that he's going to be able to stop. Ms. Thomas said that it's a public safety issue, not to mention the wear and tear on the road. Ms. Thomas asked if this has been addressed? Ms. Thomas said that the road is not in great shape as it is, but five years of this kind wear and tear. Ms. Thomas said that these trucks are loud and by trucks, she would say that there are thirty to forty trucks a day and the noise is constant. Ms. Thomas said that these trucks will be rolling through a notoriously dangerous intersection on the corner of 400 and Schultz. Ms. Thomas said that she closed on her house on June 19th and she moved in on June 21st and she has seen three accidents at the intersection. Ms. Thomas said what happens when you have dump trucks going non-stop, loaded, and water trucks, loaded.

Ms. Thomas said that she would like the board to consider this in direct relation to the pond, all of that material has to be dug out of the ground and taken by truck one way or another, if he wants to put clay back in, that all has to come in by truck, not to mention all that water. Ms. Thomas thanked the board.

Anthony Hendricks asked if there is anyone else.

Anthony Hendricks asked for name and address for the record.

Melody Kammann, 3859 N. Magila. Ms. Kammann said that she is worried about the drinking water. Ms. Kammann said that she is a little emotional. Ms. Kammann said that the last two years she has been lobbying congress, believe it or not, because she has a daughter that has an illness that no one knows about. Ms. Kammann said that it has taken one-hundred sixty seven doctor visits to get her diagnosed at Mayo. Ms. Kammann said that she has to drink three to six liters of water a day to keep from passing out. She can't go to public school ----- she went from a swimmer that colleges were looking at to someone that can't swim from her to you. Ms. Kammann said that the thought that they don't know what caused her illness, and the fact that it is most likely environmental and knowing what she has to drink every day to stay alive. Ms. Kammann said that she loves where she lives right now, but the thought that she would have to sell her house to insure that her daughter doesn't get sicker, that is unheard of. Ms. Kammann said that she would really like it to be considered that this pond is not built – it just can't be built.

Anthony Hendricks asked if there is anyone else from the public that would like to speak, for or against.

Judith Hammonds, 4277 W. Schultz Road. Ms. Hammonds is speaking to the audience and the response from Mr. Miller is inaudible.

Anthony Hendricks told Ms. Hammonds that she needs to speak at the podium.

Ms. Hammonds said that the truck traffic like the other neighbors said, is hideous. Ms. Hammonds said that the roads are ruined. Ms. Hammonds said that it is like a dust bomb when they go in front of her house. She has been hit in the windshield with rocks. Ms. Hammonds asked Mr. Miller how many trucks he is going to run through there a day. Ms. Hammonds asked Mr. Miller if he has people to buy this material, because all you're going to sell it for is for backfill; that's all you can sell this material for.

Ms. Hammonds asked the board if they knew how many millions of gallons of water will be contained in this pond. Ms. Hammonds asked if this is going to come out of a well in the ground and suck two miles around them dry. Ms. Hammonds asked where the water is going to come from for this pond. Ms. Hammonds said that there is no natural spring there; he is going to have to go down over one-hundred twenty foot to get water.

Ms. Hammonds asked if we have any studies of where this water is going to come from. Ms. Hammonds said that there are four hundred homes in the area and they're a high scaled neighborhood. Ms. Hammonds asked if it's going to suck all of them dry and force them out of their homes.

Ms. Hammonds asked the board if they have test results on the contents of this recycled concrete.

Ms. Hammonds said that no body in this room has a problem if this gentleman wants to build a little pond and put a nice little house up back there and live happily ever after. Ms. Hammonds

said that's not what's going on. Ms. Hammonds said that he's putting an industrial mining site in here.

Anthony Hendricks asked if there is any more comments from the public.

William Fender, 3431 North 400 West. Mr. Fender said that D & M owns the property. Mr. Fender asked if that is considered a commercial mining project rather than a pond.

Anthony Hendricks said that our attorney will talk about that.

Mr. Fender said that when you ask for a nine and a half acre pond permit, does it specify the depth of the pond.

Anthony Hendricks said that they will clarify that.

Mr. Fender asked if there has been a building permit for a residential home.

Anthony Hendricks asked if there are any other members of the public that would like to speak to this petition.

Eric Heckman, 213 Holton Road, La Porte, Indiana, but they own 3823 N. Magila. Mr. Heckman asked what happens after the five years on the permit.

Anthony Hendricks said that would be the Erosion Control.

Mr. Heckman asked if it renews after the five years.

Anthony Hendricks said that you have to reapply.

Attorney Biege said that the Erosion Control permit allows for the surface water. Attorney Biege said that construction of the pond is the improvement location permit that was issued by the Building Department. Attorney Biege said that those permits are only good for a year. Attorney Biege said that when Ryan talks about the project may take more than one year, at the end of the year he's going to have to reapply.

Mr. Heckman asked if it is a meeting such as this, or is it just a formality.

Attorney Biege said that is the discretion of the Building Commissioner.

Mike Bohacek asked attorney Biege if he received an improvement permit that's good for one year, if the board made changes to our zoning ordinance, that would restrict the size of ponds sometime during that year, and when he went to reapply for that permit, would he be subject to the new rules.

Attorney Biege said that he's going to have to research that one. Attorney Biege said that the general rule usually once a permit is issued, the project is subject to the rules at the time the permit was issued.

Mike Bohacek said that doesn't mean the board couldn't make a decision with stipulations to apply to current zoning at the time of reapplying.

Attorney Biege said that the board can decide what the board wants to decide. Attorney Biege said as the lawyer, he's going to look at the legal end of it. Attorney Biege said that he's not going to recommend that the board do that, because there is a lot of case law out there in development projects that go on for years and years and years. Attorney Biege said that there is case law out there that says that generally the rules have to stay the same after the project begins because that person making the improvements is relying on rules as they exist at the time the project begins. Attorney Biege said this wouldn't be the first time that the board isn't listening.

Anthony Hendricks asked if there are any other comments from the public.

Attorney Voeltz said that first of all he would like to address the deeded owner of the property from the legal perspective. Attorney Voeltz said that D & M Excavating, Inc. is the deeded owner of this residential property is no different from an LLC that was created to own rental properties. Attorney Voeltz said that this is a business. Attorney Voeltz said that it's the same thing simply because it's a company that owns a residential plot is not a dispositive issue here. Attorney Voeltz said in fact, it's immaterial. Attorney Voeltz said that the issue remains that Mr. Miller is in a unique position to allow him to fulfill one of his dreams of owning a home on a pond and he can build a pond.

Attorney Voeltz said that Mr. Miller is going to address some of the issues that were brought up and he made some notes related to this.

Attorney Voeltz said that he really wanted to get that on record that the deeded owner of the property being an incorporated business in the State of Indiana is not the dispositive issue when it comes to pond. Attorney Voeltz said that Mr. Miller will specifically address some of the concerns that were raised by Veach in regards to these wetlands that are governed in fact by the Army Corp of Engineers, as well as DNR. Attorney Voeltz said that he will certainly provide the information as requested. Attorney Voeltz said that one of the things that he will recommend for his client to do is to address some of the concerns by the neighbors is enter into something that is referred to as a written undertaking, in which he is going to go on the record under penalties of perjury that this is his plan; this is what he's sticking to and this is what he's going to do.

Attorney Voeltz said that he certainly understands the concerns; he gets the concerns and he gets the concerns that we don't want another sand pit or mining pit. Attorney Voeltz said that there are mine pits all over this county and when you start talking about truck traffic, attorney Voeltz said that he walks his dog up and down the road and he has to dodge trucks. Attorney Voeltz said that the permit that was issued here for which was operating his heavy equipment was shut down. Attorney Voeltz said that it wasn't his trucks. Attorney Voeltz said that Paveys have an excavating spot right north of this. Attorney Voeltz said that there are trucks going up and down

400 West all the time that are not necessarily Mr. Miller's trucks. Attorney Voeltz said that he understands that it's an issue that needs to be addressed. Attorney Voeltz said that it's a dangerous intersection and certainly Mr. Miller will provide assurances concerning the composition of this material that has been used for an access road. Attorney Voeltz said that to call it a driveway, it's called a driveway permit. Attorney Voeltz said that he is by no means intending to maintain this driveway in the current state that it is in. Attorney Voeltz said that this is to allow access for building of a pond on this property.

Attorney Voeltz said so the fact that it's thirty-five feet wide, fifty feet wide, or eighty feet wide, you're running heavy equipment back there to get the material out and to get the material back in. Attorney Voeltz said that requires a large access road. Just because it happens to be called a driveway, or a driveway permit that he applied for and was granted in June of 2015, does not mean that he's going to keep Rasp, or whatever recycled asphalt that is currently there to facilitate the movement of these vehicles.

Attorney Voeltz said that he will turn it over to Mr. Miller.

Ryan Miller said that he will try to cover everything that was asked. Mr. Miller said starting with the wetlands, John McQuestion has been working on the wetland. Mr. Miller said that he met with Andrew Blackburn with IDEM on site approximately a week to ten days ago ---- Mr. Miller believes that it was Army Corp.

Mike Bohacek asked Mr. Miller if that was the second meeting, because he shows comments from Rick Brown on July 9th.

Mr. Miller said that it was a very recent meeting with Army Corp. Mr. Miller said that Army Corp was on site and they said that it's improperly marked on their map and they will be getting documentation back to John McQuestion stating that. Mr. Miller said unfortunately as of tonight he doesn't have them.

Mike Bohacek asked Mr. Miller if they're going to remove the wetland inventory.

Mr. Miller said that's correct.

Mr. Miller said that the issue with the Rasp – recycled asphalt – Mr. Miller said that its recycled asphalt that is in the same pile as any other contractor has. Mr. Miller said that he delivered a half of dozen loads to residents today to put down on their driveway. Mr. Miller said that he uses it on multiple projects – it's everywhere. Mr. Miller said that it's not contaminated.

Anthony Hendricks asked if this asphalt generally comes from the Indiana Department of Transportation.

Mr. Miller said that they come from various construction sites. Mr. Miller said that it has been ran through a recycler and it wasn't milled off the road. Mr. Miller said that textbooks come out that will tell if there is contaminated material on the site. Mr. Miller said that if it is contaminated, it is removed per the specs of a project. Mr. Miller said that if it's not

contaminated, it goes into a pile and gets recycled. Mr. Miller said that it is used on construction sites all over the county.

Mr. Miller told the board if they have any questions he would be glad to answer them.

Mike Bohacek told Mr. Miller if he doesn't hit a spring in the pond, it would require a well.

Mr. Miller said that there is a lot of water on his property and everything runs towards him from all directions.

Mike Bohacek asked Mr. Miller what is the bottom elevation of the pond when you're done.

Mr. Miller said approximately eight hundred.

Mike Bohacek told Mr. Miller that he's going to be twenty-eight feet below everyone else right now.

Mr. Miller said that it varies, but an average.

Mike Bohacek told Mr. Miller that he's heard that his driveway or access road is fifteen inches deep, twenty inches deep, thirty inches and three feet.

Mr. Miller said that it is between twelve and eighteen, depending upon the material. Mr. Miller said that it was put in with a dozer with a ten foot blade and it is two to two and half passes wide so trucks can pass each other without ripping each other's mirrors off when one's coming in and one's going out at the same time. Mr. Miller said that it gets wider at the mouth of 400 West.

Mike Bohacek said that he's looking at the elevations of the property and it appears that you're eight-fifty on the south edge of your pond to the adjacent property owners. Mr. Bohacek told Mr. Miller that he would be digging down to eight-hundred – you'd be down fifty feet on the south side of the pond. Mr. Bohacek told Mr. Miller that it obviously will be a significant taper. Mr. Bohacek asked Mr. Miller what kind of a taper he is planning on using.

Mr. Miller said mowable for anything that is going to have grass on it.

Mike Bohacek asked if he had enough property to make it that far.

Mr. Miller said roughly four to one.

Jim Pressel asked Mr. Miller what he has hauled off site because he's curious as to where all the trucks are coming from.

Mr. Miller said nothing. Mr. Miller said that would be to the north of him he would assume. Mr. Miller said that the trucks would have left his site empty when they hauled the asphalt out of there.

Anthony Hendricks told Mr. Miller that he has a stop work order, and for the record, north of you is Pavey Excavating, which is grandfathered in.

Mr. Miller said that there was a red tag and he believes that was a Sunday. Mr. Miller said that he can't recall if they were trucking on Friday.

Mr. Miller said that there is also another location on Schultz Road east of 400 where these trucks could be coming from.

Jim Pressel asked Mr. Miller if he has any idea how many gallons of water are going to be in this pond.

Mr. Miller said that he hasn't done the math.

Jim Pressel asked if it's sixty-two million.

Anthony Hendricks said that is pretty close. Anthony said that it's about seven point eight gallons per foot. Anthony said that pond is twenty feet deep of water -----

Mike Bohacek said that there are traffic concerns.

Anthony Hendricks asked Mr. Miller how far away is this site --- because there are concerns about surface water in the Trail Creek ---- Anthony asked where the nearest storm water is, or surface water would end up in Trail Creek from this site. Anthony said that this is one of the highest sites in the county – it is up by the summit.

Mr. Miller said that if the water was to leave his parcel of land it would go to the north and end up in a seventy-five foot deep hole on the property adjacent to him.

Anthony Hendricks asked about the outflow structure ----

Mr. Miller said that it would be the natural sand.

Mike Bohacek said that there is a lot of concern about water backing up to the adjacent property owners due to what some people deem an undersized culvert underneath your access road. Mr. Bohacek said that needs to be resolved somehow, whether that's the size of the culvert, or something along that line. Mr. Bohacek said that certainly needs to be addressed.

Mr. Miller said that it has been discussed with the MS4 coordinator and he believes that he hired an independent consultant and that consultant came back with a study thinking that --- he knows of culverts that we can't seem to find, but if the water shed is larger, he's recommended a forty-eight inch culvert along with the two that are already in place.

Mike Bohacek asked Mr. Miller what that total would be. Mike said combining all that, it's going to give you close to seventy inches.

Mr. Miller said that it doesn't really work that way, but correct. Mr. Miller said that he thinks that it is was a forty-eight, and he moved the two, he suggested a fifty-four, or a sixty.

Anthony Hendricks said that they've done some subdivisions out there in Concord Vineyard and there was some discussion on drinking water and wells, and he was trying to recall how deep those wells were out in that area. Mr. Hendricks said that he thinks that they were pretty deep.

Jim Pressel said that most of the stuff in Concord Vineyards that he's been involved in are around ninety-five to hundred fifteen to hundred and twenty feet deep. Mr. Pressel said that in Woods of Concord they're as deep as two-hundred feet. Mr. Pressel said that on 525 and Schultz there still is some two-inch shallow wells in existence.

Mr. Miller said that he's talked to some well guys and they say that one-hundred fifty feet is a good rule of thumb in the neighborhood, unless you go a half a mile south, which is the same thing that John McQuestion from Soil Solutions says; if you go a half a mile south it is the worst area in La Porte County for a septic system.

Anthony Hendricks asked if there are any other questions from the board.

Mike Bohacek said that the traffic is going to be an issue and maybe that is going to have to be addressed with Mr. Pavey as well. Mr. Bohacek said that if you're doing ongoing construction, we will have to address it to make sure that the road is satisfactorily maintained.

Mr. Miller said that he met with Bob Young from the County Highway Department and he explained to him the area where he's turning --- his trucks are turning coming in and out of his access road -- Mr. Miller said Reith & Reilly, the contractor that the county uses to do their road, he will hire Reith & Reilly to come in and redo the section of 400 West in front of his gate to county specs.

Anthony Hendricks said that there was some concern outside this meeting about the trees going out, but he doesn't think and maybe Doug can answer this, this ordinance covers when we do a pond times that you can work in a residential area. Anthony asked Mr. Miller if that is something that he's amenable to like not 4:00 or 5:00 o'clock in the morning. ---- 10:00 o'clock at night

Mr. Miller said that the trucks start at 6:00 in the morning and he's not sure on the times for permitting in La Porte County.

Anthony Hendricks said that he doesn't think that this board has any control over this, but just as a good neighbor.

Mr. Miller said that every construction project he does has a time. Mr. Miller said that the City of La Porte has it at 6:00 a.m. the earliest you can start and you can't work past 8:00 p.m. Mr. Miller said that Michigan City is 6:30 a.m. and 7:00 a.m., depending on the section of town you're in. Mr. Miller said that he doesn't know what La Porte County is.

Mike Bohacek told Mr. Miller that you have to understand that when you're doing a construction project in the City, it's not going to be going on for five years. Mr. Bohacek said that this certainly is a different situation.

Mr. Miller said that it will be hit and miss.

Mike Bohacek told Mr. Miller that he wouldn't be thrilled with five years of heavy truck traffic at a stop sign near your residence with children either.

Anthony Hendricks asked if there are any comments from the board.

Anthony Hendricks said that he will let Mr. Veach come up for a real short rebuttal.

Anthony Hendricks said that we've worked on the zoning ordinance for years, but when it came to Chapter 22, which is the Natural Resource Protection Act, they had a lot of reservations with that, because we know that it's something we needed and something we would agree on in Environmental concerns in this county, but we also know that it can be used as a heavy hammer against anybody and they had to find a way to come to some consensus ---- Anthony said that La Porte County is very unique. Anthony said that he wants to read a sentence out of the Natural Resource Protection Act, which the Commissioners, they agreed and the group agreed that we have to be careful what we have here. Anthony said that the Natural Resource Protection Act, Section 22.8 in inventory procedures prior to any development activity, the enforcement official shall review the LDM, the interactive GIS database maps information, conduct an analysis of submitted project materials required in Article 23 of this ordinance and notify the applicant if a natural resource due diligence inventory will be required. Anthony said that is something they left to the Building Commissioner because there is definitely environmental sensitive and there is no question about it. Anthony said that there are areas that they could use a heavy hammer and go after everybody; we could stop you from putting a garden in; we can stop you from doing anything with the Natural Resource Protection, but we had to leave the judgment out to our Building Commissioner, because we need to be proactive and environmentally friendly, but we also need to be fair and it's up to her discretion. Anthony said honestly the reason we put that in there is because if you had to do one, they are three to five thousand dollars ---- that takes months, and months and months. Anthony said that if we wanted to shut down every project we could do that in the county.

Anthony Hendricks asked Mr. Veach for closing comments.

Mr. Veach said with the wetland not being removed, that would almost fall back into the code. Mr. Veach said that the code is still written; the ball is there. If the wetland shows on the paperwork, it is a wetland. Mr. Veach said that you can talk to whoever you want, it's still wet. Mr. Veach said that is a pima wetland and it is 0.3429 16 acres and it's seven hundred meters long, twelve meters wide; it's (inaudible) shape and it was listed as a wetland. It is a wetland; it's there. Mr. Veach said that on the removal of the wetland ----

Mike Bohacek said that if in fact this wetland isn't removed from the inventory, can the project maintain sufficient wetland setbacks in order to continue, or would he have to modify the site plan.

Anthony Hendricks said that the joint zoning ordinance requires a fifty foot setback.

Mike Bohacek asked if Mr. Miller has fifty feet between the pond and the edge of the delineated wetland.

Glen Minich said from the evidence that you brought to us and the map that is shown, it looks like he avoided the wetland.

Mr. Miller said that he dug it up.

Glen Minich told Mr. Miller the map that you gave us specifically shows that this wetland exist more on the Pavey property to the north. Glen said that Mr. Miller is totally avoiding anything they showed as a wetland.

Attorney Biege said that the National Resource section says we have to go by local decision maker, which is on the Purdue site. Attorney Biege said that he wants to make sure that everyone is clear about this because we're talking about wetlands, but we're also talking about a lot of other environmental impact. Attorney Biege said that we also have ditches; lake streams. Attorney Biege said that all of these areas are combined into this local decision maker; that's what counts as far as our code is concerned. Attorney Biege said that local decision maker includes IDEM, DNR and Army Corp and all these other agencies. Attorney Biege said that Tony is right, we give some discretion to the Building Commissioner, but he has to say, the county doesn't have a lot of discretion in Environmental matters; they are almost all State and Federal matters. Attorney Biege said that we look at a map and see if the map is clear, so whatever this says, is what it is. Attorney Biege said if there is a mistake in the map, the Army Corp is the only one that has the authority to change that. Attorney Biege said to argue about where that wetland is tonight, is an exercise in futility, because it is whatever the Army Corp says it is and we have to listen to them.

Mike Bohacek said so based on his site plan, he is able to meet the setback requirements as it's currently delineated.

Attorney Biege said correct. Attorney Biege said that the Army Corp is going to determine whether or not there is a wetland there, and if there is, he's to get past it and the ultimate decision maker is going to determine where those lines are.

Mike Bohacek said if he disturbs the delineated wetland, he knows how ugly the Army Corp can be if you do that.

Attorney Biege said that it won't be the county enforcing it, it will be the State and the Feds.

Mike Bohacek said that we did have somebody in Michigan City that disturbed one just recently and the fines are forty-thousand dollars a day.

Mr. Veach said that one of the things when he had the DNR out – he had a DNR representative out and he doesn't have his name handy right now, but he's the one who does all the caretaking on natural lands around La Porte. Mr. Veach said that he said that in order to tell whether that is a wetland, he has to get over there and inspect the land, because it's a pima wetland; it's not wet all the time, but when it rains it's wet.

Mike Bohacek told Mr. Veach that we've already agreed that he's going to make the setbacks of the wetlands as currently delineated.

Mr. Veach said but we don't know whether the wetlands still there. Mr. Veach told Mr. Bohacek that he's making a definitive statement that the wetland is still there ---

Mike Bohacek said the wetland as delineated, can he make ---

Attorney Biege said that we do not have a request before the board to build in a wetland. Attorney Biege said in fact, the County Plan Commission does not have the authority to grant him to build in a wetland. Attorney Biege said that he's not allowed and that's not us saying that; the Army Corp decides if it's a wetland or not, not these guys.

Mr. Veach asked if the county can ask for the Army Corp to go out there.

Attorney Biege said that he's already been out there. Attorney Biege said that he just testified they were out there and we're waiting for a response from the Army Corp. Attorney Biege said that he would presume that any decision by the Plan Commission is going to be contingent upon a final decision by the Army Corp.

Mr. Veach said Rasp is recycled asphalt payment; existing pavement removed or reused; Rasp manufactures waste with the taps. Mr. Veach said that it is recycled asphalt shingles. Mr. Veach said that these reports are from 2009. Mr. Veach said that you go into the articles that were to the asphalt contractors; this article was April 8th, 2015 talking about the States of Florida, Indiana, Iowa, Minnesota, New York, Ohio, Pennsylvania and Washington reported that it is low frequency of using asbestos in asphalt. Mr. Veach said that it is because the treatment that they put on the ground up here. Mr. Veach said that Ryan Miller told himself and Pat Meaney he started collecting the material since the year of 2000 and any of the material that he got wouldn't be brand new material; it would be fifteen to twenty years old.

Mr. Veach said that back in 1979 they quit using asbestos in the material;

Mike Bohacek said that we use millings throughout the county all the time. Mr. Bohacek said that county currently has a very large stock pile of millings that came off the Indiana Toll Road that we use all over the county. Mike Bohacek said that we really don't have any type of code citation as the makeup of what a driveway can, or can't be made out of at any testing.

Attorney Biege said that we do not. Attorney Biege said that there really is no requirement other than it be stable. Attorney Biege said that his experience has been in any highway or road project, the engineers test before. Attorney Biege said that it's tested before its ground out. Attorney Biege said that if they find contamination, then there is a restriction of where it goes with the contamination. Attorney Biege said that any major project is going to be tested before they mill it.

Anthony Hendricks asked if we can move on. Anthony said that we're in the same thing as Army Corp. Anthony told Mr. Veach that IDEM which he brought up has control. Anthony said that his board has zero control either with the driveway or what's in it. Anthony said that if IDEM has an issue with what he put out there and it's contaminated, they will give him quite the heavy hammer.

Mr. Veach said that he keeps getting referred to another department of where he's supposed to go.

Anthony Hendricks told Mr. Veach Indiana Department of Environmental Management

Mr. Veach said that he's working with IDEM

Anthony Hendricks told Mr. Veach they would be the person to ask.

Mr. Veach said that the road is at the bottom of a blind hill on a residential street that is, doing a mining operation. Mr. Veach said that it's considered a mining operation in your code book once you start digging a pond that is over five acres. Mr. Veach said that he's now doing a mining operation, which he has to do all the legal setbacks; he has to be three-hundred feet back; he has to have ten foot fences and these are all in your codes.

Mr. Veach said that it's going to be fifty foot deep; that's pretty deep and you said that is also deeper than some of the wells, but then it got corrected to twenty feet. Mr. Veach asked what guidelines Mr. Miller is using to dig the pond.

Attorney Biege said that there are none. Attorney Biege said should they be in here, perhaps. Attorney Biege said that we've gone through years of meetings in the townships with the residents of La Porte County. Attorney Biege said that nobody thought about it; attorney Biege said he didn't write it, he wasn't around. Attorney Biege said that we're probably going to address this in the future, but right now there aren't any requirements, which means he can. Attorney Biege said that we can't create new requirements just for him, it's unconstitutional.

Mr. Veach said that within the county ordinance, there are lines in there that says the county ordinance covers La Porte, Michigan City, and La Porte County. Mr. Veach said that if you find stipulations that have a higher meaning with the State, you have to go by the State. Mr. Veach said that the State gives guidelines on how to build a pond, in turn, La Porte County has it.

Attorney Biege said that depends on the application or whether they're regulations or code sections. Attorney Biege said that what he means by that, Indiana Code creates an agency and the

agency then creates rules. Attorney Biege said that the question is who is tasked with enforcing those rules. IDEM regulations, or DNR regulations, they're tasked with enforcement that the county does not enforce. Attorney Biege told Mr. Veach when he said the more strict regulation would apply, he agrees, but who enforces that. Attorney Biege said that it would be the agency responsible for who enforces it.

Mr. Veach said that the stop work order happened on a Thursday at noon. Mr. Veach said that there were two work trucks that were out there. Mr. Veach said that the majority of the traffic coming in and out that the public is referring to, was going to this site. Mr. Veach said that he wished Pat Meaney was here tonight because he had the other half of the studies that he doesn't have. Mr. Veach said that it would have been a lot funnier with him here.

Mr. Veach said that with the trucks going by, he was sitting down there watching these trucks and that started at 6:00 – 6:15 in the morning. Mr. Veach said that once a week you get a truck coming down out of Paveys. Mr. Veach said that it is still after the same CHC sand.

Mr. Veach said that he thinks that it's Bear Creek that you were wondering about where the water went. Mr. Veach said that it's Bear Creek and it's on the south side of Schultz Road. Mr. Veach said it starts about a half mile down in that subdivision.

Anthony Hendricks said that he's on the north side of the moraine.

Mr. Veach said that the flat land goes around that way. Mr. Veach said that the land is flat up there and there is potential for it going in and flooding Pavey. Mr. Veach said that he would love to see Pavey in here saying he doesn't want it. Mr. Veach said that Pavey already has a hole in the ground eighty feet deep and Mr. Miller's going to put another one into it. Mr. Veach said that he thinks that there is a ten acre lake law and he thinks that Mr. Miller is doing it in reverse.

Mr. Veach said that he can't put the pond in without the road, and without the road, there is no pond.

Mike Bohacek asked if the road being the driveway, or Schultz Road or 400.

Mr. Veach said whatever we're calling that thing. Mr. Veach said that it's the worst place you could put a drive. Mr. Veach said that if it is a mining operation because it's over five acres, it is a mining operation according to your codes.

Mike Bohacek asked Mr. Veach where Mr. Miller should put his driveway. Mr. Bohacek said that he's looking at this and does that mean the entire parcel is inaccessible for a driveway.

Mr. Veach said that it's a mining operation in a residential area. Mr. Veach said that he has to exit onto a major thoroughfare. Mr. Veach said that if he landlocked himself, he's sorry, but he landlocked himself.

Attorney Biege said that he spoke with Bob Young in regards to issuance of the driveway permit. Attorney Biege said that Mr. Young inspected it and felt that the base was appropriate, and in

fact he asked them to cut back the trees at the entrance. Attorney Biege said that Mr. Young told him that the driveway is fine from a safety aspect.

Anthony Hendricks said that the County Highway issues driveway permits. Mr. Hendricks said that we have zero authority on driveway permits.

Mike Bohacek said that he was reading the code as well and we have this five acre pond issue and D & M is talking about doing a nine and a half acre pond as his plan. Mr. Bohacek asked attorney Biege what the difference in the regulations is in excess of five acres on a pond.

Attorney Biege said not in the La Porte County Zoning Code.

Mr. Veach said that it's a mining operation that starts after the five acres. Mr. Veach said that it is called residential construction, or construction area. Mr. Veach said that after five acres it specifies that you're doing mining.

Attorney Biege said that is not in the La Porte County Zoning code.

Mr. Veach said that he will find it; he read it tonight. Mr. Veach said that the road and the pond are one in the same thing; putting in the pond without the road.

Mr. Veach said that it's D & M Excavating. Mr. Veach said that you can say you can put it under an LCL, or whatever, D & M Excavating is going to remove the sand; he's blessed with having the trucks and he's going to sell the sand. Mr. Veach said that they're running a mining operation on residential property and they're going to haul it out and sell the sand. Mr. Veach said that he's going to try to put in a pond with sand that cannot hold water; he's going to have to bring in clay. Mr. Veach said that we've had everybody discuss all the traffic coming in and out for five years in a residential area. Mr. Veach asked how that is conducive with the neighborhood. Mr. Veach asked where the rest of the citizens get a voice in this. Mr. Veach said that Ryan Miller wants to put in a pond and a house. Mr. Veach said what about all their homes; we're already there. Mr. Veach said that they aren't asking him to do anything, besides stop the noise.

Mr. Veach said that he has equipment going in and out of there --- tons and tons of equipment. Mr. Veach said that he was corrected that he had to be well over three-hundred and fifty tons of material has been pulled in so far. Mr. Veach said that he could have taken the sand that was on that land, and move that sand over here. Mr. Veach said that as far as the eighteen inches go -- twelve inches he's saying, you can see that stuff, it's in the photo in the back of his house. Mr. Veach said that they were dumping truck after truck for days straight. Mr. Veach said that he put in the road in less than a week and it would take him a week; it would take him less than a week to remove the road. Mr. Veach said that he can't do this as a business; he is a business in a residential area exiting and entering on residential streets.

Mike Bohacek said let's say hypothetically you bought a forty-seven acre parcel as a private citizen Mr. Veach, you bought the parcel and wanted to build your dream home and build a seven acre pond and hired D & M Excavating to dig the pond and the hole and you don't want the sand and you want it hauled away, how would that be any different.

Mr. Veach said that he guesses he would have to look at all the rules and regulations.

Mike Bohacek said just as we're looking at this right now.

Mr. Veach said that he would look into the proper rules and regulations first. Mr. Veach told Mr. Bohacek that he's giving him a hypothetical, and he's giving you the answer.

Mike Bohacek said that if the rules permitted to build a four acre pond, or a three acre pond ---

Mr. Veach said that we wouldn't be here.

Mike Bohacek said so if it is three or four acre pond, or less than a five acre pond, you wouldn't have a problem with this.

Mr. Veach said that we wouldn't be here if what he was doing was proper.

All remonstrators speaking at one time.

Attorney Biege said that we have to have people speaking in the microphone so that we have a record as to what everybody says. If you're talking right now, it doesn't go on the record and whatever you say does not exist. Attorney Biege said that he's trying to keep the record clean.

Glen Minich said what he's doing here, and he understands the impact that it's going to be with the road full of sand, but let's say that he scraps this idea and he's going to put instead just like everybody else did, thirty or forty homes on this property and put in a subdivision. Mr. Minich asked Mr. Veach if he thinks that there is going to be more impact, or less impact.

Mr. Veach stated less. Mr. Veach said that he's not going to be selling.

Glen Minich said that this property is going to be developed most likely, one way or another. Glen said that is something that he's looking at as a board member.

Anthony Hendricks asked Mr. Veach if he has any more comments to the commission.

Mr. Veach said that back onto the subdivision, they're all around us out there. Mr. Veach said that they're not digging up every single subdivision putting in home, after home, after home. He's going to be digging sand, after sand, after sand. Mr. Veach said that now he wants to get back in there and dig the eleven acre pond. Mr. Veach said that is a lot of damage; that is a lot of homes being built at once.

Mike Bohacek said for the record is was a nine point five acre pond.

Mr. Veach said that he's sorry if he got the size wrong.

Mr. Veach asked why we are getting into this mad rush to take this red tag off so he can put in his dream home eventually. Mr. Veach said that he wanted to put in a four acre pond and then he added it up to eleven acres.

Mike Bohacek told Mr. Veach that it's nine point seven.

Mr. Veach said that he will call it eight right now.

Mike Bohacek said that it's a matter of record. Mr. Bohacek told Mr. Veach that he keeps changing the numbers.

Mr. Veach said that he's just venting at this point.

Jacqueline Thompson said that Mr. Miller says none of the trucks are his. Ms. Thompson said that her issue is with the trucks. Ms. Thompson said that when the stop work order came through, her street got quiet. Ms. Thompson said that she literally just bought her dream house. Ms. Thompson said that she stands before the board tonight, does she have to endure five years, or more, if it takes longer of non-stop truck traffic with two small children, where her dishes are rattling out of her cupboards. Ms. Thompson said that they came out to La Porte County to be out in the country; it's quiet, it's beautiful, but if she has loaded dump trucks coming constantly, and she really does mean constantly, she's not exaggerating here. Ms. Thompson said furthermore, she has a blind driveway herself.

Ms. Thompson said what happens if she has her kids in the car and one of these trucks slides through the intersection. Ms. Thompson said that you can say you could get in an accident on any road. Ms. Thompson said had she known what was going, she would not have bought her property, she would have bought somewhere else. Ms. Thompson said that's really sad. Ms. Thompson said that he's willing to fix near his driveway, but what about the rest of the road. Ms. Thompson said that you can't go down to the end of the street because of the trucks. Ms. Thompson said that the trucks have literally destroyed the end of the gravel road. Ms. Thompson said that you're going to shake your car apart. Ms. Thompson said that you have a huge safety issue with these trucks.

Ms. Thompson said that you guys posed the question earlier to Mr. Veach, what if it was a neighborhood. Ms. Thompson said that they could put up with a little truck traffic for what, a year, eighteen months, twenty-four months. Ms. Thompson said that this is going to be for five years, and there is no set date to when this is going to end. Ms. Thompson said what happens when he comes at year six and says he's not done. Ms. Thompson asked if this is going to go on indefinitely, and then that leaves her house unsellable. Ms. Thompson asked who is going to buy her house when she wants to sell because she can't put up with the truck traffic anymore. Ms. Thompson said that nobody is going to buy her house. Ms. Thompson said that she would urge you to please consider the truck issue in direct relation to the pond. Ms. Thompson thanked the board.

Anthony Hendricks asked if there are any comments from the board.

Attorney Biege said that he wants to make sure that the Plan Commission is clear on the decision we're making. Attorney Biege said that the Plan Commission often times ---- we're talking about subdivisions and major projects. Attorney Biege said what the Plan Commission is supposed to decide tonight is whether or not this is a commercial enterprise and activity, if not, the red tag comes off. Attorney Biege said that he can appreciate all the public's comments, but we need to remember what the law says. Attorney Biege said that the law says they apply for a pond permit, they show the Building Commissioner a sketch plan, and if it's not in wetlands, it's issued period. Attorney Biege said that is what our code says. Attorney Biege said that he's never been instructed to take a look at the code for future, but a lot of stuff we talked about tonight, wetlands, trucks, roads, and driveways, you're here to decide whether or not this is a commercial enterprise, and if it's not, then the pond is allowed. If it is a commercial enterprise that means that it's mining. Attorney Biege said that he did the research and he does not believe that this falls --- there is no definition in the joint zoning ordinance of mining. Attorney Biege said that if it were mining, it would require a "Special Exception" before the Board of Zoning Appeals. Attorney Biege said that he doesn't think that this falls within that definition. Attorney Biege said that is his opinion.

Attorney Biege told the board members that their decision is very restricted. The Plan Commission is used to having a list of factors that we go through as to how it affects the neighboring area etc. etc. etc. Attorney Biege said that is not under consideration for this decision tonight.

Mike Bohacek said that we have other actual sand mining operations down south. Mr. Bohacek said that knows Guy Salisbury does one and a couple other ones. Mr. Bohacek asked attorney Biege how we treat those different than this. Mr. Bohacek said that he knows that one just expanded ----

Attorney Biege said that we've had a couple of them in front of the Board of Zoning in the last few months actually, and mining is very very monitored --- he can't remember the name of the Federal Agency right now, but there is a Federal Agency that monitors a lot of mining. Attorney Biege said that it also requires a "Special Exception" in the zoning district. Attorney Biege said that in a mining operation, those materials have to be washed, screened --- there are a bunch of steps that have to be taken on site before it can be removed, or sold. Attorney Biege said that is primarily sold to other entities and that's why when he says that he took a look at this and we don't have a definition here, he's also looked at the definition of borrow pits within INDOT. Attorney Biege said that he thinks that the distinction is mining operations go on for years and years and years, they screen it, they treat it and they sell it. Attorney Biege said that he hasn't heard any information that D & M is reselling this, or selling in any other way and that's why he doesn't think that this is a definition of a mining operation.

Mike Bohacek said except for the fact that the excavation has been going for years and years and years.

Attorney Biege said that right now it's going on for a year; remember that. Attorney Biege said that he doesn't care what the permit for the surface water is; it may be for five years, but as far as

La Porte County is concerned, it's for a year. Attorney Biege said that a mining operation if there's a "Special Exception" for a mining operation, it would go on indefinitely.

Mike Bohacek said that it's a permit for a four acre pond for a period of a year. Mr. Bohacek said that if he's not done in a period of a year and reapplies, can we then reject it based on the fact that it shouldn't take more than a year to dig a four acre pond.

Attorney Biege said that we might. Attorney Biege said that he thinks that it's that way for a reason. Attorney Biege said that in a year if he's not done, and there are problems that we can't foresee, that's up to the Building Commissioner. Attorney Biege said that if the Building Commissioner says no, and he doesn't agree with her decision, we would be right back here again.

Glen Minich said that it's basically the same function that the Board of Zoning does. Mr. Minich said that we make approvals; this permit is for one year and for four acres and quite often we make that decision, we say that is a good trial period,

Attorney Biege told the Plan Commission that the difference in your decision tonight is for the Board of Zoning ---- they come before the BZA saying that they're not allowed to do this, may I have an exception, and do this. Attorney Biege said that we're sitting here tonight and as the way the code is written, as a matter of right, he can. Attorney Biege said that the Building Commissioner red tagged it --- she was told it was a commercial enterprise. Attorney Biege said that as a matter of right, he can have a permit to build a lake on a residential property. Attorney Biege said that it doesn't matter who owns it. Attorney Biege said that we have developers ----- Attorney Biege told Jim Pressel that he doesn't know if he ever purchased property in your company names --- that happens all the time.

Jim Pressel said that they have never purchased property, but he can tell you how it actually works. Mr. Pressel said that he has worked on six or seven different projects within the last ten years who have all got private ponds on them. Mr. Pressel said that one of them was properly nine acres. Mr. Pressel said that one guy does another acre a year. Mr. Pressel said that they're all on beacon and public knowledge. Mr. Pressel said typically the way it's done is the excavator will trade for taking the materials out will dig that pond free of charge, whether that is sand, whether it's peat moss, whether it's black dirt, and usually it's an exchange just like that. Mr. Pressel said that is how it's worked on all the projects that he's been involved in.

Attorney Biege said that he wishes the code had more guidance for us and he wishes he could give you more legal guidance. Attorney Biege said that this county has never taken any action or stopped a borrow pit; it's been going on for years. Attorney Biege said that we know Pavey's operation is pretty big and it's to the north and he can keep doing because he is grandfathered in. Attorney Biege said that he's doing it before the code change and he can do it now. Attorney Biege said that who owns the property is irrelevant – absolutely irrelevant. Attorney Biege said that he hopes that he has been helpful to the board in making its decision.

Anthony Hendricks asked if there are any other comments from the board.

Glen Minich asked if we can talk about the depth of the pond.

Attorney Biege said that as far as the county regulations are concerned, he can dig it as deep as he wants.

Anthony Hendricks said that there are State regulations about digging quarries and pits that are deep enough to impact wells, and then you have to take care of impacting their well. Mr. Hendricks said that is a State regulation – State mandate --- State agency.

Mike Bohacek said that if the board denies his request and lifts the red tag, what the next step is. Mr. Bohacek asked if we're in a defensible position, or not.

Attorney Biege said that he would have the right to appeal --- attorney Biege said that he would have to look at the code to make sure. Attorney Biege said that he thinks that he would appeal to the Circuit or Superior Courts. Attorney Biege said that he doesn't want to discuss defensible positions in a public meeting, he thinks that is more appropriate for an executive session, but he's going to repeat, there is nothing in the code that says the man, or the company, cannot dig a pond.

Mike Bohacek said absent in the code ---

Attorney Biege said that he's allowed to do it. Attorney Biege said that the issue is, is he digging a pond, or is he mining. Attorney Biege asked if they heard evidence of mining activity tonight, otherwise the code permits it as written.

Mike Bohacek said that it's just the one permit – the one year permit.

Attorney Biege stated correct. Attorney Biege said that he might have gotten a permit for five years down State, but as far as the county is concerned when an improvement location permit is issued, it's good for one year. Attorney Biege said that's what the code says.

Anthony Hendricks asked if there are any other comments from the commission.

Anthony Hendricks asked if there is a recommendation from the commission.

Rita Beaty Kelly said that she would like to make a recommendation, but first she would like everybody to know that we do understand your concerns, but you do need to take the other matters before the other boards that were mentioned tonight. Rita said that our hands are tied on certain issues. Rita said that we hate to bring law suits before La Porte County Plan Commission, because this costs everybody sitting out here money when we have to do that. Rita said that she hopes that you realize there are certain things that they do have to follow the rules and regulations by, just as well as Ryan's going to have also.

Rita Beaty Kelly made a motion that we remove the red tag from the job site for Ryan to go ahead and build his pond.

Jim Pressel seconded.

Anthony Hendricks asked if there is any other discussion.

Voting Aye: Rita Beaty Kelly, Jim Pressel, Harold Parker, Glen Minich and Gene Matzat.

Voting Nay: Mike Bohacek.

Motion passes to remove the red tag 5-1.

Anthony Hendricks asked for old business.

Anthony Hendricks said that we haven't had a committee meeting and we need to have a committee meeting for this very issue.

Attorney Biege said that Mr. Bohacek has asked him to look into this matter and get some suggested language.

Mike Bohacek said that we have to make this not happen again, whether that means we restrict all ponds in excess of a couple of acres and must automatically go to the BZA.

Glen Minich said that this is a county that has unbelievable resources. Mr. Minich said that just from the pictures, he's taking on water and he's going to hold water. Mr. Minich said that this is one of our greatest resources. Mr. Minich said that Harold has a pond on his farm and he has pond on his farm. Mr. Minich said that it's part of our subdivisions. Glen said we need to look at this seriously, but this is something that's quite commonplace in La Porte County. Mr. Minich said that is why we haven't done much with it and that is why we're going to have to be careful to restrict the ponds.

Mike Bohacek said that he thinks that the concern with Ryan's is the speed of which it's going take to have completion of the pond.

Glen Minich said that is a good point, but we just okayed a four acre pond for one year; that's what we just did. Glen said that we limit the sizes is not that huge and the time frame is fine. Glen said that if he has a place to put it, great, because he will expedite it and it will be over with.

Annemarie Polan, Building Commissioner, said that if anyone has been to a sand mining pit, this is not it.

Anthony Hendricks said that he thinks that the committee needs to discuss the times of operations and how we're getting back and forth, and whether the pond is two acres, one acre, ten acres, or a hundred acres; what's it going to do to the neighborhood – is this thing going to go on for ten years. Mr. Hendricks said that he thinks that we can put and discuss inside our book.

Attorney Biege said keep in mind that IDEM allows for borrow pits. Attorney Biege said that he thinks that we need to define a pond and borrow pit and what's the purpose.

Glen Minich said that he would like to hear from Mr. Brown who oversees ----

Attorney Biege said that his advice would be that the committee and the Plan Commission have a public meeting so the public--- that means farmers, contractors, how is it going to affect irrigation. Attorney Biege said that there are a lot of factors and a lot of different players that have very divergent interests here. Attorney Biege said that he thinks that this is an issue that might very well warrant a separate public meeting with notice to everyone.

Anthony Hendricks asked if nothing comes up, could we use our October meeting to hold a public meeting. Anthony said that is a good time when contractors are kind of slowing down and we're really in the heat of it all getting stuff closed up for the winter --- getting the roads done.

Mike Bohacek said that he will make a Motion that we have a public hearing for our October meeting

Anthony Hendricks asked if we have a second on that Motion.

Rita Beaty Kelly seconded.

All approved. Motion carried 7-0.

Anthony Hendricks said that he will open the floor to Mr. Brown.

Jim Pressel asked how many pond permits have we ever issued.

Annemarie Polan, Building Commissioner, said that we haven't.

Rick Brown said that he's the MS4 Coordinator. Mr. Brown said that he met Andrew Blackburn out there a few days --- last Friday on a couple projects and he informed him he had walked the 400 west site. Mr. Brown said that he confirmed Ryan's stories through our soil scientist, John McQuestion and John McQuestion said that he did not feel the beacon showing the wetland did not meet all three areas that you have to have for a wetland and Mr. Blackburn is going to be providing him in writing that will be taken off of Beacon. Mr. Brown said that DNR doesn't have jurisdiction over wetlands, Army Corp does. Army Corp Engineers are the only ones that can call a wetland a wetland. Mr. Brown said that they have soil scientists for their expertise when they delineate the edges of wetlands. Mr. Brown said that he just wanted the board to know that it isn't a wetland as of Friday by the Army Corp of Engineers.

Mr. Brown said that he and Annemarie have talked and when her office gets a call, today, this gentleman wants to put in a pond and it's going to be bigger than an acre, you have to call the water guy. Mr. Brown said he is the guy that gets the calls. Mr. Brown said that the first thing he does is call it up on beacon and he sends it to Andrew Blackburn to take a look at it. Mr. Brown said that there have been a couple that they've done and by the time the owners figure out the

costs to dig it, they decide not to put in a pond, but he thinks that the process is conceptually going to work more and more. Mr. Brown said that this is kind of new to us and he put it into the hands of Army Corp Engineer. Mr. Brown said that the three things that it takes to make a wetland, they know what it is at first sight. Mr. Brown said that he's not the expert in wetlands, so he involves the Corp because we want to protect our taxpayers, we don't want our taxpayers to dig something and get in trouble, that's why we're doing this process now.

Harold Parker said that he has built several ponds and the Army Corps of Engineers comes out and they Okayed him to do what he does. Mr. Parker said that one thing the Army Corp told him if it's not hooked to navigable water, the Army Corp doesn't have any jurisdiction. Mr. Parker said that has been ten years ago.

Attorney Biege asked Mr. Parker if he's talking about outside the wetlands.

Mr. Parker stated yes.

Anthony Hendricks said that it has a significant nexus according to Justice Kennedy.

Attorney Biege said that as the Plan Commission thinks about this before the next meeting, think about what we're limiting and why. Attorney Biege said that any regulations concerning ponds, have nothing to do with truck traffic; they don't have anything to do with the construction process itself. Attorney Biege asked what conduct you want to limit. Attorney Biege asked if you want to prevent it from being built into wetlands; Attorney Biege said that we already do that; that already happens, that's why you need an improvement location permit for a pond. Attorney Biege said that the Building Commissioner checks to see if it's over a certain size, and then Rick Brown looks at it. Attorney Biege said what conduct do we want to limit, and what property rights are we limiting, because every time we pass a law or rule, we limit our property right, and it's connected with the complaints we heard tonight, or other problems that would come down the line. Attorney Biege said that we don't want to be re-actionist in drafting new ordinances here either.

Anthony Hendricks said that we will have a committee meeting hopefully in two weeks to discuss some issues.

Anthony Hendricks asked if we have any other business before the Motion to adjourn.

Jim Pressel asked Mitch Bishop, County Planner, where are we on the drawing of the maps.

Mitch Bishop, County Planner, said that has been done for a year.

Jim Pressel asked if it has been passed by the County Commissioners.

Attorney Biege stated no, we're going to run the maps redraw through with the language revisions and he's waiting on the committee on language revisions. Attorney Biege said when all that's done, we will put it all together. Attorney Biege said we have publication notices, and it's a lot less expensive to do that.

Anthony Hendricks asked for a Motion to adjourn.

Mike Bohacek made the Motion. Glen Minich seconded.

All approved. Motion carried 7-0.

There being no further business, meeting adjourned at 8:15.


ANTHONY HENDRICKS, President


ANNEMARIE POLAN, Rec. Secretary