

**Starke County Plan Commission Minutes**  
**Regular Meeting and Public Hearing**  
**June 12, 2024**

- ❖ **Call to Order** – Vice-President Allen called the meeting to order at 5:30 p.m.
- ❖ **Pledge of Allegiance** - Led by Vice-President Allen
- ❖ **Roll Call:** Todd Jackson, president and citizen member (Absent); Mark Allen, vice-president, trustee; Howard Bailey, councilman (Absent); Phil Woolery, extension educator; Charles Chesek, commissioner (Absent); Matthew Lawrence (Absent), citizen member; Denise Cultice, citizen member; Isaiah Collins, citizen member; Thomas Schouten, Surveyor; Justin Schramm, commission counsel; Wallace (Boz) Williams, building commissioner; Robby Blodgett, code enforcement officer; and Mary Beever, administrator. There were no visitors present.
- ❖ **Approval of the minutes**
  - Member Cultice made a motion to accept the minutes from the May 16, 2024 meeting as written, seconded by Member Schouten. Motion carried 5-0.
- ❖ **New/Old Business** –
  - Flood Damage Prevention Ordinance
    - P.C. Admin. Beever explained to the board that the State Division of Water with the DNR office has sent a revised Flood Damage Prevention Ordinance that they want the county to adopt, in order to stay in compliance with the NFIP. She added that they have made some significant changes when it comes to freshwater lakes. She informed them that the highlighted areas on the copy she gave them are the additions/changes to the ordinance. She discussed with the board some of the changes to the ordinance that they should review.
    - Board discussion
    - Member Cultice made a motion to have a public hearing in July over the Flood Damage Prevention Ordinance, seconded by Member Schouten. Motion carried 5-0.
    - Member Woolery asked P.C. Admin. Beever if she knew what “specific criteria” on pg. 23 referred to.
    - P.C. Admin. Beever answered that at this time she does not.
    - Member Schouten asked Atty. Schramm if on pg. 14 where they hold people accountable with a fine not to exceed \$300.00 was able to be increased. He went on to state that there are people out there that will pay the \$300.00 and not comply.
    - Member Woolery stated that right under that it says that a separate offense shall be deemed for each day the offense continues, so it would be \$300.00 per day.
    - Vice-President Allen stated that or they’ll sit with an attorney on it forever.
    - P.C. Admin. Boz stated that Commissioner Binkley had expressed to him that he’d like to see something too where if there is a dispute that it would require the land owner to get a survey done.
    - Vice-President Allen stated that they can hold that up too with an attorney and fight over it.
    - Atty. Schramm responded and stated that they could always ask for damages if they have to and have it back dated. He went on to explain that the judge would have to agree with it and grant it. He went on to give an example of the Kliendinst property and stated that it did get held up 90 days past the rehearing. He went on and stated that some people do use due process to their advantage.

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- Member Schouten added that we'll get those ones who want to drag it out in court.
- Bldg. Comm. Boz added those are the ones maybe then that will be the example.
- Member Schouten stated that they'll cross that bridge when they come to it.
- Bldg. Comm. Boz stated that there is probably over 400 piers just at Bass Lake, and then there is Koontz Lake, Hartz Lake, and the rivers.
- Member Schouten stated he knows there is a guy at Bass Lake that puts in piers.
- Member Collins asked if we could maybe get him to inspect them when that time comes.
- Bldg. Comm. Boz responded we'll probably have to make them get registered now as a contractor.
- Member Woolery added that he knows there is a map of the lake bed and how deep it is.
- Bldg. Comm. Boz stated that he had always thought they could go out 300' with them but according to the new stuff it looks like only 150'.
  - Kliendinst
    - ◆ Bldg. Comm. Boz asked Atty. Schramm since the Kliendinst property was brought up, what he needs from the Plan. Comm. to get things going. He asked if they need to get it surveyed. He went on to state that he from speaking with Comm. Binkley he believes it does need surveyed. He then stated that he's unsure who's responsible for paying for a survey, then on it.
    - ◆ Vice-President Allen stated that he doesn't believe that the Plan. Comm. should pay for it.
    - ◆ Atty. Schramm stated that it's ultimately up to the commissioners to fund that. He then stated that what he needs to know is how far out into the right of way it is sticking out. He went on to stated that he needs this information for when he responds to there attorney with a notice to abate and how to remedy the situation. He also added it will need to be surveyed because we will need to know the extent of the violation.
    - ◆ Bldg. Comm. Boz asked if that is something that Atty. Schramm can bring up to the commissioners at their next meeting.
    - ◆ Atty. Schramm answered yes and that he'll have Rachel put that on the agenda for Monday's meeting. He also went on to add that this could also open pandoras box when it comes to surveying property by a lake.
    - ◆ Bldg. Comm. Boz added that he agrees and he also understands that there is county property that has fire pits and all kinds of stuff on it and we'll need to know where the property starts and stops.
    - ◆ Arry. Schramm added that the Kliendinst property is a prime example and it's been tied up in litigation almost two years and the county won, so now we need to remove it.
    - ◆ Bldg. Comm. Boz stated that we can guess all day long how far they are over on it with GIS and it's just not accurate.
    - ◆ Atty. Schramm added that we need to know exactly because it may be contested.
  - Member Schouten added again that out at Bass Lake he know's there are piers that are more than 150' out there.
  - Bldg. Comm. Boz agreed and said that he thought the DNR allowed them to go out to 300' at one time.

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- Plan. Comm. Admin. Beever added that this isn't something they are going to be able to start this year because we are way past that point and hopefully they'll be able to start it next year.
- Member Collins asked if there is like a Bass Lake association or something that could help us promote this.
- Bldg. Comm. Boz answered yes and we'll put it out there as well. He went on to add that this ordinance also effects like farmers that are in floodplain with like fences. He went on to state that this goes further than just piers.
- Member Schouten asked if it is going to state in there that all the documentation you need, needs to be obtained on their own dime, for example from the DNR and the floodplain people.
- Bldg. Comm. Boz stated that Plan. Comm. Admin. Beever is now the counties flood plain manager.
- Plan. Comm. Admin. Beever added that she went to class last month for it.
- Bldg. Comm. Boz stated that the elevation and that will still need to be through like a surveyor and that they'll have to go back and verify it was built to that requirement. He went on to add that we are just in the learning phase right now with all this.
- Atty. Schramm stated that they had tried to modify this ordinance in Pulaski county and that the state does not want it modified at all and from that experience the state revoked the whole thing with his modifications from the local level to it.

➤ Member Bailey-Possible pond ordinance discussion

- Plan. Comm. Admin. Beever stated that what she had gotten from Member Bailey over the phone was that he was wanting to see whether or not we need an ordinance on ponds about how close they could be to property lines for instance with setback requirements.
- Bldg. Comm. Boz stated that Member Schouten may be able to add to this as well and that they both had the same guy come in and talk to them. He went on and stated that right now there is no local ordinance for ponds but he believes there may be a state one.
- Member Schouten added that the state says they need to be a minimum of 30' from the property line and the max is 150' from any property line or easement. He went on to explain that there is a gentleman on 25 N. that the neighbor has a pond that was put in years ago and now it's encroaching on his property.
- Member Woolery added that if it's eroded there then that's not going to fix it.
- Member Schouten added that it's not going to fix it and it was done right 20 plus years ago. The property owner's beef is why the county doesn't have an ordinance on ponds. He went on to add that we just don't and nobody has ever brought it up.
- Member Cultice asked if other counties have ordinances on ponds.
- Member Schouten stated he's unsure and would have to check.
- Bldg. Comm. Boz added that the only way that Member Schouten would have teeth is if there was an ordinance and it was passed by the commissioners.
- Member Cultice added that even if there was an ordinance passed today that it wouldn't do anything about a pond that was put in 20 years ago because that would have been grandfathered in.
- Member Schouten agreed and stated he told the gentleman to go to his neighbors and see if they could fix it.

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- Atty. Schramm asked if it was a Starke County property or if it's on private property.
- Member Schouten answered and stated it's private property.
- Atty. Schramm stated that it sounds like a civil dispute to him.
- Member Schouten added that he told him that as well and he didn't like that answer.
- Bldg. Comm. Boz stated he told him that as well.
- Vice-President Allen stated he doesn't think they should do anything with this with out Member Bailey being here and asked that it be tabled till next meeting.

❖ **Code Enforcement Officer report.**

- Case 324
  - Code Enforcement Officer Blodgett stated she's still making payments on it.
- Case 328
  - Code Enforcement Officer Blodgett stated he's removed several vehicles on it and is making progress.
- Case 308
  - Code Enforcement Officer Blodgett stated she put a violation on the property with no response yet on it and she went on to state that there is no mailbox out there. She stated it's just like a camper in the woods out there.
  - Member Cultice asked where that was.
  - Code Enforcement Officer Blodgett stated it's in Monterey.
- Case 401
  - Code Enforcement Officer Blodgett stated that they have a violation still out there because they still have a camper out there. She added that they have cleaned up some of the property, she added that she gave her the administrative fine of \$350.00 for it and she's making monthly payments on it.
- Case 347
  - Code Enforcement Officer Blodgett stated she gave them an extension of time on it. She added that it'll be checked on July 15
- Case 393
  - Code Enforcement Officer Blodgett stated that Atty. Schramm is working on that one.
  - Atty. Schramm added that this is the one where he never responded to the second notice on it.
- Case 242
  - Code Enforcement Officer Blodgett stated that this was a burnt structure and that this case is now closed and the property is cleaned up.
- Case 452 Dwight Ryan
  - Code Enforcement Officer Blodgett stated that he brought in registrations for all of the vehicles. She stated that there are like 20 of them. She went on and stated that legally there isn't anything they can do about it even though they take up like the whole yard because they are all registered.
- Case 111
  - Code Enforcement Officer Blodgett stated that this case was given an extended amount of time and it'll be checked again on July 11.
- Case 444

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- Code Enforcement Officer Blodgett stated that the property was given a violation and was cleaned up immediately and the case is now closed.
- Member Schouten asked Code Enforcement Officer Blodgett if the one with all the cars if he is trying to sell the cars on his property.
- Code Enforcement Officer Blodgett answered no they've been there for like 15 years and every year there is a complaint made and every year she makes him bring in his registrations.
- ❖ **End of the month**
  - Board reviewed the reports from May 2024
- ❖ **Next Scheduled Meeting-** will be Wednesday, July 10, 2024 at 5:30 p.m.
- ❖ **Adjournment-**With no further business, Member Cultice made a motion to adjourn the meeting seconded by Member Schouten. Motion carried 6-0.

This meeting was recorded and will be on file in the Starke County Plan Commission Office.

Unless stated otherwise all Plan Commission meetings will be held on the second Wednesday of every month at 5:30 p.m. with the Board of Zoning Appeal meeting on the same night the latter of 6:30 p.m. or the conclusion of the Plan Commission meeting.

- ❖ **Approval of the minutes at the July 10, 2024 meeting**
  - Member Schouten made a motion to accept the minutes from the June 12, 2024 meeting as written, seconded by Vice-President Allen. Motion carried 5-0.

Mary W. J. Beever  
Administrator