

WABASH COUNTY PLAN COMMISSION

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Wabash County Board of Zoning Appeals

Wabash County Court House

Wabash IN 46992

BZA MEETING MINUTES

August 25, 2020

BZA MEMBERS: Dan Dale, Patty Godfroy, Mark Milam, Joe Vogel, Jerry Younce, and Attorney Larry Thrush

Present: Joe Vogel, Patty Godfroy, Mark Milam, Dan Dale, Mike Howard, Larry Thrush, Libby Cook, Glen Butcher, Victor Treska, Dan Krouse, Mark Casper, Robert Krouse, Kasy Fierstos, James Boyd, Mark Kissel

The August 25, 2020 meeting of the Wabash County Board of Zoning Appeals was opened by Chairman, Joe Vogel at 7:00 pm. Mr. Vogel asked if there were any additions or corrections to the minutes of the July 28th meeting, there being none he asked for a motion to approve the minutes as written. Mark Milam made the motion to approve the minutes, this was seconded by Dan Dale. The minutes will stand approved as written.

Mr. Vogel: The next item on the agenda is MPS Egg Farms for an expansion in Chester Twp.

Mike Howard introduced Mr. Dan Krouse, Vice President of Operations, who will be giving a presentation on the planned expansion for MPS Egg Farms in Wabash County. Mr. Howard congratulated those present from MPS Egg Farms on receiving the Agri Vision award for the State of Indiana.

Mr. Krouse introduced the following MPS personnel present at the meeting: Robert Krouse, Kasy Fierstos, Jamie Boyd is the complex manager at Hi-Grade, and Mark Casper who is general manager who also ran Hi-Grade for a number of years. This is something that is very important to us and we all wanted to be here tonight. I think most of you are familiar with our business, we are a 6-generation family business. We got started with a water powered grain mill and today we have about eleven million laying hens, most of those are in conventional houses. Mr. Krouse stated that MPS Egg Farms employs about 630 people, 470 of those are in Wabash County. We recently relocated our headquarters to N. Manchester, we worked with this Board to accomplish

that. We are proud to call Wabash County and especially N. Manchester our home. I am really excited to tell you about this tonight, we have the opportunity to build industry leading, sustainable, animal friendly houses right at our farm in Wabash County at Hi-Grade. These structures would include unique animal friendly features, he shared photos of the interior and exterior of what the buildings will look like. The buildings have a low-profile design and are covered in solar panels and have a skylight. To show these off to the public there is a viewing room at the front of the first house that will be open to the public every day. There will be a view from the visitor's center into the hen house, we hope to bring school classes to visit and tourist. The new houses would be located near our existing farm, he shared photos of the layout of the buildings showing where they will be in relation to the existing buildings. We are putting them as close as we can to the existing houses, it is really the only spot on this property where they fit. It is also good for us to keep it close to the road for public access. The buildings will not look like the typical hen house. The main house, which has the visitors center will have an asymmetrical roof, with a skylight and a big window on the north facing side. The other four buildings will have a symmetrical roof and will still have a skylight in the roof. These houses are significantly smaller than our other houses, they will have about 24,000 hens which is a big number but most modern chicken barns are 200,000 up to 500,000 birds in a single house. These are much smaller than what is typically done today. All 5 of the proposed houses combined are only a 5% increase to the capacity of this whole farm. The buildings are 32 or 25 feet high depending on which house you are looking at. Our tallest house at Hi-Grade today is about 46 feet tall. These buildings were designed to be unobtrusive and have some really unique features. Each building is covered in solar panels on the roof, that should provide more than 100% of the energy needed for the new houses. We are hoping to use that excess power for Hi-Grade. The exhaust air is filtered through a unique scrubbing system which is at the back of the house which is fairly common in Europe but to my knowledge is new to the United States. The exhaust air passes through a room that has water flowing through it like constant rainfall, the dust gets trapped in that water and gets filtered out with the water. We would also dry the manure leaving the house to eliminate odor from the ammonia and the opportunity for flies to breed. The houses have outdoor areas for the hens so they can walk outside and be out in the sunlight. Those areas are only open in appropriate weather, so in the winter when it is cold outside the hens wouldn't have access to those areas. To sum it up, these are not your typical chicken houses. They were developed to be unobtrusive; they are small, quiet and have low odor, and a small carbon footprint thanks to their solar panels, it would be located at Hi-Grade and would represent only a 5% expansion of the existing farm. This is a project we are very excited about; it would be a showcase for our company and I think it would be something for all of Indiana agriculture to be proud of. That is what we are asking you to help us accomplish tonight.

Mr. Howard: During the Plan Commission Board meeting at the initial hearing, some neighbors expressed their concerns about flies and odors. Board members reviewed the information in their packets which included a copy of the letter presented during the PC Board meeting. Mr. Krouse and Mr. Fierstos have been working with the neighbors to address the fly control and their concerns. One neighbor, Hayley Brandenburg sent a letter to us regarding her issues and it was presented at the PCB meeting. Mrs. Brandenburg attended the PC Board meeting but is not here tonight, she did call and leave a voice message, I called her back and had to leave her a voice message, she did ask a couple of questions in her message and I answered those questions. I will present her comments from the final phone message from August 24th: "This is Hayley Brandenburg, thank you for returning my call so quickly, after hearing your comments and then

also talking some more to my husband we have been reconsidering some things. We want to just continue to work directly with Midwest Poultry, we want to keep that relationship healthy and really not pursue it further at this point. I hope that there will never be a time that we have to, but for now we are willing to because they can uphold on their end and hope that their management doesn't change anytime soon. Thank you for your consideration with everything, I certainly feel less concern about the expansion and fears that I have for the future with that but I have expected this. Thank you, I hope you have a good afternoon." I feel like what she is saying with this is that rather than pursuing her concerns tonight, they would rather work directly with Midwest Poultry. I appreciate her comments and understand that.

Mr. Krouse thanked Mr. Howard for relaying that message, it is obviously a great relief for us. Hayley's comments were something we took very seriously after our meeting. Jamie, Mark and I met with her and Myron the following week and have met with them a couple of times since then or have talked with them on the phone to make sure their concerns are being addressed. Wabash County is our home and has been for a long time, we hope to keep it as our home for a long time. We recognize that we have an obligation to our neighbors and if we are not upholding those obligations, we need to change something so we have been working closely with them and making sure that we are meeting our obligations. Along with Hayley I too hope that management doesn't change in the near future.

Mr. Howard: Everything has been submitted to the County Surveyor's Office and the Drainage Board and that part of the program is still being reviewed as far as their drainage plan and everything like that. Our decision tonight would be pending approval of that obviously. We can take that into consideration but whether or not it is approved would be completely separate from what we are doing tonight. When we amended the County Confined Feeding Ordinance there was a lot of discussion and we knew at that time that some of the stipulations that we were making, that not to have an avenue of variances available would be a detriment to Midwest Poultry. But yet we felt like in order to establish the things that we felt were necessary at that time we put some stipulations in that ordinance that we knew that when Midwest Poultry decided to expand that they would have to request those variances. So, there are three variances with this request tonight. The first one that was created in the new amended ordinance was 1,000 from any off-site public well. If you look at their current facilities, they don't meet the 1,000 foot setback anyway, to me that is not a contending situation but we still need to vote as a Board on that. The second one is the non-conformity clause which states that in the event you are looking at a facility that was established before the ordinance went into effect in 2007 any addition to a structure could not increase the amount of non-conformity. By increasing the amount of non-conformity that means any new buildings could not be any closer to property line or closer to a residence or things like that. If you stop and think about it, there is no way they could build without not increasing the non-conformity because they are going to go closer to a property line somewhere. The Board will need to vote on that tonight. The third part of this in the ordinance and which pertained more to the swine industry and the quad buildings was the stipulation that they were allowed to request a onetime expansion for one structure. Tonight, we are talking about a onetime expansion but it is multiple structures. Based on what Mr. Krouse has shown us tonight with this new type of ventilation system this may be something for the future of the livestock industry as a whole that we see ventilation improving the air quality, it could be a very positive thing to have.

Mr. Vogel opened the floor for questions or comments.

Mark Kissel stated that he had talked with the Brandenburg's before tonight's meeting and it sounded like they have convinced her that they are going to control all the flies to stay right there in their neighborhood right there at the farm, which is almost impossible but they promised her that I guess. I don't feel in making this thing bigger it is going to make things better for us. It is going to work real well for them, but I don't see how they are going to control the flies if they can't control them now. How are they going to be able to control the ones that are going to be coming with the new building, I just don't see it. Mr. Vogel asked Mr. Kissel where his property is located in relation to MPS. Mr. Kissel said that he is across the street to north. Mr. Howard noted the residence is North of 114 on county road 600 E. Mr. Kissel said that it is horrendous, they haven't taken care of the flies at my place, never offered to. He says they reach out to everybody in the neighborhood to make sure everybody is happy; I have never been contacted. Mr. Vogel asked if they have fly problems at their property. Mr. Kissel said horrible, we can't go outside, my wife has bite marks on her legs from the flies, you can't go outside. Mr. Krouse said that he gave Mr. Kissel his business card, and we spoke in the hallway after the last meeting, Mark has the opportunity to call me anytime and we would be happy to talk about fly control at his house. We do a lot to manage flies at the farm and we have a good relationship with neighbors that are closer to the farm that would be more affected by the flies. Myron (Sites) is a good example of that, there is also the golf course across the road from our farm and we have a good relationship with the golf course. This expansion is not 5% more of the same thing that we are doing now, I showed you all the ways that this is different from what we have been doing. It is an opportunity to try some things that are unique in the United States, it could help popularize some different methods for use in the United States.

Mr. Kissel: I don't know how they are going to control the flies, if they can't do it now how are they going to do it then? With the facility they have now they can't do it; I just don't understand. They have convinced the Brandenburg's that they are going to be able to, to keep them all within their property line. It's ridiculous.

Mr. Vogel asked if there were any other comments. He then reiterated that if Mr. Kissel would call Mr. Krouse, they would work with him. Mr. Kissel said he shouldn't have to call them; I have voiced my opinion. He says he has approached all of his neighbors and he isn't the only one that complained. Mr. Vogel asked him to try again and see if they can get something worked out.

Dan Dale: The new type of facility you are going to build sounds like it will be state-of-the-art. Is the manure going to be more contained, less contained, is it going to be less of a fly problem with this type of building, what do you think?

Mr. Krouse: I would say it would be easier to manage in a house like this in large part because it is so much smaller than the existing houses. I explained some of this to Hayley (Brandenburg) when we met with her, part of what makes fly control a challenge is they can grow so quickly into a large population, especially in the summertime when their life cycle is so short. We dry almost all of the manure at Hi-Grade now but if a little population gets into wet manure before it's been dried it can get big quickly and we have to do a lot to knock that back down. It doesn't happen very often but when it does it is difficult. These houses are much smaller and they use dryers that

are very similar to the dryers we use today. It is a little bit more compact and possibly a little bit more effective, it should be easier to manage because of the small size.

Mr. Dale asked, looking into the future would you convert some of your older barns into this kind of facility if this works out to be more efficient and everything. Mr. Krouse replied that they have been working to convert all of their barns to this style of manure dryer. We put our first manure drying system in in 2000, which like some of these things was first developed in Europe. We were one of the first, if not the first in the United States, ag producer to use this type of drying system. The chicken houses we build we hope to use for 25 years, as our older houses go out of date, we replace them with houses that have these manure drying systems. Now all but two of the houses at Hi-Grade have those manure drying systems.

Mr. Vogel: At the PCB meeting you talked about the chickens being on a floor and most of the manure is caught on a moving belt and taken out, would you want to go over that to show them how the manure is handled?

Mr. Krouse shared photos of what is called an aviary system, in a cage free house the birds can go up into this aviary system which has multiple levels for them to hop up onto. The feed and water are distributed through that aviary system strategically so that the birds move throughout the system. It discourages more aggressive birds from hogging resources such as food and water. They spend a lot of time in that system, eating, drinking and sleeping and that is where a lot of their defecation happens. In two different levels of that system there is a plastic belt that runs the length of that system that catches those manure droppings and takes them to the back of the house where they go into the manure drying system. There is litter that falls onto the floor and that is somewhat self-managing, every once in a while, we have to shovel a little bit of that manure out of the house. Mr. Vogel said he feels that is a great self-cleaning system. Mr. Krouse said that it is a great system, about 1/3 of the manure is removed every day, the manure actually starts some it it's drying in the house.

Mr. Vogel asked if there were any further questions or comments.

Mr. Howard said that there had been a question about whether the buildings could be located anywhere else on the property say to the north or west. They really wouldn't fit anywhere else plus with the visitation area they must consider biosecurity and having a display area where they could have tours and things like that. They wanted to keep that out front as opposed to at the back of the property where they would have traffic going through the facility areas. They do have a truck wash where everything going in or out gets washed. I feel the biosecurity side of it was an important factor.

Mr. Vogel said one thing that was discussed at the PCB meeting was screening. Mr. Howard said that the Confined Feeding Ordinance requires screening and would ask for MPS to provide screening for the Poe property and the Penrod property by the pond area. Mr. Krouse said yes, we have been looking into screening and are open and willing to provide screening between the Poe property and the houses and we have been talking with Galen Penrod as well. Mr. Howard said that it could be a combination mound type area with trees on it or it could just be rows of trees. Mr. Krouse said ideally, I think it would be a mound and trees by the Poe property just because of

the proximity. There are already trees between the Poe's house and the property line and with us adding a mound and trees between the houses and the Poe property it will create more of a buffer there.

There being no further questions or comments the Board proceeded with voting on the variance requests.

Variance #1: setback to be less than 1,000 feet from an off-site well.

Mr. Thrush tallied the votes, the request was approved 4-0.

Variance #2: the direction of the non-conformity

Mr. Thrush tallied the votes, the request was approved 4-0.

Variance #3: variance from being 1 structure in a one-time expansion

Mr. Thrush tallied the vote, the request was approved 4-0

Mr. Howard: The final vote will be for the Special Exception application, he reminded Board members that this would be with the stipulations that the drainage plans and IDEM permits are all approved, we would require copies of all of those approvals also. Board members proceeded to vote, Mr. Thrush tallied the votes the Special Exception request was approved 4-0, pending the drainage plan and IDEM permit approvals.

Mr. Howard told Mr. Krouse that everything has been approved and that we would need copies of the IDEM permitting and the drainage plan approval, then once we have that and you have your final plans on your buildings, we can start with the building permits. Mr. Krouse thanked the Board and said that they really appreciate the time and the thoughtful consideration of the Board. Mr. Vogel stated that he appreciates that they are working with the neighbors, we had several at the PCB meeting with concerns and you are working with them on that. Mr. Vogel said he feels this could be a big boost to the ag economy in Wabash County. Mr. Krouse said he certainly hopes so.

Mr. Vogel: The next item on the agenda is Jason Peterson, SE # 10, for construction of a pond in Lagro Township.

Mr. Howard: Victor Treska, the contractor, is here to represent Mr. Peterson tonight. Mr. Peterson lives at 484 Swango Lane, Wabash, Lagro Township on a 7.37-acre parcel. Treska Bros. Excavating will be the contractor. Mr. Peterson is requesting a variance from the adjoining property line setback to the west for a pond. He is asking to be 35 feet from the west property line, all other setback requirements are met. There is no floodplain or flowage easement involved. The approximate water surface area will be .5 acres. The dam will be 100 feet in length, 40 feet base width, 10 feet top width. Over flow size is single 8-inch line, this would go from the pond to the south to a culvert that runs under Swango Lane and eventually goes underneath the highway. The maximum depth of the pond will be 15 feet. Emergency overflow will be located on the northwest corner of the pond. Watershed into the pond is approximately 2 acres. Distance to the nearest certified/non-certified drain is 2,000 feet to the Jacob Schmalzried drain, and approximately 5,000 feet to the Durwood Pike drain. Mr. Treska said that the closest point of the water lines would be about 80 feet at the northwest corner from the Peterson pond and the neighboring pond belonging

to Scott Poole. Mr. Milam asked how much higher the Peterson pond will be than the neighboring pond. Mr. Treska said about 10 feet. Mr. Milam said that the topography must rise quite a bit, Mr. Treska said that it does. The Drainage Board gave a favorable recommendation on the pond request during the August 3, 2020 D. B. meeting.

Mr. Vogel asked if there were any further questions or comments, there being none the Board proceeded to vote on the variance request. Mr. Thrush tallied the votes, the variance was approved. The Board then voted on the Special Exception request for the construction of the pond. Mr. Thrush tallied the votes, the request was approved.

Mr. Vogel: The next item on the agenda is a complaint against Bass and Bucks.

Mr. Howard informed the Board that on Monday August 3rd Paul Pattee and Doug Unger came before the Wabash Co. Commissioners and expressed some concerns about Bass and Bucks. The Commissioners referred them to the Plan Commission Board. Mr. Pattee and Mr. Unger presented their concerns to the PCB at the August 6th meeting. The permits for Glen Butcher, owner of Bass and Bucks, were initiated and approved by the Board of Zoning Appeals, that is why we are here tonight to discuss this. I would like to give Glen Butcher the opportunity to speak to the Board, I have talked with Mr. Butcher and told him what their concerns are. In your packets is some information that I have gathered on shooting and ranges. The one thing that I feel pushed it for this to come before the Commissioners is that Bass & Bucks had the Three Gun Shoot about 3 weeks ago and on a Sunday morning, they were shooting at 7:00 am. Glen said that he had turned the responsibility for the program over to the Three Gun Shoot directors and that the shooting even woke him up. Mr. Butcher told Mr. Howard that he would take full responsibility for that since he turned the event over to them. Mr. Howard said that in the time he has spent with Mr. Butcher and discussions they have had, he feels there might be some underlying issues as to why this has come before the Board. I would like to give Glen the opportunity to speak tonight, he then asked Board members to take the information with them and review it for discussion at the next BZA meeting. Mr. Howard stated that he had visited the shooting range and gave an overview of how the range is laid out. Mr. Howard shared photos of the shooting range with the Board. If you look at the shooting range and you are facing down range which would be to the north and you look off to the right or to the east there is a bunker that starts just to the west of the homes where they live and that bunker is created to go beyond the first point of any contact with a target. Then when you are looking at the targets each target is set so that as you go down range if you miss the first target to the left you are going to hit the second range target, or bunker and so on clear down to the final bunker. So that if you overshoot or miss you are going to hit the next one down the line. I think the alignment there is good. One thing they talked about was ricochet and the whistling sound that they hear. In looking into this I found some You Tube videos showing the shatter of the shells. Another complaint they had was that after a shoot they get tired of picking up trash along the road. Mr. Butcher said that there is no way he can control who throws what out, but typically your archers and shooters are the most respectful people out there. We do get a lot of people, that is what I built the place for, I do pick up a lot of trash every time I mow my front yard even when I don't have an event. If there is something I could do, we have dumpsters and trash cans there for every shoot we have, at every station and on the archery course we have trash cans. How do you control it?

Mr. Butcher said that he would really like to know what their complaints are, I want to know what I am going to address. Ms. Godfroy said they are (1) trash being left on the roadside (2) noise (3) ricochet. Mr. Howard said that there were also concerns about if somebody overshoots that you have all these people canoeing and kayaking on the river and that it is dangerous for them. In the information I have provided for board members, you can see what the elevations and distances are. if projectile makes it clear through the woods, (1300 feet of wooded area) if a projectile would make it through there it would still have to hit the ground before you get to an elevation low enough to get to the river. I thought it was interesting that right out here at the place called Wildlife and Shoot the elevations there, they have a target approximately 20 feet from the river bank, there is no elevation there, but once you cross the river the land elevation starts going up. Bass & Bucks is a lot better protected than they are.

Mr. Butcher: There is some bad blood between Mr. Pattee and me. He was here and signed the petition for us to get the range put in 17-18 years ago, he was all for it. He spent 10 – 12 years at my store shooting about every day, he loved it. Then he decided he would start his own store; it went under and now he has hard feelings and is going to do anything he wants to. Doug Unger, we were good neighbors, good friends, he buys land right next to my property, the range had been there about 15 years before he bought right next to me. They screwed up on the survey when we split Miller's up, he is blocked all around his building. I don't want to sell any of my property. If he would be a nice neighbor, I would consider selling him that part that I don't use, now I may turn it into a campground. I came to the County, went through all the required steps, talked to all of my neighbors, all of my neighbors shoot here, we have fun and help each other out. I am within my restrictions; we get 6 sanctioned shoots a year we did 4. Yes, we started early on one Sunday morning, I did not realize it. 7:00, the break of day, probably not the best thing to do but I am within my rights to do that. This is the first year we have ever done sanctioned shoots. All 17 years we have never done anything on Sunday except our 1:00 – 5:00 our regular shooting. With Covid the other ranges in the tri-state area were shut down and wouldn't let them shoot, so I let them shoot here, which is great because we had a lot of people in. We had people from California, Colorado, that puts us on the map and each one gets bigger and bigger. Our range is set up for safety, I have woods all around me. The rifle range, when we are shooting my little grandson rides his little 4-wheeler up and down the main lane because I have got safety mounds. If I thought it was unsafe why would I let him do that? I live right adjacent to the range. We have had weddings at the Star Lodge with the rifle range going on at the same time with several hundred people in the building. I would never allow something if it was unsafe for that to happen. This all goes on two neighbors that are unhappy with me, I have done nothing wrong. I go by the book with my variance. If I have done something wrong let me know and I will change it, but to the best of my knowledge I don't think we have done anything wrong. We have our 4-H shoots there and our handgun safety course which is very important for the community. We have a lot of new shooters out there and we have to have safety programs. The Boy Scouts and Girl Scouts. If you check with the Marketplace there are three draws in Wabash County right now, who do you think they are? Honeywell, Brandt's, Bass & Bucks. That is amazing, I took and abandoned nursing home property and turned it into a 5 million dollar a year business. I didn't do that by any county help, any tax breaks, nothing, it is all loan after loan after loan, it makes me proud because I started with four hundred bucks and I am not going to let anybody knock it down. I am very passionate about it; I love the place and I want it to go generation to generation to help the community. Right now, we pay over \$20,000 a month in sales tax this last month it was \$24,000. That sales tax per

month goes from the state right back to your schools and your different grants and stuff that the state gives back. We are helping the community, the rifle range that is a lot of our business with that being restricted or shut down that is going to really restrict it. We have got plans, I already talked to Mr. Howard, we want to put a campground in, that is going to further help people to come in and camp and shoot. Later, we want to put a 400-person event center in because our community does not have anything over 200 people. That will be going through your zoning and whatever we need to do with that in the next 2- 3 months or so.

Mr. Vogel: I was on the BZA when it was granted. Then you said that it would be 80% of your business archery and 20% firearms, is that about the same or have the firearms grown. Mr. Butcher said on a normal year that now it is about 50/50, this year it is 75 /25. Mr. Vogel asked if the 75 is archery or have the firearms really grown. Mr. Butcher said no, 75% firearms just because of what is going on in our country. Mr. Vogel said that people can get outside and shoot. Mr. Butcher said that with the election, Covid, riots, our gun sales are up. Mr. Vogel said you agreed with us for 6 Sunday public firearm shoots a year. Mr. Butcher said that is right 6 sanctioned shoots per year, we have done 4 so far this year and we have one more scheduled in October. Mr. Vogel asked, the one that started early that would qualify as one of those events. Mr. Butcher said that is right. Mr. Vogel asked about test firing, you still try to do that 11:00 - 6:00, Mr. Butcher said we do that when the shop is open those hours were set 18 years ago. That is another good point to bring up, we are closed Tuesdays and Wednesdays and we don't open until 1:00 pm on Sunday, so we are closed 2 ½ days each week. We felt those were the best hours because those days are when we had the least business. That gives a nice quiet Tuesday and Wednesday and on Sunday it lets people go to church. We shut down at 5:00 on weekends and 6:00 through the week so you have all evening when the range is shut down. Mr. Vogel asked about the 6 public shoots, are they usually on Saturday or Sunday. Mr. Butcher said the last one was on Friday, Saturday and Sunday because of the number of shooters we had, typically it is on a Sunday only. Mr. Vogel asked what time they start then, Mr. Butcher stated that they usually start at 8:00 and get done around 5:00 – 6:00 in the afternoon. It depends on how many shooters because you can only have so many people per station for safety so you can't really control how long it will take. Mr. Vogel asked if you would have to start at 8:00 to get them through, Mr. Butcher said that is right. Mr. Vogel noted that it doesn't state the start times for the public shooting events. Mr. Butcher asked the Board to keep in mind that the other three firing ranges around the county have no restrictions that would be Mill St., FOP, and the Isaac Walton League at Somerset. They can shoot daylight to dark and 7 days a week if they want to. Mr. Vogel pointed out that the other ranges were all three in before Bass & Bucks and were grandfathered in before we had an issue. I remember that at your meetings we had some opposition and we came up with the best situation you could live with and the neighbors. Mr. Butcher said that they have not had a problem for 17 years. Mr. Vogel said that he certainly appreciates hearing both sides of this, it is always good to hear the whole story. Mr. Butcher said that is why he is here.

Mr. Vogel: As far as kayakers or boaters on the river it would be virtually impossible unless you shot up in the air and hoped that it fell at the right time to get it in the river. Mr. Butcher said the only way you could hit the river is someone would have to go at like a 45-degree angle straight up in the air and have the right wind direction for it to come down. With 110 acres of woods and the elevation fall there is no way even just a little bit above the mound it is going to fall in the woods.

Mr. Vogel said that he is just addressing this for his own knowledge in case someone would ask about it. Mr. Butcher said that from the center of the shooting lane to the center of the river is one mile. From the S curves it is only about ½ mile because the road angles. We have 182 acres there and it is right at a mile to the middle of the island. With 110 acres of adult woods I would say it is impossible to hit the river. You would have a better chance of getting hit by a meteorite.

Mr. Vogel: The targets, you are saying if you miss the first one you would get into the second layer so it is a pretty buffered situation, Mr. Butcher said that is correct.

Mr. Vogel said the third situation is the noise.

Mr. Howard reviewed elevations from the firing range. It is 2.06 miles from the firing range to US 24 and 1.6 to old 24. Mr. Howard reviewed the packet of information he prepared for the Board members. Discussed the elevation at the other shooting range in relation to the river.

Mr. Vogel: I think Mr. Butcher has addressed the concerns that were brought up. Mr. Howard agreed and said that when he talked with Mr. Butcher, I wanted him to know what was said and to have a chance to share his perspective and his thoughts with the board on this.

Mr. Howard asked the Board members to review the materials he gave them and we will discuss this again at the September 22nd meeting and determine if we are satisfied that Glenn is meeting his requirements.

Mr. Vogel said that the BZA didn't set hours for Sunday competitions. Mr. Howard stated that it only states it on test firing on Sundays not when they are having a competition. Mr. Vogel said that to be a good neighbor maybe you could have a start time of 8:00 am or later verses starting it really early. Mr. Butcher said to keep in mind that the 3 Gun Events are going to grow, but it is not going to be any more than 6 Sundays a year, I look for 4-5 next year and I agree on the 8:00 am start time. Mr. Vogel said that he thinks that we can address with the people that had the complaint that the early start time was a mistake and we are not going to start before 8:00. Mr. Vogel asked if the cutoff time is 6:00. Mr. Butcher replied no, not on the sanctioned shoots, correct me if I am wrong. 6:00 is the cutoff for test firing but you can't have a cutoff time for the sanctioned shoots, you get people coming from out of state and you can't have 120 people and say I'm sorry you can't shoot because it is after 6:00 that is why we requested back then that you can't really have a timeline on a sanctioned shoot. Mr. Butcher said that to the best of their knowledge they will not start before 8:00 am. Mr. Vogel said that most of those are in the summer so you would have more daylight hours.

Mr. Butcher: At times we will have a few Government agencies come in for their night vision. We have had State Police, Conservation Department and a group that comes in from GA once a year, they will go in front of the President if he is coming into Grissom, to certify their weapons in that state before that deployment and sometimes they have to shoot at nighttime. Grant County has used our range several times to zero, and we try to do that right at dark so they can get going. During the winter it doesn't matter because it gets dark at 6:30 – 7:00, by doing it in the summer it doesn't get dark until 10:30 – 11:00. Mr. Vogel thanked Mr. Butcher for presenting that information so the Board is aware of what they are doing. Mr. Butcher said that when that happens,

we call County Dispatch and let them know when we are shooting after dark. It doesn't happen very often.

Mr. Vogel: The next item on the agenda is the update on the Doyle Silvers permit extension for construction of a home in the town of Lafontaine. Mr. Howard shared photos of the property taken on August 24th. The permit extension expires at midnight on September 21st, at which time the entire shell of the house is to be complete. The Board needs to be thinking about what happens if the requirements are not met by the 21st. Mr. Vogel said with the amount of work that the photos show being done he feels that Mr. Silvers is working on it and has a lot done, but has a long way to go.

Mr. Howard: On the Senate Enrollment Act regarding the ANR/CED positions on the PCB, in order for Geoff Schortgen to continue this year and be a voting member of the Board we need to have an ordinance stating that he would be retained until the end of the calendar year and would have voting rights. After January 1, 2021 he would serve in an advisory capacity representing the Extension Office. Mr. Howard asked Mr. Thrush if the Plan Commission Board would need to write the ordinance or would that need to come from the County Commissioners. Mr. Thrush stated that the Commissioners would need to create the ordinance.

Mr. Howard gave Mr. Thrush a copy of the recorded cost sheet for the office preparing and researching paperwork for court hearings.

There being no further business Mr. Vogel asked for a motion to adjourn. Ms. Godfroy made the motion to adjourn, this was seconded by Mr. Dale. The meeting adjourned at 8:25 pm.

Libby Cook
Secretary, Wabash Co. Board of Zoning Appeals
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