

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday August 20, 2025

The Regular Meeting of the DeKalb County Plan Commission was called to order at 8:30 a.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan

ROLL CALL:

Members Present: Jason Carnahan, William Van Wye, Tyler Lanning, Suzanne Davis, Angie Holt, Sandra Harrison, Jerry Yoder, Frank Pulver, and Elysia Rodgers.

Members Absent: William Hartman

Staff Present: Director/Zoning Administrator Chris Gaumer, and Secretary Meredith Reith.

Staff Absent: Plan Commission Attorney Andrew Kruse

Community Representatives Present: Mike Makarewich

Public in Attendance: Andrew Provines, Jared Malcolm, and Lynn Reinhart.

PLEDGE OF ALLEGIANCE:

Jason Carnahan led The Pledge of Allegiance.

PRAYER:

Jerry Yoder led in prayer.

APPROVAL OF MINUTES:

Motioned by Sandra Harrison to approve the June 18, 2025 meeting minutes. Seconded by Suzanne Davis. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Jason Carnahan inquired about any comments, questions, or motions to approve June/July 2025 claims, totaling \$74,860.19.

Angie Holt motioned to approve claims seconded by William Van Wye. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Butler ETJ Agreement 2025 Discussion:

Chris Gaumer stated that Butler is currently in the process of rewriting their Comprehensive Plan. When a new Comprehensive Plan or rewrite is happening. This is an Indiana Code requirement that there be an Interlocal Agreement with the county and municipality. We have these agreements in place with Auburn, Garrett, and Waterloo. With this Butler has an ETJ established just no agreement as to who does what. With this information provided there won't need to be any votes today, just reviewing what's here. The City of Butler will be reviewing this at their next Plan Commission meeting. Everyone should have seen the ones between Auburn, Garrett, and Waterloo that have been done over the last 5-6 years. The language that's highlighted in yellow needs addressed to see if this is something they need. He addressed that parts of the highlighted areas wouldn't apply with this proposed agreement being located outside the municipality He stated that they would like to extend the boundaries of the ETJ, allowing them to square off what they currently have established and allowing them to practice planning/zoning for areas that they may want to annex in the future.

Sandra Harrison asked so on the boundary of CR 24 that is only on the south side.

Mr. Gaumer stated that yes it will only be the south side. This is already existing as part of the ETJ. On the maps with the red boundary to the south that's the new proposed ETJ expansion and the grey area is

what's existing. He stated that Andrew Provines is here to answer any questions. This interlocal agreement is to formalize what we currently practice with the City of Butler, and the expansion would be the only thing that's changing.

Andrew Provines approached the podium he stated that this comes out of the Comprehensive Plan that has been trying to receive approval for 4 to 5 years. It has been through two City Planners that have tried to move things forward. The ETJ will square off what already exists and the portion to the south meets the boundary we need. When Chris mentioned annexation, we're not looking to annex anything right now. We want to finalize our Comprehensive Plan and ETJ to get a formal agreement in place.

Mr. Gaumer stated that he wanted to clarify what he meant about the annexation. This isn't immediate annexation but over a course of 10-15 years. He added that by Indiana Code it's required prior to 2019 that municipalities have a ETJ boundary in their Comprehensive Plan to be able to practice planning and zoning.

Mr. Provines added that the last Comprehensive Plan was 2001 with the existing boundaries. He stated that based on the document this is all up for discussion. If anyone has any issues with this feel free to bring them up.

William Van Wye asked if there was growth towards the south.

Mr. Provines stated that there's currently no growth. The only real growth right there would be a parking area approved in 2022 on a farm field for H&W Transport. Nothing has been complete with the area, and it's used to store semi-trailers once they're loaded.

Jerry Yoder asked so by expanding the ETJ it will also expand the area that the city will be taking care of for building permits.

Mr. Provines stated that we currently don't oversee any of our building permits. With the City being small there's not that many building permits each year. It wouldn't be ideal to obtain our own building inspector. We issue the improvement location permit and then they will need to go to the county to receive a building permit. The county will complete the inspections, and we will pay for them each year. He stated that just recently we did the same thing with the county's permitting software because it was cost prohibited with the size of Butler to have our own. He's discussed that the county has good processes established for planning and zoning. He has looked at the county's process and used them for guidance for the city. He stated that before we move forward with this agreement, we will have discussions at the City Plan Commission. This will come back to you for a recommendation later. We just wanted this to come before you, so you had plenty of time to review it.

Mr. Gaumer asked if there were any more questions or concerns about what's being proposed.

Andrew Kruse addressed that by the time the interlocal agreement is approved and recorded with the ETJ. What will Butler's Plan Commission have for the zoning in this area.

Mr. Gaumer stated that they will have a public hearing for a rezone, and the City Plan Commission would make a recommendation to the City Council. The zoning could be part of this interlocal agreement, and the problem would be that when it changes the zone map would be irrelevant. We would have to create a zoning map for the newly proposed boundary and go through the proper channels.

Mr. Provines stated that he would like to talk to the landowners involved in this proposed ETJ. He stated that currently we have an ETJ agricultural that's meant for this area. The city's Ag is slightly more restrictive than the county's. He doesn't want to have new property coming in from an ETJ that will have more restrictions on what it currently is. He discussed that if in this ETJ when established the Ag could have a set of historical uses that allow you to do exactly what the county allows you to do today until the land is sold. He stated that if someone sold off to another party you would understand that within this ETJ the City's Ag would be in place. He's looking into doing something like this so we couldn't hinder anyone to what they can currently do with their land.

Mr. Yoder asked what kind of restrictions would be in place.

Mr. Provines stated that he would need to compare the county and city ordinances. The city uses are slightly less than what the county has in place. If something wasn't permitted it would be the process of a variance or special exemption. He stated that there would be other scenarios where they wanted to rezone too residential. If they would rezone inside the ETJ the city may be more restrictive in what the county allowed. He addressed that he hadn't seen something like this done before.

Mr. Gaumer stated that he pulled up the ordinances and the only difference is not allowing confined feeding operations above IDEM regulations. This could still happen if they went through the Board of Zoning Appeals for a use variance. He stated that you could do something like this. It would just have to be done through some sort of commitment that runs with the property. It needs to be there so title companies can search for things like this. He talked with Andrew, and the City Planner would need to keep records of when properties would transfer. This would be easier if title companies could find this when searching and they could let potential buyers know. This could be a covenant that's recorded with the property.

Mr. Provines stated that it's extra work, but he thinks that something along these lines would be fairer.

Mr. Kruse added that all new buyers should see Butler's zoning and will know they can't do certain things.

Mr. Gaumer stated that as long as there aware of the zoning.

Mr. Provines stated that he and Chris talked about what would be the best to make people doing research aware of what isn't and is allowed.

Jason Carnahan asked if there were any further questions or comments from the board. Hearing None. He opened the public portion of the hearing up to any comments.

Lynn Reinhart approached the podium stating that this came to his intention in recent light of what had transpired in St. Joe and working with their ETJ. He was curious as to whether the City of Butler would have a hearing and wasn't sure if the property owners would individually be notified. He addressed that those involved should have a notice like a neighbor would for a zoning change. He understands that this would be up to the city and you as the county would ultimately be making the final decision whether you approve it or not. He believed that public hearing should be allowed for the people that are part of DeKalb County and part of this ETJ area before the change is made to turn their properties over to the City of Butler. He stated that this was his only comment, and this will not directly affect him, not having any property falling within the proposed ETJ.

Mr. Gaumer stated that the City of Butler would have their own process for changing the zoning and couldn't dictate what they do. He stated that he would leave this up to Mr. Provines if he wanted to comment on this.

Mr. Reinhart stated that he wasn't talking of zoning, and this is more for the expansion of the ETJ.

Mr. Gaumer said that public hearings are required for the change in zoning and aren't required for interlocal agreements. The zoning change for Butler changing from a county dedication to a city dedication would be done through the City of Butler. The interlocal agreement is not required to have a public hearing. It's voted on as a recommendation from the County Plan Commission to the County Commissioners and is not required to have a public hearing, just a public meeting.

Mr. Kruse stated that one thing that Mr. Reinhart may be asking is that if Waterloo, St. Joe, Garrett, and Auburn has an ETJ as far as he knows there's no requirements that they send out a written notice to all the landowners. He addressed that Mr. Reinhart stated that it would be nice if it was required by law to have public hearings required during this time.

Mr. Gaumer stated that it's not required. The creation of the ETJ and the current Indiana Code doesn't require that a public meeting have notice with the surrounding landowners.

Mr. Reinhart asked that as it goes forward you as members of the Plan Commission consider each one of the individual properties owners and not just look at what the City of Butler is asking for.

Mr. Van Wye addressed that aren't our hands kind of tied if Butler wanted to move on. They would be able to by state statute.

Mr. Gaumer addressed that with the current ETJ area yes, they could continue practicing their ETJ and not even update their Comprehensive Plan. The law changed in 2019 that requires when a Comprehensive Plan is rewritten or updated that an interlocal agreement is required with the county.

Mr. Van Wye stated that from what he understood that if they extend their boundaries there's basically nothing we can do.

Mr. Gaumer stated that the county could not pass the interlocal agreement. If we wouldn't pass the agreement they could still practice within the current ETJ.

Mr. Carnahan stated that theoretically we could negotiate their expansion area. Before we agreed to the interlocal agreement we could negotiate on either side. Mr. Kruse addressed that you could say yes to these four blocks and no to others and come up with a plan.

Mr. Gaumer added that he believed the code is better now than it was, meaning that the county has negotiating rights with a new ETJ, before they could just go up to two miles outside their jurisdiction if it was in their Comprehensive Plan and the county had no say.

Mr. Van Wye addressed that when Ashley did an ETJ, they were going to take the ETJ around Klink's because he didn't want to be involved in it. He stated that Ashley was threatened with a lawsuit that if you don't take Klink in it why are you taking these 500 acres outside of it. They haven't moved forward with anything since he passed away.

Mr. Gaumer asked if there were any further questions or comments on the ETJ boundary. He stated that he will be working with the City of Butler and get this tightened up to bring this back sometime before the end of the year.

DeKalb 2040 – Comprehensive Plan Update:

Mr. Gaumer informed everyone that tonight is the Corunna open house, if anyone's interested it will be at Corunna's Park on Michigan Avenue under the pavilion from 4-5 pm. Also, today HWC will have the Steering Committee meeting from noon to 1:30. We will then have on September 18th from 6-7 the Big Ideas Open House in the Courthouse Rotunda. We will be sharing the proposed visions, goals, and objectives that we have gathered over the past few months. He stated that there will be a 10–15-minute presentation at 6 and then give people time to go around to the various boards and give input.

REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIANSONS:

Frank Pulver informed the board that the City of Garrett's last meeting was finalizing the Saddleback Addition. The project will be moving forward.

Suzanne Davis informed the board that the City of Auburn held their meeting in July. No meetings have been held in the last two months. She stated that during the July meeting there was discussion on a proposed East Auburn Estates. She addressed that the room was a full house with citizens for the hearing being advertised as modular, stick built, and trailer homes. She stated that the board president did a wonderful job in moving the discussion along to get stipulations on what would be allowed.

Mrs. Holt informed the board that the City of Waterloo held their meeting on Monday. She stated that Waterloo was unable to secure the OKRA Grant on the third try. It seemed like there was lots of inconsistency in the way that it was scored. They're proceeding with a strategic plan instead of a whole comprehensive plan. This rewrite will be scaled back and small scoped and still be able to address some of

the concerns. They will be proceeding with kickoff in September and a public workshop in October. The consultant will be HWC.

Mrs. Harrison informed the board that the City of Hamilton will have their meeting earlier this week. The City of Butler held their meeting. Mr. Gaumer discussed the Butler Comprehensive Plan and Mr. Provines discussed the permitting software with DeKalb County. The mayor is still waiting on the Grant money for the Bohn Aluminum Foundry. They are still investigating the possibility of a Hotel along US Highway 6. They would also like to expand the events at the Monster Truck Museum to coincide with possibly helping to get the Hotel in the area.

Mr. Van Wye informed the board that there was no meeting for the City of Ashley.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

Lynn Reinhart approached the podium stating that he would like to investigate the ETJ from St. Joe and the way it was done. The fact that they approved of it in 2011 and haven't implemented a single step forward with the ETJ. He stated that if the County Plan Commission isn't in agreement with the ETJ and there would be a possibility that you could pursue that it wasn't in effect due to that lapse of time. He stated that they haven't moved forward on zoning maps, establishing a Plan Commission, or any concerns that need to be addressed. He addressed how long it took to have the Comprehensive Plan recorded. The town had to be aware that things were coming to the county, and he thought they stated there was a list of forty-some items that the county acted on during that time. He added that the precedent shows that the County Plan Commission has been, is, and should be responsible for that zoning unless they come forward with the new plan and go through the process of developing an Interlocal Agreement today.

Mr. Kruse stated that a letter has been sent to Eric Weber the attorney for the Town of St. Joe. The letter is basically a summary that we're requesting that they grandfather everything in that has been decided. We haven't received any response to this.

Mr. Gaumer stated that part of it was that we wanted to have a legal opinion that their ETJ is valid and we're not fighting that it's not 100% valid or invalid. They knew now that things weren't done correctly, and he didn't believe it was done in an unlawful way. So anyway, we're working on the letter that was sent and he's still meeting with the Town of St. Joe to help them work up language for the boundaries. They still have a moratorium on areas that are within the ETJ area on zoning. He thinks that they hope to have it completed by the end of the year. The last big thing was that we wanted to make sure that there was no case law as if you'd sat on this for 10 years you lost your rights. He addressed that there's nothing in Indiana Code that states this. There's nothing that says they have no jurisdiction.

Mr. Kruse stated that he's not aware of any time frames. That's not to say that there's a couple of different major deadlines in legal issues, one there could be a statute of limitations that says that if you create an ETJ you've got to complete your zoning within so many months/years. There's nothing that Chris and I can find that says this. The other idea is more of an excessive delay idea called laches that's the fancy legal term for it. That kind of along the lines of did they wait too long to do this. He addressed that he wasn't aware of anything at this point. He believed that it would be helpful if the Town of St. Joe was able to show for sure that they got this all-in place and its legal after all this time frame.

Mr. Gaumer stated that it's an unusual situation and county's hands are tied in the sense that the ETJ was established prior to July 2019. Which is that date that says you must have an Interlocal Agreement. The only way to do an ETJ before that time is to put it in your Comprehensive Plan and it was established-in their plan.

Mr. Kruse stated that they have the ETJ and the question is what you do with zoning when they never created any.

Mr. Gaumer added that it appeared that nobody was aware of this until the new members of the town board brought it to his attention. He stated that like before he doesn't go and read all the Town's Comprehensive

Plans to make sure there in compliance with their own laws and regulations. This is something that just got overlooked. Unfortunately, the county can't say you didn't do something for ten years and were taking it back.

Mr. Kruse stated that from cases and case laws is as much as we want to think that the Indiana Supreme Court has made an opinion on almost every important issue out there. There are significant areas where if something doesn't happen very often, like if this is the only thing to happen in twenty years. There's not going to be cases where some have disagreed with the local judge's decision on it and applied it. This will leave certain things open as gray areas at times. He added that this is not one of them, but this could happen being there's not always a case that comes with every legal point.

Mr. Pulver asked if St. Joe was incorporated and is there a town manager.

Mr. Gaumer stated yes, the town is incorporated. They have a town clerk and three council members.

Mr. Pulver questioned if the town council members are the ones that located the existing ETJ.

Mr. Gaumer stated that the council members are the ones that realized that they had an ETJ.

Mrs. Holt said that she remembered from our last meeting that Mary Simcox indicated that it was on file and recorded and we were going to validate it.

Mr. Gaumer stated that we did, and it was recorded prior to July 2019.

Mr. Carnahan stated that if they wanted to update their Comprehensive Plan that would be the only way we would have any input.

Mr. Gaumer stated that this would be correct. What they're working on now is creating zoning districts that basically mirror what the county had for the ETJ and updating their zoning ordinance. This is a big undertaking for St. Joe.

Mr. Carnahan asked how the ETJ would work in their Comprehensive Plan.

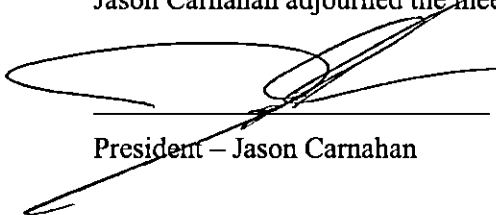
Mr. Gaumer stated that it's already in the Comp Plan. The zoning would have to go through zoning amendments though their Plan Commission and Town Council. Mr. Carnahan added that it's a big undertaking but not big enough to rewrite their Comp Plan. Mr. Gaumer stated no, the boundaries are already in place.

Mr. Kruse stated that the ETJ is all about the boundaries and not about the zoning within it. We wouldn't control the zoning of this area but the size. Back then when the original one was done, we didn't even have input on the size.

Mr. Carnahan asked if there were any more comments from the board. Hearing None. The meeting was adjourned.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 9:26 a.m.



President – Jason Carnahan



Secretary – Meredith Reith