

MINUTES
CASS COUNTY PLAN COMMISSION
Tuesday February 7, 2023

Josh LeDonne, President, called the regular meeting of the Cass County Plan Commission to order at 8:30 AM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

ROLL CALL:

Members present: Stacy Odom, Ruth Baker, Josh LeDonne, Zach Dodt, Derek Pullen and Fred Seehase

Member absent: Jim Donato, Gary Berkshire and Krista Pullen

Staff present: Arin Shaver, Ashley Rowe, Ralph Koppe and Legal counsel, Jeff Stanton

Staff absent: Jamey Harper

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of January 3, 2023 were presented. Mr. Odom stated there is a correction in the attendance part of the minutes, you need to take Fred Seehase out and put Derek Pullen in. Mr. Odom motioned to approve as presented. Mrs. Baker seconded the motion; all were in favor.

PUBLIC HEARING: None

REPORTS: Mrs. Shaver stated on the Lynch property Mr. Stanton and I are in the process of getting notices out on the bid job for that, just to let the Board know.

OLD BUSINESS:

Unsafe Property

1976 W 600 N - Quaglio

Mr. Koppe stated the Planning Dept. is requesting that we move this property to the Watch list. Mr. Quaglio has cleaned up the property, there are a few more things that need to be done but he is finishing up. Mrs. Shaver stated we can either continue it or put it on our Watch list. This is the property that had the mobile home, RV and piles. They have gotten it down to just a small area. Mr. LeDonne asked if we put them on the Watch list they don't have to keep coming back every 60 days? Mrs. Shaver stated no, if it gets bad again then we would just start the process again. Unless we keep on moving it each month or every two months it will have to start over. If you move it to the Watch list it will have to start the process over.

Mr. Odom motioned to accept that the Board move this property to the Watch list. Mr. Dodt seconded the motion; all were in favor.

5788 N SR 25 – MH Realty

Mr. Koppe stated that he isn't allowed on this property unless the owner is there walking it with me. This property hasn't had a lot of movement, we would recommend 30 days with a possible \$2,000 fine if not done by March 7th, reinspect on March 1st. Mr. LeDonne stated he feels like this property is getting worse. Mrs. Shaver stated we have not fined him before. You can either fine or you can say if not done by the next meeting you can fine at that time. We did not have anything in his last letter saying that we were going to fine. So typically, we will send in the next letter if you don't have the property cleaned up you will get a fine assessed. Mr. Odom stated he has attended the meetings before and stated he would have it cleaned up and hasn't. Mr. Koppe stated it seems like there is a little bit more there on the property then what we started with, he is still making piles and stuff like that. Mr. LeDonne stated it looks like it's moving around to the back of the property. Mrs. Baker asked how many vehicles does he have on his property? Mr. Koppe stated he thinks he has about four or five. Mrs. Shaver stated this is also one that at our meeting he talked about how he does demo and salvages, that is some of his piles. We did inform him, similar to the Anderson case that he needed to go through the BZA process and he hasn't submitted anything for that yet. Mrs. Shaver wanted to disclose everything that we have been talking to the owner about. He doesn't technically have title to the property he is buying on contract. So, the letters have been going to the owner, so they send it on to the renter or contract owner.

Mrs. Baker makes a motion to accept that the Board give them 30 days to clean up the property with a possible \$2,000 fine if it's not cleaned up by March 7th meeting, reinspect on March 1st. Mr. Seehase seconded the motion; all were in favor.

51 N 400 W – Musselman

Mr. Koppe stated that Mr. Musselman has done a lot of work, he doesn't live there now he has moved out. There is still a lot of work to do, some still on the back of the property. We recommend 60 days with a possible fine of \$2,000 for the April 4th meeting, reinspect on March 29th. Mrs. Shaver stated Mr. Musselman did call and say he still plans on making progress he just can't make the meeting today. Mr. Koppe stated we just need to stay on this one so it keeps moving on progress since he has already moved out. Mrs. Shaver stated we have never set a fine for this property, that's why we said a possible fine but if the Board feels like he is moving enough we can just do the April 4th meeting with the March 29th reinspect. Mr. Dodt asked all he needs to get rid of is the piles of stuff? Mr. Koppe stated yes but there is a lot of stuff behind the building, he has taken a lot of the stuff out also. Mr. Dodt asked if the buildings are fine? Mr. Koppe stated yes but over time they won't be. But you can see signs of different things happening. Mrs. Shaver asked the Board if they want to do the fine or just the 60 days to clean up the rest of the piles? Mr. LeDonne stated he would just do the 60 days since he is making progress on the property.

Mrs. Baker motioned to accept that the Board give them 60-days to clean up the piles, which will be the April 4th meeting, and reinspect on March 29th. Mr. Seehase seconded the motion; all were in favor.

8879 E 600 S – MG IRA, LLC

Mr. Koppe stated this property the owner has done a tremendous amount of work. We recommend we put this property on the Watch list. Mr. Koppe stated the owner contacted him to let him know that he was trying to remove the last part on his property but it got to muddy but he is planning on removing the rest as soon as he can. Mrs. Shaver stated we can either check it in 60 days or put it on the Watch list. Either way the Board would want to do it.

Mr. Seehase motioned to accept that the Board move this property to the Watch list. Mr. Dodt seconded the motion; all were in favor.

501 N 600 E – Titus

Mr. Koppe stated this property there's a lot of stuff sitting on the north side of the house. There is a camper in the back, Mr. Koppe got in touch with Dan Musselman and he is aware that they are living in the camper. Mr. Koppe stated it looks like they are in the process of remodeling the house, I tried to make contact but couldn't. We recommend 60 days to get things cleaned up which would be the April 4th meeting, reinspect on March 29th. Mr. LeDonne asked the audience if anyone was here to represent the property, no one was in attendance. Mrs. Shaver stated either way you can do a possible fine of \$2,000 or you can bring them back in 60 days. Mrs. Baker asked how long he has been living in the camper? Mr. Koppe stated we don't know. Mrs. Baker stated the Board should do the fine, because it's been a mess for a long time.

Mrs. Baker motioned to accept that the Board give them 60-days to clean up the property with a possible \$2,000 fine, which will be the April 4th meeting, and reinspect on March 29th. Mr. Seehase seconded the motion; all were in favor.

2215 E River Rd – Elliott

Mr. Koppe stated this property Mr. Elliott has done a lot of work, there is still a little bit more to do. Mr. Elliott is here in the audience. We recommend another 60 days which would be the April 4th meeting, reinspect March 29th. Mr. LeDonne asked Mr. Elliott to step up to the microphone and state his name and address. Dan Elliott, 2201 Oakland. Mr. Elliott stated they have been working on it, the gentleman that has been helping him is an older guy he has been sick for 2 weeks. Mr. Elliott stated he's going to try to get back in the back corner, it's the older gentleman's truck. The two fierro's, one was stuck to the ground I had it sold but couldn't get it unstuck. He's trying to get the car's gone.

Mr. Odom motioned to accept that the Board give them 60-days to clean up the property, which will be the April 4th meeting, and reinspect on March 29th. Mrs. Baker seconded the motion; all were in favor.

2301 Capitol St – Grandstaff

Mr. Koppe stated this property doesn't look like a lot has been done. Mr. Grandstaff spoke to Mr. Koppe and stated he had a heart-attack so he has had some health issues. We recommend another 60-days, give him time to heal which would be the April 4th meeting, reinspect on March 29th. Mr. Koppe stated he has done a lot of work on the property there is still more to do. Mrs. Shaver stated just so the Board knows this is still a right of way that needs cleaned up, if that is something that needs cleared right of way. Mr. LeDonne stated in order to know if that is a right of way he would need to get a survey done to make sure. Mrs. Shaver stated in some degree, you could use 23rd up the middle and go look in the books to see how wide the easement is. I just wanted the Board to know that there is some of the right of way. Mrs. Baker stated so that part should be cleaned up immediately. Mr. LeDonne stated we don't know exactly how wide it is. Mrs. Shaver stated you can state that the first thing you want done is the right of way. Mr. Koppe stated he has most of it cleaned up, he has some large piles of wood back in there, tree stumps. A lot of that is cleaned up. The only thing that is really setting there now is piles of wood and a wood chipper that is pulled out in front and setting there. Mrs. Shaver stated that area has a lot of issues with wells and septic's being on other people's properties. Mrs. Baker stated there is a house down a little bit that just looks amazing. Mrs. Shaver stated Richard Smith owns a house in the area, he has come into our office about a lot of the properties in White City. We've had multiple properties that have cleaned up and now has gotten bad again. So, whether or not we want to re-look at those, that's a possibility.

Mrs. Baker motioned to accept that the Board give them 60-days to clean up the property, which will be the April 4th meeting, and reinspect on March 29th. Mr. Dodt seconded the motion; all were in favor.

NEW BUSINESS:

Unsafe Property

5323 High St – New Century Home Equity Loan Trust


Mr. Koppe stated this property there is no one living in this house. The front doesn't look to bad, there are mattresses there. The back of the property is over loaded. We recommend 60-days which would be April 4th meeting, reinspect on March 29th. Mrs. Shaver stated she wanted to show the Board one of the reason's why it will be more of an enforcement then some of ours, because it does back up to a subdivision. So, all of the debris can be seen through the subdivision. All of the subdivision, this is the one property that is causing the eye sore. Matt Brown with Tom Hayes Realty, this property has been like this for years even when they lived there. It took them two years to get the renters evicted, the Sheriff handled the lock out. Their lawyer had them convinced that they were going to be able to keep the house, so they hadn't moved or pack anything. The Sheriff met Matt Brown there to lock them out. They had 30 days to contact us to get any of their belongings, they had about an hour there. They took two vehicles, they still had three vehicles parked in the driveway. There is a van in the back of the property which is still there. The preservation company did get the three vehicles picked up. The van in the back, Matt Brown doesn't know how they are going to get it off the property. They are going to have to go through someone else's property to move it. There is so much stuff, the house is packed. The preservation company is usually pre-approved to do so many cubic yards of removal under a certain price, but there is so much stuff there the bank had to get some bids. The asset manager stated that they do have bids now, they have sent them to the bank now they are just waiting on the bank to approve the bids. Hopefully, in 30-60 days they can at least concentrate on the outside and when they can get to the inside they will do that. Mrs. Shaver stated so our recommendation was to follow up on the April 4th meeting, reinspect on March 29th. Mrs. Baker suggested the Board give them 30 days since the bank already has the bids. Mrs. Shaver stated that would be the March 7th meeting, reinspect on March 1st.

Mrs. Baker motioned to accept that the Board give the bank 30-days since they have the bids to clean up the property, which will be the March 7th meeting, and reinspect on March 1st. Mr. Dodt seconded the motion; all were in favor.

FLOOR IS OPEN TO THE PUBLIC: None

ADJOURNMENT:

There were no further questions and the meeting was adjourned at 8:55 am on February 7, 2023.



CCPC Officer



CCPC Officer


_____, Ashley Rowe, Recording Secretary