

**MINUTES**  
**CASS COUNTY PLAN COMMISSION**  
**Tuesday May 2, 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 2<sup>nd</sup> floor of the Cass County Government Building.

**ROLL CALL:**

Members present: Ruth Baker, Josh LeDonne, Zach Dodt, Derek Pullen, Gary Berkshire, Krista Pullen, Stacy Odom and Jim Donato

Member absent: Fred Seehase

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

Staff absent: None

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of April 4, 2023 were presented. Mr. Donoto motioned to approve as presented. Mrs. Baker seconded the motion; all were in favor.

**PUBLIC HEARING:** None

**REPORTS:** Safe

Mr. Koppe stated the 4377 S 500 E, Simpson property and the 1696 S Georgetown Market, Harding property need letters sent out so they should not be on the Safe report.

1538 N SR 17 – Barr

Mr. Koppe stated he pulled into the driveway to this property, the people were working on the property cleaning it up. They told Mr. Koppe that this was not the address that is stated above. So, the only picture we have is the aerial, which is actually worse than what the property looked like. In Mr. Koppe's opinion he thinks this property is safe, but it is the Boards decision. Mrs. Shaver stated we have this happen a lot of times in the county where people don't know what their address is verses the address people tell them it is. There is a camper there, and they were cleaning things up. Mrs. Shaver stated we can go out and take pictures for the next meeting if you would like. Mr. LeDonne asked Mr. Koppe if he thinks it is safe? Mr. Koppe stated he didn't see that there was a problem at all. There was a camper there, he feels like it's one of those that maybe they go out on the weekends and clean up the property. Mr. Odom asked if this was based off of a complaint? Mr. Koppe stated yes, I believe so. Mr. Donoto stated he would say based off of Mr. Koppe's inspection we mark it safe. Mr. Musselman wants to go out and take a look at this property to make sure they have the proper septic hookup even if they are just camping out there.

Mr. Donoto motioned to accept that the Board mark this property as safe keep it on the Watch list. Mr. Odom seconded the motion; all were in favor.

**OLD BUSINESS:**

Unsafe Property

319 Northern Ave - Lynch

Mrs. Shaver stated we only had one person submit a bid, the bid is from Williams Excavating for \$12,650. Mrs. Shaver stated typically we would take it under advisement and if the Board wants to vote to move it forward if it meets everything, then we can get a contract with the Commissioners.

Mrs. Baker motioned to take the Bid under advisement if it meets all requirements then we will proceed. Mr. Berkshire seconded the motion; all were in favor.

Mr. LeDonne asked when the process could start? Mrs. Shaver stated if it meets everything, we would take it to the Commissioners May 15<sup>th</sup> to sign, so it could start at the end of May.

5788 N SR 25 – MH Realty

Mr. Koppe stated the day he went out to inspect for this meeting, he had 3 trailers loaded, he still has lots of work to do on this property but he is moving forward. He's got a lot of clean up to do yet, getting things consolidated and getting them moved around. Mr. LeDonne asked did he say why he got it back to the way it was, he got it cleaned up and then it got bad again. Mr. Koppe stated no he didn't say. Mrs. Shaver stated that at the last meeting he thought it was the vehicles and he sold about 6 or 7. He was still having scrap brought to the house, so he was still continuing to add to the piles. Mr. Koppe stated so now he is removing the piles. Mr. LeDonne asked if there was anyone here to represent this property? Scott Wagner stepped to the microphone, 3231 E 525 N, Logansport. Mr. Wagoner stated his sister owns the land that butts up against this property, which he farms. They have pushed their junk on her side and he has trash laying out in the field and is in his way. The old pickups that are sitting there over the property line, they have to go out and around them. Mr. Wagoner stated the old hedge right along their driveway that was always considered the property line and would go straight through to his other field which is basically the tree line you see in the picture. Mr. Wagoner stated there are two telephone poles that stick out in the field a little bit although we can't get equipment through there anymore cause its to large. But this stuff is at the telephone pole and beyond. If he would just get his trash picked up and get his pickups out of the way well enough that we don't have to avoid these obstacles. Mr. LeDonne asked if he talked to them about this? Mr. Wagoner stated he did about a year ago, he had a problem with him driving through his field making tracks. So, he went up to the house one day before we started field work and told him he couldn't be out there whether there is crop or not, he didn't want to see him driving out onto the field. I think that took care of that problem but we still have the trash in the field. Mrs. Shaver stated these are the aerials from last year and you can see where he is driving in the field. Mr. Wagoner stated Alan Pachen field the trash they put on his property, Alan just took the backhoe and pushed it back onto their property. Mr. Wagoner stated he just wanted to make sure he could do the same thing, without anybody getting upset. Mrs. Shaver stated just so the Board knows we have a letter currently for a \$2,000 fine to be assessed to the property. Our last letter was that if we didn't see enough movement there could be a possible \$1,000 additional fine. Mrs. Shaver stated that I know Mr. Koppe stated that he has saw movement, even through there is stuff moving Mrs. Shaver asked Mr. Wagoner have you saw any movement? Mr. Wagoner answered that he hasn't saw movement but he hasn't been by the property every day, all Mr. Wagoner knows is that the junk pile by the pickup is in the way. They pushed the junk right over to the edge and beyond. Someone pushed more out scattered everywhere. Mr. LeDonne asked if that would be a Sheriffs Office thing also? Mrs. Shaver stated it's his property, that would be a question for your legal counsel. Mrs. Shaver stated what the Board needs to decide is do we give them more time, do we give them more time with an additional fine or if the Board is tired of giving them more time we can give them 30 days and say we are getting bids to come clean up the property. It's up to the Board with what option you decide to take. Mr. LeDonne asked how long we have been dealing with this property? Mrs. Shaver stated August of 2022, they did clean up some and some vehicles, we brought them back this year because it has gotten bad again. Mr. Donato stated Mr. Koppe said they cleaned it up then brought more back in? Mr. Koppe stated they didn't clean it up they were working on the clean up as they were bringing more in. Mr. Odom stated it would appear that this is an ongoing scrap yard where it's turning over but it's not really getting cleaned up. Mr. Koppe stated he doesn't know where it is all coming from. Mrs. Shaver stated typically we have scrapers and they keep it in their truck and when it's full they just scrap it, but we have more and more people now a days taking the scrap that they find and keep it on their property until scrap prices get higher. Mr. Donato stated the issue of it is the encroachment on the other people's property. Mrs. Shaver stated we could say that you have 30- days to remove it on all properties, but your property is our first request of clean up area. Mrs. Shaver stated that we have the \$2,000 fine letter already sent out so it's in the process it just hasn't been assessed on the property yet.

Mr. Odom makes a motioned to accept that the Board give them 30-days to clean up the property with a possible additional \$1,000 fine if it's not cleaned up by the June 6<sup>th</sup> meeting, reinspect on May 31<sup>st</sup>. Mr. Berkshire seconded the motion; all were in favor.

2311 Capital St – Aceredo-Ortiz

Mr. Koppe stated there has not been any progress on this property. In the very beginning Mr. Koppe stated that he spoke to him about his property. The owner stated he was waiting on prices to go up to get rid of the vehicles, that has been well over a year. Mrs. Shaver stated basically we want to do what we did with the last one, he hasn't done anything but we assessed a \$2,000 fine on this property. The letter did say that if things weren't cleaned up that we would assess an additional \$1,000 fine. Our recommendation for this property is the same as the property

before, we would like to assess the additional \$1,000 fine give them 30-days which would be the June 12<sup>th</sup> meeting, reinspect on June 7<sup>th</sup> and bring in an estimate for clean up on this property. Mr. Donato asked Mr. Koppe so you have not seen any movement on this property no matter what? Mr. Koppe stated no I have not seen any movement on this property. Mr. Koppe stated he tries to talk to everybody face to face to let them know what we are going to do so they aren't surprised when they get the letter.

Mr. Dodt motioned to accept that the Board assess the \$1,000 fine, give them 30-days to clean up the property and assess an additional \$1,000 fine, which will be the June 6<sup>th</sup> meeting, re-inspect on May 31<sup>st</sup> and bring in some bids to clean the property up. Mr. Berkshire seconded the motion; all were in favor.

#### 122 N 800 W – Davis

Mr. Koppe stated he has spoken to Mr. Davis and he does not want him on his property. Mr. Koppe stated he is only allowed to take pictures from the road. Mr. Koppe stated there is a trash pile just south of the front porch which appears to be getting bigger, and then you move onto the front porch and then there are some vehicles and other trash piles. Mr. Koppe hasn't noticed that anything has changed since the last month. Mr. Koppe recommends we give Mr. Davis 30-days which is the June 12<sup>th</sup> meeting, re-inspect on June 7<sup>th</sup> and a possible \$1,000 fine if it's not cleaned up by then. Mr. Koppe stated that Mr. Davis was here last meeting. He spoke to him on the phone and he thought Mr. Koppe was going to come out that day to take pictures but he wasn't going to go out until the next week. Mr. Koppe stated that he has been on the property before and he knows that it is way worse in the back of the property. Mr. Dodt asked so on this property is there something that is unsafe? Mr. Koppe stated it's all unsightly, as far as the structure no, just the household trash there could be varmints. Mr. LeDonne asked if there are neighbors next door? Mr. Koppe stated that there is a new house to the north of the property but they are quite a way's away. Mr. Donato asked if this property is a health hazard? Mr. Koppe stated he feels like it could be, it's household garbage. Mr. LeDonne asked Dan Musselman what he thinks. Mr. Musselman suggests that he go out to the property to take a look and see if is considered a health hazard. Mrs. Baker asked Mrs. Shaver if we have fined this property, Mrs. Shaver stated no we have not fined this property. Mr. Musselman asked if the owner is living at the property, Mr. Koppe stated yes, he is living there. When Mr. Koppe first initially went to this property he went to the front door and his wife answered she then walked the property with Mr. Koppe, then she talked to her husband and he asked Mr. Koppe to leave his property. Mr. LeDonne asked the Board if they wanted to do the fine if this hasn't been cleaned up? Mrs. Shaver stated even though we are having Mr. Musselman going to look at the property we still need to move forward with something or we will have to start over.

Mrs. Baker motioned to accept that the Board give them 30-days to clean up the property, which would be the June 6<sup>th</sup> meeting, reinspect on May 31<sup>st</sup> with a possible \$1,000 fine. Mr. Dodt seconded the motion; all were in favor.

#### 1705 W. Cliff Dr. – Anderson

Mrs. Shaver stated Mr. Anderson did go to the Logansport Board of Zoning Appeals. Logansport BZA was concerned if he would actually do what he was proposing to do with the fence, scrap metal and the vehicles behind the fence. They gave him an approval till June 19<sup>th</sup> to see how far he makes changes with that, if he does they will finalize their approval. Mrs. Shaver stated she doesn't know if they will give him a year, she isn't sure. Mrs. Shaver stated that is why they are going to give him a review at this June 19<sup>th</sup> meeting. Mrs. Shaver recommends moving his case out until the July 11<sup>th</sup> meeting to reinspect on July 5<sup>th</sup> because we will know what happens at that meeting. Mrs. Baker stated she has looked this property up as well, this has been brought up a year ago. Mr. LeDonne stated that he is doing what we asked and is going to the Logansport BZA, so he is finally going. Mrs. Shaver stated their concern is basically if he going to do all the things that they are requesting him to do. So, they are giving him 2 months to prove to them that he will do what they asked. The next Logansport BZA meeting will be June 19<sup>th</sup> so that will give us plenty of time to come back and let the Board know what happened at that meeting for the July 11<sup>th</sup> meeting and reinspect on July 5<sup>th</sup>.

Mr. Dodt motioned to accept that the Board give them 60-days to make sure Mr. Anderson is doing what the Logansport BZA asked him to do, which would be the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup>. Mr. Berkshire seconded the motion; all were in favor.

#### NEW BUSINESS:

106 Minor St – Madrigal

Mr. Koppe stated this one has a lot of material stacked here and there. Since this is the first time we are bringing him here we recommend we give him 60 days to get it cleaned up which would be the July 11<sup>th</sup> meeting, reinspect July 5<sup>th</sup>. Mr. LeDonne asked if anyone is here for this property, Hector Madrigal stepped to the microphone. Mr. LeDonne asked him to state his name and address for the record. Hector Madrigal, 106 Minor St. Mr. Madrigal stated that it is pretty much gone, the weather is holding him back. Mr. Madrigal stated he promises it will be completed before the next meeting. Mr. LeDonne thanked him for coming. Mr. Koppe stated that he had called him and told him he was going to start working on it, but he hadn't looked at it initially. Mrs. Shaver stated so our recommendation is the July 11<sup>th</sup> meeting, reinspect July 5<sup>th</sup>.

Mr. Donato motioned to accept that the Board give them 60-days to clean up the property, which would be the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup>. Mrs. Baker seconded the motion; all were in favor.

316 Lawn St – Henderson

Mr. Koppe stated this one here he did speak to Mr. Henderson on the phone. When Mr. Koppe went out to look at this one he had no trespassing signs and Mr. Koppe didn't see any movement as far as someone being there so he didn't go on the property. Mr. Koppe stated that he thinks Mr. Henderson is here for the meeting. This property we recommend we give him 60 days, which would be the July 11<sup>th</sup> meeting and reinspect on July 5<sup>th</sup>. Mr. LeDonne asked Mr. Henderson to state his name and address for the record, Jason Henderson, 316 Lawn St. Mr. Henderson stated that his mom just moved in with him so he hasn't been able to do anything around the house. So, 60-90 days would be ok. Mr. LeDonne stated as long as we see activity. Mr. Henderson stated that he cleaned up most of it along the fence already, he just got back from Florida last week from moving his mom back. Mrs. Shaver stated as long as we see movement if we need to do an additional 30 days we can give you some additional time. Mr. Koppe asked Mr. Henderson if it was ok to come onto the property to take pictures, Mr. Henderson stated yes, he didn't care.

Mr. Donato motioned to accept that the Board give them 60-days to clean up the property, which would be the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup>. Mrs. Baker seconded the motion; all were in favor.

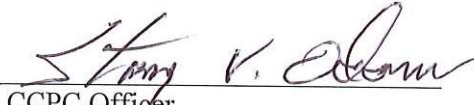
Mrs. Shaver asked if the Board would want to go back to the 5788 N SR 25 property since Mr. Stanton is present? The Board agreed yes, we need to ask Mr. Stanton about this property. Mrs. Shaver stated our question is on this property since he has moved junk on the neighbor's property he would like to know if he can push the trash back onto his property off of his? The other question is if we send him a letter saying he needs to clean this all up, which we kind of decided that we just say he needs to do it. Our question was can we tell him to clean up what has gone onto the other persons property? Mr. Stanton answered yes, he thinks that would be ok. Mr. Stanton stated another thing he could do in theory is he could send a letter to the other people and then that would cause him to be able to have a cause of action in addition against him as well. Mr. Donato stated the owner of one of the properties is here, Scott Wagoner. Mrs. Shaver asked can they move what has come onto their property back onto that persons property? Mr. Stanton stated I would ask him to consult with his own lawyer to confirm but if it's not his stuff to get it back over the property line. If you send a letter to both of them, it would give him more authority, saying hey they are coming after me and you are causing it. You wouldn't have to pursue them but at least you sent him a letter. Mr. Stanton asked Mr. Wagoner if he is taking his stuff and physically moving it over onto your property? Mr. Wagoner stated yes, what they did at the corner they have piles right on the edge of the yard and the field. And these piles are full of dirt, trash and metal and now it's out in the wet spot. Mr. Stanton asked if he knew where his surveyed line is? Mr. Wagoner stated he was always told that the edge at the end of the drive to the sign is his property. Mr. Stanton stated you could always send him a no trespassing letter. You could take a bulldozer and move it back up to the line. Mr. Stanton stated he recommends he just send them both a letter. Mr. Stanton asked if he knew who lived there? Mr. Wagoner stated he doesn't know these people, he use to know who lived there but they aren't there anymore. Mrs. Shaver stated that the new renters are buying the property on contract.

FLOOR IS OPEN TO THE PUBLIC: None

ADJOURNMENT:

There were no further questions, Mr. Berkshire motioned to adjourn the meeting. Mr. Dodt seconded the motion, the meeting was adjourned at 9:03 am on May 2, 2023.

  
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CCPC Officer

  
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CCPC Officer

  
\_\_\_\_\_, Ashley Rowe, Recording Secretary