

**MINUTES**  
**CASS COUNTY PLAN COMMISSION**  
**Tuesday June 6, 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: Josh LeDonne, Derek Pullen, Gary Berkshire, Fred Seehase, Stacy Odom and Jim Donato

Member absent: Ruth Baker, Zach Dodt and Krista Pullen

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 June 6, 2023 were presented. Mr. Berkshire motioned to approve as presented. Mr. Donato seconded the motion; all were in favor.

**PUBLIC HEARING:** None

**REPORTS:** None

**OLD BUSINESS:**        Unsafe Property

2215 E River Rd – Elliott

Mr. Koppe stated this property has been cleaned up, all the cars are gone, a few things in the back but we don't feel it is an issue. Mrs. Shaver stated if the Board feels like it's an issue we can give them more time. Mr. Donato asked Mr. Koppe if he thinks this property is all good? Mr. Koppe stated he does not feel that it is an issue.

Mr. Donato makes a motioned to remove 2215 E River Rd off the list. Mr. Seehase seconded the motion; all were in favor.

501 N 600 E – Titus

Mr. Koppe stated this property has come a long way, he has it cleaned up. Mr. Koppe recommends that this property be put on our Watch list and just keep an eye on it. Mrs. Shaver stated they are working on the house so that is what the piles are from on the property.

Mr. Berkshire motioned to put this property on the Watch list. Mr. Seehase seconded the motion; all were in favor.

9644 S CR 900 E – Phillips

Mr. Koppe stated this property has done an amazing transformation when mom comes home. Mr. Koppe recommends we take this property off our list.

Mr. Berkshire motioned to take this property off the list. Mr. Donato seconded the motion; all were in favor.

51 N 400 W – Musselman

Mr. Koppe stated this property has done a lot of work, but he still has a little bit left to do. He still has some piles that he needs to clean up. Mr. Koppe recommends we give him 30-days to clean up the rest, that would be the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup>, with a possible \$3,000 if not done. Mrs. Shaver stated on the last letter we sent we stated that if it was not done we would assess a possible \$3,000, we would like to just continue that instead of assessing we feel like he has done a great job.

Mr. Berkshire motioned to accept that the Board give them 30-days to clean up the property, which would be the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup> with a possible \$3,000 fine if not cleaned up. Mr. Donato seconded the motion; all were in favor.

### 2311 Capitol St – Ortiz

Mr. Koppe stated this property has made a lot of changes, the biggest issue was the car upside down he has that area all cleaned up now. He still has some cars in the driveway, but I think some of them might be his and he also helps other people fix their cars. Mrs. Shaver stated this one we have two different fines out, there was a \$2,000 and a \$1,000 fine. Obviously, it got him to move forward and work on his property, so our question is do we want to actually assess the fines or waive the fines? And do you feel like he has done enough work to clear it off the list? Mrs. Shaver stated he has some vehicles on his lot, they are all operable so that is allowed. Mr. LeDonne stated so this property is pretty much done. Mrs. Shaver stated the questions would be is it good enough for the Board to clear it and what to do with the fines? We can waive the fines, its in the process but not put on the property taxes, Mrs. Shaver stated we always like to come back to the Board before we assess the fines on the property just to make sure that's what we want to do. Mr. Pullen stated it sounds like everything he has done has met what we asked. Mr. Odom stated so there is no additional work that needs done? Mr. Koppe stated no he is all good with us. Mr. Koppe stated that two of the vehicles in the picture are vehicles of people that were there when I was there, so we know two of them drove in with those cars. Mrs. Shaver stated if they run we don't have a number of vehicles that you can have.

Mr. Donato motioned to accept that the Board take this property off our list and waive the fines. Mr. Berkshire seconded the motion; all were in favor.

### 5788 N SR 25 – MH Realty/Austin Lincoln & Courtney Gibson

Mr. Koppe stated this property we recommend giving them another 30-days which would be the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup>. Mr. Koppe stated they have done an amazing job as far as cleaning up, but they still have some more to do. We discussed the piles that needed to be removed and they are still working on it. Mrs. Shaver stated there are a couple fines that were sent to them, they are at the point of recording them, but our recommendation would be to hold those until the 30-days just because if they finish it up I would ask to waive those as well. Mr. LeDonne asked if anyone was here to represent this property, Courtney Gibson stepped to the microphone, her address is 5788 N SR 25. Miss Gibson stated all she wanted to know is what they needed to do to finish up, because we were told one thing needs cleaned up and we come back it's another thing. Miss Gibson stated that she knows last month the farmer came in complaining about the trash, it wasn't even their trash it was the other neighbors trash they were burning. It blew clear through our yard into the field by us, which we did pick up that trash. Mr. Koppe stated the piles that we talked about cleaned up and putting the vehicles in an organized manner. Miss Gibson stated our mortgage company got a letter stated there was going to be a lien on the property they were upset about it. Mrs. Shaver stated before we can assess that lien on the property we have to notify the mortgage company and let them be aware of it, it's the process we have to go through. As of right now we are holding on assessing those fines. Miss Gibson asked if there was some kind of letter that could be sent to the mortgage company stating that the fines have not been assessed to the property? Mrs. Shaver stated now that we know his address, every letter we send to you he will get also.

Mr. Berkshire motioned to accept that the Board give them 30-days to clean up the property, which would be the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup> and holding off on recording the fines. Mr. Pullen seconded the motion; all were in favor.

### 122 N 800 W – Davis

Mr. Koppe stated this property he's not allowed to go on the property, so he can't really get any good pictures. What he did take pictures of is the front porch, it looks like they cleaned a little bit up on the porch but he can't see the big piles of trash on the south side of the porch. Mrs. Shaver stated there is a lot of vegetation now, so it's hard to see and take pictures. Mr. LeDonne asked if he is the one that doesn't allow you on the property? Mr. Koppe stated yes, he is the gentleman. Mr. Koppe stated we recommend we give him 30-days to get it cleaned up for the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup> and assess a \$1,000 fine. Mrs. Shaver stated that on our last letter we sent it stated that if things weren't cleaned up by this meeting we would assess a \$1,000 fine, we want to know if the Board wants to still do that? And additionally, if we want to move him to the July 11<sup>th</sup> meeting, reinspect on July 5<sup>th</sup> and do an additional \$1,000 fine? That was based off the last letter we sent to him. We get multiple calls on this property. Mr. Koppe stated to him it looked like just a few things on the porch had been moved around or cleaned up, but he couldn't tell on anything else. Mrs. Shaver stated you can tell on the ariel as well even though we aren't allowed on the property that there is stuff in the back that isn't getting cleaned up. If the Board wants we can talk to Mr. Stanton more about this property, most people let us on their properties but there is a process that we can go through that allows us to go on their property. Mr. LeDonne asked Mr. Koppe if there are any

houses close around this property? Mr. Koppe stated there is a brand new one just to the north of this property but there is a distance between, a lot brush and trees between the two. Mrs. Shaver stated there are more houses on the west side of the property. Mrs. Shaver stated the Board can give him more time, or you can assess that fine. We can start talking to Mr. Stanton about possible procedures to actually get on the property. Mr. Pullen asked what would be the complete value of getting on the property, just to get a better assessment of things? Mrs. Shaver stated they have a lot of stuff in the back that you can't see. Mr. Koppe stated we have some older pictures that would give you an idea, the lady of the home let me on the property one time, and they started walking around. Mr. Koppe did get some pictures of the front and the back of the property. The wife then called her husband Mr. Davis and he asked Mr. Koppe to leave his property. Mr. Berkshire asked Mr. Koppe if 30-days was his recommendation? Mrs. Shaver stated 30-days with a possible additional \$1,000 fine and then to assess the \$1,000 fine that we said we would assess. Mr. Koppe stated not being able to get on the property it's hard to assess if they are making progress or not making progress. Mrs. Shaver stated everything in the area, a lot of those piles can be covered up currently. Mr. Odom asked what the piles consist of? Mr. Koppe stated its mainly household trash, and it was a fairly large pile on the south side of the porch. There were other piles around the house. Mr. LeDonne asked so it's nothing with the house, it's the trash on the property? Mr. Koppe stated he never really looked at the house, but it doesn't appear to have any issues, its mainly the property. Mrs. Shaver stated if Mr. Davis isn't letting us on the property we can only take pictures from the road. There might be problems there as well but since we aren't allowed on the property we can't tell. There is a process we can go through that will allow us to go on the property, but that is up to the Board to determine. Mr. LeDonne asked the Board what they thought? Mr. Donato asked Mr. Stanton what's the legalities with Mr. Koppe being on or off the property with these kinds of inspections? Mr. Stanton stated his recollection is we really haven't taken this aggressive of a step that he recalls. Mrs. Shaver stated that typically what we have talked about before is basically what you can see from the road and then going up to the house. Mr. Koppe usually goes up to the house to talk to someone that lives there before he walks around, as long as they allow him to walk around. Mr. Stanton stated we have photos so we know what it looked like at some point and we have no reason to believe that the condition has changed. Mr. Stanton stated you can assess the fine based upon the fact that Mr. Koppe was there at one point, if for some reason. For example, with the Health Department it's pretty common for us to go to properties with the Health Department instead of us filing the paperwork with the court to try to get access to the property. It might be best to do it in coordination with the Health Department and through the Planning Department to do that. Mr. Stanton stated if I were you I would simply do is based upon what Mr. Koppe assessment was the last time he was on the property back in the fall of last year. Mr. Stanton stated he would pursue it, give him 30-days and if he doesn't clean it up assess the fine. Mr. Donato asked would we be in a better position if we included Dan Musselman from the Health Department? Mr. Stanton stated he would include Mr. Musselman because there are some potential Health Department violations as well. Mrs. Shaver stated she knows that the Health Department can go on the property they just have to follow their procedures, and then he can inform us on what he has found or actually he has taken Ralph with him before, instead of having to go get a court order we just follow through the Health Department. Mr. Stanton stated they did that recently with a property, Mr. Collins and Stanton had a case out east of town where the property was in poor condition. In that particular situation the concern had to do with the fact that they were living on the property, their concern was they didn't have proper waste, water, sewage disposal. But there are ways the Health Department can also get on the properties for other means other than just for that. Mr. Stanton stated his opinion is give him 30-days if he doesn't make the kind of progress that you want, then I say you join forces with the Health Department and take action. Mrs. Shaver stated Mr. Davis has been through the process since February, so he's had multiple times to clean up the property, he did show up to one of the meetings and he did sign for the letter just to let the Board know. Mr. Stanton stated so the fine can be assessed at this point. Mrs. Shaver stated yes, the fine can be assessed and we can do a possible additional fine. But if we are going to get the Health Department involved she would change it to a 60-day because she knows that they do have a time frame they use for their letters to be sent out. So, we can actually go on the property and see better, so that would be the August 1<sup>st</sup> meeting, reinspect July 26<sup>th</sup> if we wanted to do the 60-days and then we will contact the Health Department and we can start their process so that we can go on the property with them. Mr. Stanton stated he will talk to Mr. Collins and Mr. Musselman about it and see what we feel like we can do. Mr. Odom stated so we contact the Health Department now and not wait for the 60-days? Mrs. Shaver stated yes, she is saying we give them 60-days so the Health Department can do their letter in enough time frame before we come back here to actually get on the property. Mr. Stanton stated let them examine the situation to see if they feel like they can do something, it seems to him that they could. Mrs. Shaver stated we have letters today saying that we can assess the \$1,000 and sometimes when we do that there is more action done, so that is up to the Board if you want to start that process in assessing it or if you just want to wait the 60-days and possibly assess it. Mr. Stanton stated he personally doesn't feel that there is a problem with assessing the first \$1,000 fine at this point. Mr. Berkshire

agreed with Mr. Stanton. Mr. Stanton stated that it doesn't have to be a heavy handed fine. Mrs. Shaver stated that was what was mentioned in the last letter to Mr. Davis. Mr. Donato asked Mr. Koppe is it unsafe or unsightly? Mr. Koppe stated he feels like there is some unsafe here as well, rodents could be running around, because it's not just scrap, its household trash. So, there could be some other issues. Mr. Koppe stated that when he was there he noticed they had children also. Mr. Donato stated then that could be a health issue. Mr. Koppe stated the whole front porch was just full of trash bags as well as around the property in different areas. Mr. Donato stated that could have biohazard waste, who knows what they have thrown away in the bags, at this point we don't know. Mr. Donato asked Mr. Stanton would that be the legality portion of the not knowing? Mr. Stanton stated yes. Is that a tent in the picture, is there a concern that there is someone living on the property? Mr. Koppe stated he doesn't really know what that is, he doesn't know if that is still there or not he can't tell. Mrs. Shaver stated we haven't been able to go back on the property since these pictures. Mr. Koppe stated he does know that the camper hasn't been moved and the red car that was setting in front of the camper has not been moved, so he is assuming that's still there. Mrs. Shaver stated her assumption is since we are getting calls from people that live in the area, she is wondering if they can see more from there property then what we can see from the road. Mr. Stanton stated he thinks we should assess the fine.

Mr. Berkshire motioned to accept that the Board give them 60-days, assess the \$1,000 with a possible additional \$1,000 fine if the property isn't cleaned up or some action by the August 1<sup>st</sup> meeting, reinspect on July 26<sup>th</sup>. Mr. Seehase seconded the motion; all were in favor.

#### 4377 S 500 E – Simpson

Mr. Koppe stated this next one, Mrs. Shaver will have to show you the first set of pictures. Mrs. Shaver stated these are new cases that the Board hasn't seen before. Mr. Koppe stated this one here if we go through those pictures, they have some vehicles and you can see what's going on, the roof has been blown up off the porch, there is a lot of debris. It looked like there was a mobile home that looks like it has been just dropped it right there, looks like they had been cleaning it up but then just stopped. When you go to the next set of pictures, Mr. Koppe stated he has spoken to her she is cleaning it up, she's got the roof fixed (you can't even tell the roof was off) she has moved some vehicles and plans on moving the rest. At this point there is a refrigerator there that Mr. Koppe isn't crazy about being there, there is a door still on the refrigerator. No one lives there so anything could happen with that. There are 6 vehicles out there that need to be moved. Mr. LeDonne asked if anyone was present for this property? If you could state your name and address for the record. Cirena Bell stepped to the microphone. Mrs. Bell stated that this property is her father's property, he passed away 5 years ago it's been kind of rough to go back there. She had a family member living there and they were supposed to be finish cleaning it up, they were living there for free, she didn't have any contact info for them it was someone that was close to her dad. Mrs. Bell stated she pays the property taxes, everything that is there the agreement was they would clean it up. Mrs. Bell stated Mr. Koppe was right, there was a mobile home there 7 years ago a tree fell on my dad's house, he was sick with cancer, he did get some insurance money out of the damage. Someone talked him into this brilliant idea of dropping this shed on the foundation. Mrs. Bell stated she wasn't impressed with this idea she wanted him to stay with her but he was stubborn. Mrs. Bell stated they are trying to fulfill his dream, she stated on the foundation they are going to do a wraparound porch. Mrs. Bell stated they have cleaned up the porch, they have the windows fixed, the fridge is from inside the cabin (it had mold inside it so she didn't want her kids to be around it) so she just put it outside for now. There were raccoon parties inside the cabin because there were windows that were busted out. Mrs. Bell stated once they get everything cleaned up and fixed she plans on moving her son out to the property. Mrs. Bell stated they are trying really hard to get it up to par, she understands it was really bad. The vehicles belong to the person that use to live out there, they were all running cars. Someone went out on the property stole all her dad's coins, paintings, cut all the cadillac converters and they took rims from vehicles. Mrs. Bell went over to the property to talk to the person that lived there before and talked to him about him getting all the vehicles off the property. Her fiancé is a mechanic at the shop he works at, he has a wrecker so they told him they could help him get the vehicles off the property. The Board appreciates what they are doing to get the property cleaned up. Mr. Koppe recommends 60-days on this property which would be the August 1<sup>st</sup> meeting, reinspect on July 26<sup>th</sup>.

Mr. Berkshire motioned to accept that the Board give them 60-days to clean the property up, which would be August 1<sup>st</sup> meeting, reinspect on July 26<sup>th</sup>. Mr. Donato seconded the motion; all were in favor.

1696 S Georgetown Market – Harding

Mr. Koppe stated he spoke with Mr. Harding last night, he had a doctor's appt with his son that is why he's not here. Mr. Harding stated he is aware of everything that needs to be done. Mr. Koppe recommends that we give them 60-days which is the August 1<sup>st</sup> meeting, reinspect on July 26<sup>th</sup>.


Mr. Seehase motioned to accept that the Board give them 60-days to clean up the property, which would be the August 1<sup>st</sup> meeting, reinspect on July 26<sup>th</sup>. Mr. Pullen seconded the motion; all were in favor.

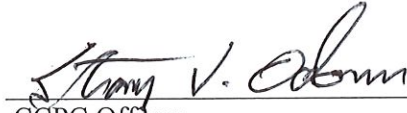
NEW BUSINESS: None

FLOOR IS OPEN TO THE PUBLIC: None

ADJOURNMENT:

There were no further questions, Mr. Berkshire motioned to adjourn the meeting. Mr. Donato seconded the motion, the meeting was adjourned at 8:59 am on June 6, 2023.

  
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CCPC Officer

  
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CCPC Officer

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

