

**MINUTES**  
**CASS COUNTY PLAN COMMISSION**  
**Tuesday November 3, 2020**

Josh LeDonne, Vice 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: Fred Seehase, Krista Pullen, Jim Donato, Josh LeDonne and Jim Sailors

Member absent: Jon Guy, Stacy Odom, Gary Berkshire and Brian Reed

Staff present: Arin Shaver, Eric Servin, Jeff Stanton, Attorney and Peggy Dillon, Recording Secretary

Public in attendance: See sign in sheet

**AMENDMENT TO AGENDA:**

Mr. LeDonne explained that an unsafe property owner will need to leave this meeting soon and asked that the Agenda be amended to move Old Business next on the Agenda. Mr. Sailors motioned to amend the Agenda, Mr. Donato seconded the motion and all were in favor.

**OLD BUSINESS: *Unsafe Properties***

*1474 Sadler Hill – Roberts: Fire in the past; piles of debris; hole where the basement was located*

Mr. Koppe stated that everything is cleaned up, barricades are left.

Beth Roberts, 2694 N. SR 39, Monticello, explained that they plan on selling the property; will put snow barricades around the basement; will get another dumpster to dispose of the pile of steel in the back; this should be done before the next meeting.

The \$2,000 fine has not been assessed. Mr. Sailors motioned to continue the fine, not be assessed; re-inspect on December 30, 2020 and bring to the January 5, 2021 meeting.

Mr. Seehase seconded the motion and all were in favor.

Mr. Donato asked what she needs to do and Mr. Koppe stated, put a fence/barricade around the hole where the basement was. Mrs. Shaver stated that Mrs. Roberts is planning to put up the fence, remove the metal and then put the property up for sale.

*1411 US 35 N.: Buildings need to be demolished*

Mrs. Shaver stated that letters were sent to the 2 property owners; one for the motel and the other for the Pizza King; the letters were returned, not signed for. Mrs. Shaver explained the following:

- Contact has been made with the owner by email but he said he could not come to this meeting
- Staff has received 2 bids for demolition of the buildings
- There is an assessment of fines of \$5,000 for both property owners
- The Board can move forward with the assessments of the fines
- Staff recommends re-inspection on November 25, 2020 and brought forth to the December 1, 2020 meeting so the owner is able to come to the meeting

Mr. Sailors stated concern of starting all over with this case.

Mrs. Shaver explained that staff is working with Mr. Stanton, County Attorney, and if the order that says the property is unsafe and should be demolished is recorded, it will stay with the property.

Mr. Stanton stated that the order will be filed in the Recorders Office so that if anyone acquires the property it will be subject to the order; the order will state that bids have been taken for the demolition. The bids will be good for 90 days.

Mr. Stanton opened and read the bids:

Heartland Construction, 217 E. Columbia St. Logansport - \$34,500, no bond included

Aulbaugh Construction, 223 11<sup>th</sup> St. Logansport - \$28,400; this included a cashier's check for 10% of bond

Staff will review the bids and decide if all items necessary are included.

Mrs. Shaver explained that the order will be recorded and stay with the property.

Mr. Seehase motioned to take the bids under advisement. Mr. Sailors seconded the motion and all were in favor.

Mr. Sailors motioned to certify the assessment on both property owners to the Recorder's Office and bring forward to the December 1, 2020 meeting.

Mr. Sailors motioned to approve this action. Mr. Seehase seconded the motion and all were in favor.

*271 W. SR 16 – Lopez: Roof damage and doors not secure*

Mr. Koppe stated that the roof is on and they are working on the inside. Staff recommends to re-inspect on December 30, 2020 and bring to the January 5, 2021 meeting.

Mrs. Shaver stated that a \$3,000 fine is on the property. Mr. Donato motioned to approve the staff recommendations and also continue the order with the \$3,000 fine, not to assess at this time. Mr. Seehase seconded the motion and all were in favor.

*2301 Wabash River Rd. – Almon; Garage needs new rafters; roof of house needs repaired*

Mr. Koppe stated that the following:

- Mr. Almon agreed that 60 days would be enough time to make repairs
- The roof on the house is finished
- Rotted material is hanging from the roof
- Garage roof has a tarp, not repaired

Staff recommends that if there are no improvements, a \$2,000 fine could be assessed; re-inspect on December 30, 2020 and bring to the January 5, 2021 meeting.

Mr. Sailors asked if there has been any contact from him since the meeting that Mr. Almon came to, Mr. Koppe replied no.

Mr. Sailors motioned to approve the staff recommendations as stated. Mr., Seehase seconded the motion and all were in favor.

*5002 W. 50 S. – Indrye LLC: Structure falling down; debris on property*

Mr. Koppe reported the following:

- The house has been demolished
- Debris is piled up on the property
- A fence was installed and now people are leaving trash in front of the fence
- A fine of \$3,000 has been placed on the property
- The certified letter was signed for

Mr. Koppe stated that staff recommends to assess the \$3,000 fine; send a letter stating that an additional \$2,000 may be assessed; inspect on December 30, 2020 and bring forward to the January 5, 2021 meeting.

Mr. Sailors motioned to approve the staff recommendations. Mr. Seehase seconded the motion and all were in favor.

**ACTION ON MINUTES:**

Minutes of October 6, 2020 were presented. Mrs. Shaver explained that the date of the December meeting was stated to be December 8, 2020 with inspections done December 2, 2020 and these dates should have been December 1, 2020 for the meeting with inspections on November 25, 2020. Mr. Seehase motioned to approve the minutes as amended. Mr. Sailors seconded the motion and all were in favor.

**PUBLIC HEARING:**

Telecommunication Amendment & Broadband Addition to Zoning Ordinance:

Mrs. Shaver explained that state laws for telecommunications and wireless facilities have recently changed and she presented the following information:

- The state has put in laws to help guide wireless facilities to be a utility
- The amendments to our zoning ordinance will be to the section 522
- Change telecommunications to wireless facilities
- State and Federal laws for Broadband ready have been applied to our ordinance
- Areas to be reviewed:
  - Wireless can be put on existing utilities, we cannot regulate them
  - New poles will be reviewed for hinderance to traffic
  - All collocations shall provide Consent of property owner and an engineer certificate
  - Fall zone regulations
  - Buffering requirements removed



- Non-discrimination among providers
- Table A is to determine locations permitted
- Definitions
- Fee Schedule is changed so there is no fee
- Contractor will be required to be registered

Mrs. Shaver asked for questions.

Mr. Sailors asked who will determine the weight requirements for the pole. Mrs. Shaver stated an engineer will determine that.

Mr. LeDonne asked for public questions.

Lora Redweik, 5524 N. 600 E. asked who will be responsible for the upkeep of the facility. Mrs. Shaver stated the facility owner will be responsible.

Mr. Donato questioned the maintenance of the facility. Mrs. Shaver stated that we can require a maintenance schedule and a contact in the procedures.

Mr. Stanton stated that any damage to property would be the liability of the company.

Mr. Seehase motioned to approve the amendments to the zoning ordinance as presented. Mr. Sailors seconded the motion and all were in favor.

Mr. Sailors motioned to approve the fee change of No Fee for wireless facilities. Mr. Seehase seconded the motion and all were in favor.

REPORTS:

None

NEW BUSINESS:

Bylaws Amendment:

Mrs. Shaver reminded the Board that a discussion occurred at the last meeting and presented the following changes:

- Interested parties to be notifications will include:
  - Properties within 300 ft. of site that is 640 acres or less
  - Including adjacent and adjoining properties
  - Owners of the property that appears in the Cass County Auditor's Office
  - By certificate of mailing at least 10 days prior to the meeting

Mrs. Shaver explained that she investigated other county requirements and found several differences that included:

- State requirement is to notifying within 1/8<sup>th</sup> of a mile or 2 properties in, whichever is less; this is followed by many counties investigated.

Mrs. Shaver stated that all of our processes, such as Board of Zoning Appeals petitions, should be the same requirement.

Mr. Sailors motioned to table this discussion until the next meeting to give all time to review the amendments. Mr. Seehase seconded the motion and all were in favor.

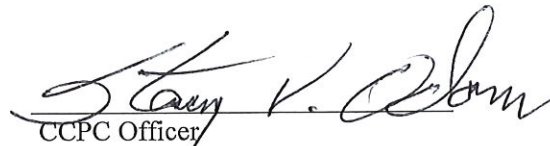
FLOOR IS OPEN TO THE PUBLIC:

Mrs. Redweik stated that 300 ft. is not very far in the country and spoke about the impact an industry has to the community over 2 or 3 miles.

ADJOURNMENT:

The meeting was adjourned at 9:24am November 3, 2020.

  
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 CCPC Officer

  
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 Peggy Dillon, Recording Secretary