

MINUTES
CASS COUNTY PLAN COMMISSION
Tuesday November 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: Josh LeDonne, Fred Seehase, Stacy Odom, Ruth Baker, Derek Pullen and Jim Donato

Member absent: Gary Berkshire and Zach Dodt

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 October 3, 2023 were presented. Mr. Seehase motioned to approve as presented. Mrs. Baker seconded the motion; all were in favor.

PUBLIC HEARING: None

REPORTS:

Safe Property

507 Northern Ave – Clemens

This one is in the City so we are sending it to the City Unsafe.

1598 S Jackson Georgetown – Bowman

Mr. Koppe stated this property he didn't really consider anything unsafe about this property just not maintained. There is a trash pile on the front of the house, that's really all Mr. Koppe saw. Mrs. Shaver stated so it's whether or not the Board wants us to bring it through the unsafe process. Mr. Koppe stated there is a refrigerator there. Mrs. Baker asked if there are doors on the refrigerator? Mr. Koppe stated he couldn't tell, he didn't walk up to it to see. Mrs. Baker stated that would be her only concern if the fridge had a door on it. Mr. Koppe stated with all the weeds that's really all the debris that he could see was right in front of the garage, and that is pretty well contained. Mrs. Shaver stated we can bring it forward if the Board wants to be specific with what you want cleaned up. Mr. LeDonne asked if we could just be specific with asking them about taking doors off the refrigerator? Mr. Seehase asked where this property is located. Mr. Koppe stated it is in Georgetown. Dan Musselman from the Health Department stepped to the microphone. He stated he visited this house last week. With all the trash and the junk, Mr. Musselman did deliver his papers stating that they needed to clean up the trash. She does have an order to clean up the trash and junk. We should see some improvement with this property in the next 10-15 days. Mr. Donato stated we should put it on the watch list.

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

OLD BUSINESS: Unsafe Property

122 N CR 800 W – Davis

Mr. Koppe stated Mr. Davis has done a really good job at cleaning up what we wanted him to clean up. He has a pile of metal that he is going to take in, a lot of the other stuff he's still moving and getting rid of it. Mr. Koppe recommends that we give him another 30-days to clean the rest of the stuff up which would be the December 5th meeting, reinspect on November 29th with a possible \$2,000 fine.

Mr. Donato motioned to give him 30 days which would be the December 5th meeting, reinspect on November 29th with a possible \$2,000 fine. Mr. Seehase seconded the motion; all were in favor.

3113 N 925 E – Houk

Mr. Koppe stated he didn't quite understand what Mrs. Shaver wanted him to do. Mr. Koppe knocked on the door and no one answered so he doesn't usually walk around the property unless someone is there and he gets permission. The pictures Mr. Koppe has been only from the front, he needs to take some pictures of the other side of the house. Mrs. Shaver stated Mr. Koppe said the piles wrap around the whole yard. Mr. Koppe stated they are wrapped around the whole yard and sometimes in the road. Mr. Koppe stated there has not been any change to the property. Mr. Houk did come in and get a permit to build a building but nothing has changed since then. Mrs. Shaver stated the last letter we sent said he had until this meeting with a possible \$1,000 fine. Mrs. Shaver asked the Board if they wanted to assess that fine or just keep it with that and push it out an additional 30-days? Mr. Odom asked if he has been in touch with the Planning Department? Mr. Koppe stated no, he has not been in touch and nothing has been moved. Mrs. Shaver stated that this last letter was signed for so he got the letter. Mr. LeDonne asked do we say if nothing is done, then we are going to fine? Mrs. Shaver stated we already did that in the last letter, letting him know that he has until this meeting to clean stuff up or you we will assess a \$1,000 fine. So, you could assess the \$1,000 fine this meeting if you would like and then you could push it out another 30-days and assess another \$1,000 fine if you would like. Or you don't have to assess the \$1,000 fine today if you don't want to, but you are able to. Mr. Seehase asked if there has been any improvement at all? Mr. Koppe stated not that he can tell. Mr. Pullen asked how long this property has been coming to the Board? Mr. Koppe stated 3 months, we first sent him the letter. Mrs. Shaver stated she feels like it has gotten worse since the first letter was sent out. Mr. LeDonne stated we could put an additional \$3,000 fine if he doesn't contact us to give us a plan. Mrs. Shaver asked if the Board wants to assess the first \$1,000 fine? Mr. LeDonne answered yes, we should assess the \$1,000. Mr. Donato stated you would think if we told him the Board would assess a \$1,000 fine and you jump it to \$3,000 fine, is it going to make a difference? Mr. LeDonne stated it usually does make them move better. Mrs. Shaver stated it usually helps that we actually assess, because there is a letter that goes out saying you have to pay this now. Mrs. Baker stated, her concern is it's dangerous because it's so close to the road. Mr. Seehase stated that his brother-in-law had to get off his combine and move stuff off the road for the combine to go through. Mr. Donato asked, what is the county easement distance? Mr. LeDonne stated that each road is different. Mr. Donato asked Mr. Stanton if he knows what the distance is for the easements? Mr. Stanton replied with there is a right-of-way, you can't make it a hazard for people driving on the road. Mrs. Shaver stated you have your maintenance agreement 10-15 ft. In the next meeting we will look at the other pictures Mr. Koppe takes and it will give us a better idea of what we are looking at. Mrs. Shaver stated for now we can assess the \$1,000 fine and move it on. Again, when we assess the \$1,000 fine I always come back to the Board to make sure the Board still wants to assess it. We can start that process and move it forward.

Mr. LeDonne motioned to accept that the Board assess the \$1,000 fine and give him 30-days which would be the December 5th meeting, reinspect on November 29th with a possible additional \$3,000 fine. Mr. Seehase seconded the motion; all were in favor.

51 N 400 W – Musselman

Mr. Koppe stated there has not been any changes on this property. We did get two estimates to have the property cleaned up. Mrs. Shaver has those two estimates. Mrs. Shaver stated Mr. Musselman is here today. We got an estimate for one clean up and taken to the landfill for \$4,200. Also, got another estimate for removal of debris and taken to the landfill for \$2,900. Also, Mrs. Shaver wanted to let Mr. Musselman and the Board know that the letter for the house didn't get sent out until last week, so he would just now be getting that information so that can't be heard today, but just as a reference today. Mr. Koppe stated that all the pictures were taken from the road. Mrs. Shaver asked Mr. Musselman to set forward to the microphone. Mr. LeDonne asked him to state his name and address please. Robert Musselman, 51 N 400 W. Mr. Musselman stated he now has a deposit on the property and he is just waiting on her finances to finished so she can buy it and do whatever she wants with it. Mrs. Shaver asked Mr. Musselman if he thinks she will have it all done in the next 30-days? Mr. Musselman stated he hopes so, he's tired of messing with it and he's about to let it go back to the bank. Mrs. Shaver asked the Board if they want to push this property out another 30-days to see if it switches over to the new owner? Mr. Musselman stated if she doesn't get the property, he has another standing offer from a gentleman of a flat amount also. Mrs. Shaver stated if you push it out another 30-days it would come the same time as the house. If by that meeting it switches hands, we would then be talking to the new owner, just to keep it on with the new owner. Mrs. Baker asked how long the estimates are good for on the clean up? Mrs. Shaver stated it doesn't say on one but on the other one it says December 6th, a day after the next meeting. Mrs. Baker stated, so in the event that the paperwork doesn't get done we can still use those estimates. Mrs. Shaver stated she will just have the contractor's give us another estimate. Mr. Koppe stated there isn't a lot of cost in it that is going to change. Mr. LeDonne asked Mr.

Musselman if he could let the Board know once it sells? Mr. Musselman stated he could let them know once it sells.

Mr. Donato motioned to bring them back in 30-days which would be the December 5th meeting, reinspect on November 29th. Mr. Seehase seconded the motion; all were in favor.

NEW BUSINESS: Unsafe Property

501 N CR 600 E - Titus

Mr. Koppe stated Mr. Titus is working on it. He has the north end of the garage tore out where it was rotted. You can see he has all the siding off the house and going around and repairing all of that. The tent that you see in the back yard storing his material and things that he doesn't want ruined. The tarp you see in the pictures has all the new material to install on the house, but Mr. Koppe stated he's not sure why he is taking things out of the house to store outside, Mr. Koppe assumes he is doing that so he has room to work on the inside. The Planning Department really was hoping he would be here at the meeting so he could give them a time frame as to when he would be finished with the house. Mrs. Shaver stated this property was on our list before, we took it off because he was working on it and most of it was inside stuff. The question is, do you want to give him a time frame so that we can go look at it again, because even if you give him the 60-days, which is the requirement, he's going to have much of the work done. So typically, if someone is fixing up a home or building a home we give them a year on their permit. Some people take longer than that if they are doing it themselves so we will up that. So, the question is how long is too long to say that he's actually repairing the home. Mr. Koppe stated, in his defense, he is the only one working on it, and it's becoming a bad time of year to be working on a house. Mr. Musselman stated the Health Department has been working with this gentleman since February. He's living in the mobile home there. There is no electricity, he's using extension cords. There isn't any sewage hooked up to it, and the Health Department is very unhappy that he is continuing to live there and ignoring their letters. From the Health Departments standpoint, any help the Planning Department can give would be greatly appreciated. Mrs. Shaver stated we can do the 30-days or 60-days, we can put a fine on it or we can also write something about the dwelling as well. Mrs. Baker asked what the date was on the last letter before? Mr. Koppe stated the problem before was all the stuff on the north side and in front of the house and that's what brought it back. Mr. Donato stated this isn't old business, it's new business. Mrs. Shaver stated its new business because we put it on watch, so we brought it back. It was November of last year that it was brought to the Board. Mr. LeDonne asked if he was working on it? Mr. Koppe stated since the last time he was out there he has done quite a bit of work. Mrs. Shaver stated you can tell from the pictures from the beginning the exterior has quite a bit done. Mr. Donato stated he is making progress. Mrs. Shaver stated the pictures from April, the property looked a lot cleaner than now, but he is also done the exterior since April. Mr. Odom asked so the unsafe property we are talking about just those materials he's got covered with tarps and stuff? Mr. LeDonne asked but the house is fine? Mr. Koppe stated he wouldn't say fine, he's trying to make it that way, that's why he's not living there right now. Mrs. Shaver stated if he left it that way and didn't work on it, that would be an issue. Mr. Koppe stated the plywood was rotted so he took all of that off. Mrs. Baker stated there are appliances that have the doors on them still. Mrs. Baker stated she feels like we need to help the Health Department. Mrs. Shaver asked does the Board want to do a 30-day or 60-day? Mrs. Baker stated she would do a 30-day with the weather changing. Mrs. Shaver asked is there something specific for that 30-days that we want or do we just want to keep it general to have it cleaned up. Mr. Seehase asked Mr. Musselman what all does he have to do to be able to live in the RV while he's working on his house, hook it up to sewage and electric? Mr. Musselman stated he could have a temporary permit if he hooked it up to that specific sewage system. Mr. Seehase stated that's what the Board should have him do then. Mrs. Shaver stated typically on our end you aren't allowed to live in an RV, we have had a couple instances like when your house catches on fire they were working on it, those types of things. Mr. Musselman stated if the system is in good shape we have let them hook up to that for a year. The owner has been there a couple times when Mr. Musselman has been there and refused to answer the door. Mrs. Shaver asked Mr. Musselman, so he needs to get a temporary permit to hook the RV up to the sewage system? Mr. Musselman stated yes, he would have to get a temporary permit or temporary RV permit. Mrs. Shaver stated we could bring him to the December 5th meeting, reinspect on November 29th with a possible \$1,000 fine and also work with the Health Department on the RV sewage removal. Mrs. Baker stated we could assess the fine, but if he is starting to make progress. Mr. Pullen stated he thinks we should be very specific on what the Board wants him to do, if that means anything with doors make sure they are secured.

Mr. Odom motioned to give him 30-days which would be the December 5th meeting, reinspect on November 29th with a possible \$1,000 fine, he needs to make sure any appliances with doors need to be secured and to work with the Health Department on the RV sewage removal. Mr. Seehase seconded the motion; all were in favor.

FLOOR IS OPEN TO THE PUBLIC: None

ADJOURNMENT:

There were no further questions, Mr. Pullen motioned to adjourn the meeting. Mrs. Baker seconded the motion, the meeting was adjourned at 9:00 am on November 7, 2023.



CCPC Officer



CCPC Officer


_____, Ashley Rowe, Recording Secretary