

MINUTES  
CASS COUNTY PLAN COMMISSION  
Tuesday December 5, 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, Ruth Baker, Gary Berkshire, Jessica Outcalt and Jim Donato

Member absent: Stacy Odom, Fred Seehase and Derek 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 November 7, 2023 were presented. Mr. Berkshire motioned to approve as presented. Mrs. Baker seconded the motion; all were in favor.

PUBLIC HEARING: None

REPORTS: Safe Property

US 24 West – Cervantes

This one is in the City so we are sending it to the City Unsafe. Mr. Koppe stated this property he doesn't feel it's unsafe. It's more like a tree trimming facility that is going on at this property. Mrs. Shafer stated this property is right outside of the city by Casey's on Market St. Mr. Koppe stated there are some container's there that concern him a little bit but they are contained to one area. The complaint that we got was the smoke coming from that area, but they are burning brush. It appeared to be cleaned up quite a bit. Mrs. Shaver stated she thinks what happened on this property was that we got contacted from Rocky at EMA and she thinks there was other things being burnt out there at one point, but when Mr. Koppe went out there wasn't anything other than brush being burnt. Mr. LeDonne asked if they are a construction company? Mr. Koppe stated it looked like just a tree and brush removal business. Mr. Donato asked if the property is Garfia's property? Mr. Koppe stated he's not quite sure. Mr. LeDonne stated this property is under Cervantes. Mrs. Baker asked if it's just brush they are burning? Mr. Koppe stated he's not going to say that, because there was a lot of smoke that was coming from the property. Mrs. Baker stated the Commissioners just passed a Burn Ordinance December 4<sup>th</sup>, if Jeff would like to explain what the Burn Ordinance is because Rocky brought it to our attention. Mr. Stanton stated we have a brand-new ordinance that would apply in situations that would give Mr. Koppe and possibly the Health Department some additional authority to be able to take-action against some of these properties especially properties that are burning items that are not permissible under statute. This does not affect much of your agricultural burning, if you are burning fence rows or there's debris on a farm that is exempted under the statute. The ordinance is especially for burning on residential or close to residential properties closer to town or in situations where its industrial or commercial type situation. It may be something you use at your disposal. Mrs. Shaver asked Mr. Stanton if he could get us a copy of the new ordinance so we can give Mr. Koppe a copy of it to have with him? Mr. Stanton agreed that he would get us a copy of it. Mr. Donato asked what is the gest of it? Mr. Stanton stated the gest of it is Rocky was concerned because especially in the city when you are near, he was getting several complaints about people especially children who had asthma or elderly who had COPD or other types of respiratory illnesses. People were burning debris and it was causing some problems for some of the people, most in Logansport this doesn't apply to much out in the county. So, they passed this burn ordinance to address these types of situations to give him the authority to prohibit people from burning different items as long as it's compliant to the statute. Mrs. Shaver stated it's just when Mr. Koppe goes out to properties he can then hand it to people that are doing burns that we are a part of it. Mr. Stanton stated it's for open burning, normally it's going to be closer to residential structures where it's affecting people. Mrs. Shaver stated this is just the property line is the city. Mr. Stanton asked what the owner was burning in this case? Mr. Koppe stated it looked like a bunch of wood, but the smoke that it was giving off there was more in it. Mr. Donato asked if there was a bunch of millings in the pile? Mr. Koppe stated he didn't see that, but maybe grindings. Mr. Stanton stated he thinks it's something that Mr. Koppe can use but ultimately when the citation is written the way the ordinance is drafted, the warning can come from Fire Depts, EMA or the Sheriffs Dept. They didn't include the Building Inspector or Planning Dept. Mrs. Shaver

Chicago IL. Mr. Davis stated when it comes to the metal it is going to be taken out soon. He wanted to check with the Board to see if there is anything else that needs to be taken care of? Mrs. Shaver asked if he plans on taking the refrigerators when he does the metal? Mr. Davis stated yes, he plans on taking that then too. They did clean up a decent amount on the property. Mr. LeDonne asked what the Board thought. Mrs. Shaver stated if that scrap is gone and you call us to let us know it's gone you don't have to come back to the next meeting.

Mr. Dodt motioned to give him 30-days which would be the January 2<sup>nd</sup> meeting, reinspect on December 22<sup>nd</sup> with a possible \$2,000 fine. Mr. Berkshire seconded the motion; all were in favor.

#### 3113 N 925 E – Houk

Mr. Koppe stated Mr. Houk has done a lot of work and when Mr. Koppe spoke to him everything has been moved back between 15-20 feet off the road. When he spoke to him last weekend, Mr. Houk is a truck driver, he's not around very often. He is going to remove the red barn and that's where the new barn is going. He said to make sure the Board knows he does take this seriously. He is going to put everything in that barn and if it doesn't fit in that barn it will be removed. Mrs. Shaver asked if Mr. Houk had a time frame of when he was going to do this? Mr. Koppe stated that he didn't give him a time frame because he is a truck driver that is gone a lot. It's basically going to be a weekend thing. Mr. Koppe recommends 60-days and push out the \$3,000 fine. Which would be the February 6<sup>th</sup> meeting, reinspect on January 31<sup>st</sup> just to make sure he is still moving.

Mrs. Baker motioned to accept to bring Mr. Houk back in 60-days, push out the \$3,000 fine. Which would be the February 6<sup>th</sup> meeting, reinspect on January 31<sup>st</sup> just to make sure he is still moving. Mr. Donato seconded the motion; all were in favor.

#### 51 N 400 W – Musselman

Mrs. Shaver stated in between the first sale that didn't go through and now currently the next sale that we were in the process of recording the fines on the property. They were getting ready to close with the new owner and that popped up during a title search. Mr. Musselman is here asking if the Board could remove the fines that were assessed on the property to be able to then sell the property to the new owner. When the new owner would come into play, they would be the ones the Board would work with for the property. Mr. Koppe did talk to the new owner to let them know the property was in this process or that the property is being looked at. Mr. Musselman stated everything is paid for, the title company is just waiting on the lien portion. The new owner doesn't want to pay it or Mr. Musselman doesn't want to pay it, so they just want the lien removed so they can close on the sale. Mr. LeDonne asked Mr. Musselman if the new owner is aware of what all that needs to be done? Mr. Musselman stated no, she bought it as is. She went and looked at it and saw everything that needs done, and he told her all the things that he knew of. She knows it needs sided and remodeled inside, the weekend after the last meeting his family and Mr. Musselman put everything in the garage. The new owner came and looked at it and saw what it was and wanted to buy it. Mrs. Shaver stated that we didn't access the new fines, these are the fines that were assessed. The Board can waive them and remove them from the property but, we can't do that without the Board wanting to remove them. Mrs. Baker asked if we remove the fines and she buy's the property does the Board have to take the property back through with her and it starts all over again with her? Mrs. Shaver stated yes. Mr. Donato asked if we can leave it on a watch? Mrs. Shaver stated yes, you can leave it on a watch to make sure she is doing the work. Mr. LeDonne asked if Mr. Koppe has talked to the new owner? Mr. Koppe stated it was by pure accident, she works for a good friend of Mr. Koppe's. She had called Mr. Koppe one day and told him that she had bought a house, Mr. Koppe has some brick panels that she wanted and wanted to know if he could deliver them to the new house she bought. Mr. Koppe said yes, give me the address and then there it was. She was not aware that the property was on the list, she was never told that. So, Mr. Koppe did tell her that she will be getting a letter from us telling her what all was going on, she was ok with that. Mrs. Shaver stated what we can do instead of the watch list, we can send a letter just to let her know these are things that we want to see happen, it's previously been in the process. This meeting is really the question on did it sell. We have work from the title company now we are questioning if we remove the liens so that neither parties have to pay for these liens.

Mr. Berkshire motioned to remove the liens and send a letter to the new owner. Mr. Dodt seconded the motion; all were in favor.

#### 2210 S Capitol St – Garcia

Mr. Koppe stated this property has a \$1,000 fine on it. Mr. Koppe stated that it is getting worse, there are trash bags out there that are open and scattered around. Mr. Koppe recommends we give them 30-days to continue to

stated that's fine, if he's out at a property he can hand them a copy of the ordinance and let them know. Mr. Stanton stated you can get the Sheriff's Dept. or Rocky to go out to the property with Mr. Koppe. It's basically something that is going to be enforced by the Sheriff, the Sheriff is the only person that can issue a citation. It holds a \$250 fine, but still it's something else you can use at your disposal. This is something that the State has encouraged the counties to utilize to stop open burning and violations to State Statute. There're really only limited things that can be burned in the state. They didn't want to impede farming operations but other than that it's restricted. Mr. Koppe stated other than millings they do have some shredded material out there. Mrs. Shaver asked Mr. Stanton if there is a difference in the ordinance between dry wood or wet wood, because wet wood would smoke more. Mr. Stanton answered he doesn't think there is. Mrs. Shaver stated that might be why there was so much smoke if they just cut it down and then started burning it. The containers that they have there, we don't know what they put in those, but other than that there were just piles of wood out there. Mr. LeDonne stated it looks like that is what they would haul wood in those, they would load them up with wood and sell it. Mr. LeDonne asked the Board what their thoughts are, do we put it on watch, because I don't see anything that would make it unsafe? Mr. Koppe stated he didn't think it was unsafe. Mr. Berkshire stated he wouldn't consider it unsafe, but with the new Burn Ordinance. Mrs. Shaver stated that Rocky does know about this property. Mr. LeDonne stated that we will just keep it safe. No motion necessary.

#### 8138 S US 35 – Wyant

Mr. Koppe stated this property has been on our list before, to him it's not much different then what we said it was ok when we released it. They did clean up a lot. Mrs. Shaver stated they have the truck that has some stuff in it, and they have a couple more vehicles. The pool we never messed with in the past, in the past they had a bunch of trash in the front of the house. Mrs. Baker stated her concern is if there is any water in the pool. Mrs. Shaver stated that typically more of a Health Dept. issue, we can let Dan Musselman know about it. Mr. LeDonne stated that this is an older lady that lives here, she has had her grandkids come help her clean it up. Mr. Koppe stated he doesn't feel like it's any different than what it was when we let it go a year ago, it's not much worse. Mr. Donato stated it's unsightly but not unsafe, but have Dan Musselman take a look at the pool.

#### 160 W 300 S – Russow

Mr. Koppe stated this property I didn't feel like there was a lot of unsafe here. There is a lot of maintenance that needs to be performed on this property. There're two vehicles there, piles of skids, the yard has not been mowed all summer, the porch in the front is an issue, that's unsafe. The roof if it continues the way it is will be an unsafe property if it continues that way, so it's just some big maintenance that needs to happen. Mrs. Shaver asked do we bring him for the porch right now or do we wait and see if it gets worse and do something. The property was kind of why we put it on safes to discuss if the Board felt like the property was fine and then if you at least wanted us to bring it for the porch and roof. Mr. Dodt stated this place has been going downhill, there has been zero done to it. Mrs. Shaver asked Mr. Koppe if he noticed if anyone lived there? Mr. Koppe stated yes, he believes he still lives there. Mrs. Baker stated the neighbors, there is a bush in the front that blocks the neighbors view to leave their driveway. Mr. Koppe stated the neighbor cut the bush down, and Mr. Russow told him to leave it there and he would haul it away, it's been a year and it's still there. Mrs. Shaver stated she thinks the biggest issue in this case is the location, it's a strip of homes. Mrs. Shaver asked the Board do you want us to bring it forward for the structure and property? Mr. Donato asked if the Board wants to put it on watch, it's unsightly but not necessarily unsafe? Mrs. Shaver asked do you mean on the property or on the structure? The structure the porch has issues. Mr. Koppe stated the roof on the east side of the house is pretty much gone, the rest of it is ok. But if it continues on the path that it is on now it will start to look like the porch. The doors, foundation and windows seem to be ok. Mrs. Baker asked Mr. Koppe if he talked to the owner. Mr. Koppe stated no, no one was home. Mrs. Shaver asked the Board do you want us to bring it forward for both and just discuss it with him or bring it for the structure. Mr. Dodt stated he would bring it for both, with the rodents, pallets and piles of wood. Mrs. Shaver stated we will make that for the January meeting.

OLD BUSINESS:      Unsafe Property

#### 122 N CR 800 W – Davis

Mr. Koppe stated one of the issues was the freezer, Mr. Davis did get that secured. He didn't speak to Mr. Davis so he didn't get on his property so he took the picture on the property. The only thing we wanted to get done was the scrap metal pile removed, that did not happen. Mr. Koppe recommends we give Mr. Davis another 30-days with a possible \$2,000 fine. That would be the January 2<sup>nd</sup> meeting, reinspect on December 22<sup>nd</sup>. Mr. LeDonne asked if anyone was here for this property. Mr. Davis stepped to the microphone, Mark Davis, 1611 W. Collum,

clean up the property with an additional \$2,000 fine. Which would be the January 2<sup>nd</sup> meeting, reinspect on December 27<sup>th</sup>. Mr. Dodt asked how long this property has been going through the process? Mr. Koppe stated this property has been on the list for a while. Mrs. Shaver stated this property has been on the list between 4-6 months, but is the first time we would access the fine. We are looking to actually access the \$1,000 fine so we can send those letters.

Mr. Donato motioned to access the \$1,000 fine, bring them back in 30-days which would be the January 2<sup>nd</sup> meeting, reinspect on December 27<sup>th</sup> with a possible additional \$3,000 fine. Mrs. Baker seconded the motion; all were in favor.

#### 501 N CR 600 E – Titus

Mr. Koppe stated they have done a lot of work. The back side of the house he's got a lot of things cleaned up, a lot of the stuff that was outside that he was wanting to keep is now inside. He still has work to do on the north end of the garage. On the back side he has the siding removed and is working on repairs. Mr. Koppe recommends we give him 60-days which would be the February 6<sup>th</sup> meeting, reinspect on January 31<sup>st</sup> and push the \$1,000 fine that is on there now. Mr. LeDonne stated the property looks a lot better. Mr. Koppe stated that he has the material so he thinks he will keep moving on cleaning it up.

Mrs. Baker motioned to bring them back in 60-days which would be the February 6<sup>th</sup> meeting, reinspect on January 31<sup>st</sup> and push the \$1,000 fine out. Mr. Berkshire seconded the motion; all were in favor.

#### 4750 E CR 225 N – Sterrett

Mr. Koppe stated Mr. Sterrett was suppose to be here today. He is going to continue working, he has done a lot. Mr. Koppe recommends we give him 60-days to continue on the clean-up, which would be the February 6<sup>th</sup> meeting, reinspect January 31<sup>st</sup> with no fines.

Mr. Dodt motioned to bring them back in 60-days which would be the February 6<sup>th</sup> meeting, reinspect on January 31<sup>st</sup>. Mrs. Baker seconded the motion; all were in favor.

#### NEW BUSINESS:      Unsafe Property

##### 1351 W Frushour St - Robertson

Mr. Koppe stated we had a conversation, he has done a lot of clean-up. He is working on it. Mr. Koppe recommends we give him 60-days to continue the clean-up which would be the February 6<sup>th</sup> meeting, reinspect on January 31<sup>st</sup>. Mr. LeDonne asked if anyone was here for the property. Don Robertson, 1351 W Frushour St, he stated that he has medical issues so he gets tired really quick. He is working on it when he can. Mr. LeDonne stated as long as we are seeing progress in that 60-days that's all the Board is asking. He stated he sold a property south of Royal Center the guy that bought it cleaned the barn out and just dropped it at his house. He stated he needs to get a dumpster to haul all of it away. Mrs. Robertson asked what can they do to dispose of the tires that are on their property? Mrs. Shaver stated if you call Solid Waste here in Logansport they have certain days that you can take tires there.

Mr. Donato motioned to give him 60-days which would be the February 6<sup>th</sup> meeting, reinspect on January 31<sup>st</sup>. Mrs. Baker seconded the motion; all were in favor.

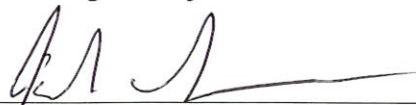
##### 51 N 400 W - Musselman

Mrs. Shaver stated if he hadn't sold his property we would have been looking at the structure now. Right now, that's not on the table. They closed already it's just the liens needing to be removed. We will get the paperwork to the Records Office.

FLOOR IS OPEN TO THE PUBLIC: None

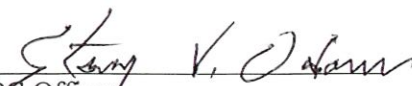
ADJOURNMENT:

There were no further questions, Mr. Berkshire motioned to adjourn the meeting. Mr. Dodt seconded the motion, the meeting was adjourned at 9:07 am on December 5, 2023.



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CCPC Officer



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CCPC Officer



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, Ashley Rowe, Recording Secretary

