

**MINUTES**  
**CASS COUNTY PLAN COMMISSION**  
**Tuesday January 3, 2023**

Stacy Odom, 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: Stacy Odom, Ruth Baker, Josh LeDonne, Krista Pullen, Zach Dodt, Brian Reed and ~~Fred Seehase~~ Derek Pullen and Gary Berkshire

Member absent: Jim Donato and 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

Reorganization of the Board: The Board nominated Josh LeDonne to be President, Stacy Odom to be Vice President and Krista Pullen to be Secretary for 2023. All were in favor.

**ACTION ON MINUTES:**

Minutes of December 6, 2022 were presented. Mr. Berkshire motioned to approve as presented. Mr. Dodt seconded the motion; all were in favor.

**PUBLIC HEARING:** None

**REPORTS:** Mrs. Shaver went over the Annual Report 2022 and Mr. Berkshire motioned to approve as presented. Mrs. Baker seconded the motion; all were in favor.

Mrs. Shaver went over the Work Program 2023 and Mrs. Baker motioned to approve as presented. Mr. Berkshire seconded the motion; all were in favor.

**OLD BUSINESS:**

Unsafe Property

1705 Cliff Dr. - Anderson

Mr. Koppe stated nothing has changed with this property. Mr. LeDonne asked if this is the property that was supposed to go to LBZA. Mrs. Shaver stated Mr. Anderson had applied but didn't send the notices. The Planning Dept sent Mr. Anderson a letter stating that he could be fined up to \$2,500 if there were no changes and an additional \$1,000 if he didn't go to BZA. The last meeting, we went over cleaning up the debris and the BZA was for the vehicles. Mrs. Shaver stated we are not really sure how to move forward on this property although it's similar to the Banter property. There are vehicles and a lot of scrap, there is a lot of property and he lives there. Where with the Banter property they didn't live there, they were just taking items there. Even if we decided to fine and decided to clean up it's going to be a continual case we will be looking at. Mrs. Shaver stated as staff we don't really know how to go about this one. He has not contacted Mr. Koppe or the Planning Dept. since the letter and we weren't sure if Mr. Anderson was going to be here today. Mr. Koppe stated he is receiving the letters whether he signs for them or not so he does know about the meetings. Mrs. Shaver stated we can do the \$2,500 and start that assessment if we want. But to actually clean up the property we don't know what steps the Board wants to take. Does the Board want to get bids for cleaning up the property? Mr. Koppe stated this property is going to be worse than the Banter property and will be a very large fight. Mrs. Shaver stated we don't have a recommendation for the Board. Mr. Koppe stated nothing is changing, it just seems like it gets worse than better. Mr. Koppe stated Mrs. Shaver had a simple solution through the BZA but he didn't follow through. Mr. Odom asked if he had followed through and he had gone through the BZA and they would have approved it, would that have changed anything? Mr. Koppe stated if Mr. Anderson had followed through he would have been instructed to put a fence up across the front facing the river, everything would have been behind the fence. Mrs. Shaver stated dealing with all the vehicles yes. Mr. Odom stated but that wouldn't have changed anything, it would have just made him legitimate. Mrs. Shaver stated what we were going to recommend to the BZA Board is having Mr. Anderson put up a fence to keep it where it won't keep creeping to the road like it has. Even if they would

approve the fence saying everything needed to be behind the fence doesn't mean that he would keep everything behind it or stay that way. Mr. Koppe stated Mr. Anderson knew about all of this, Mr. Koppe stated he spoke to Mr. Anderson about what the Board was thinking and what all he had to do. Mr. Anderson didn't have an issue with it, he just didn't do it. Mr. Berkshire asked if this is the fellow that it was a timing issue at the last meeting. Mr. LeDonne stated he didn't send the letters for the BZA meeting. Mrs. Shaver stated it was the notices, also he either didn't send them or he didn't pay for them. Mr. Berkshire stated then it was too late for the next meeting. Mrs. Shaver stated after he missed getting the notices out we told Mr. Anderson to come in and we will help you fill out the paperwork but he never showed up. We couldn't hear the case due to not having the proper notifications. Mr. Odom stated if I understand it correctly at the last meeting we told Mr. Anderson to try to follow through with clean up or we would assess the \$2,500 fine? Mrs. Shaver stated yes that is correct. Mr. Odom stated if I motion to assess the \$2,500 fine can we put a stipulation on it if he does go to the BZA that we can waive that fine? Mrs. Shaver stated what we put in the letter was if he didn't clean up we could assess \$2,500 and then we could assess \$1,000 if he didn't go to BZA. That's how the motion was at the last meeting. The \$1,000 would be assessed today, we could say since you didn't go to the BZA we are going to assess. Mr. Berkshire stated according to the last months minutes the total would be \$3,500, it was \$2,500 through the Board and if he didn't go to the BZA it would be an additional \$1,000. Mr. Odom stated but we haven't assessed the \$2,500? Mrs. Shaver stated no we haven't, how it was moved and how it was written was the debris you were supposed to clean up was \$2,500 you won't get fined the additional \$1,000 if you go to BZA which he didn't. Mrs. Shaver stated the Board can do the \$3,500 today if you wanted to. Mr. Odom asked can we do it with the condition that if Mr. Anderson gets to the BZA we can waive it? Mrs. Shaver stated yes, we do a 15-day and a 30-day letter. You can bring it back next month and review it. The Planning Dept. likes to actually recertify those liens. Before we actually record them, we like to double check to make sure nothing has changed. Mr. Odom made a motion to go ahead and assess the \$2,500 fine and if Mr. Anderson goes through the BZA process we can resend that next month otherwise that fine goes onto the next monthly meeting, then we could assess an additional \$1,000. Mrs. Shaver stated I just want to make sure we are all on the same page, so we are going to assess the \$2,500 fine and if he doesn't go to the BZA we will assess an additional \$1,000 fine? Mr. Odom answered yes, with the potential that we could resend the \$2,500 if he doesn't go to the BZA. Mrs. Baker stated no I wouldn't resend the \$2,500 fine. Mrs. Shaver stated when you assessed the \$2,500 fine that had nothing to do with the BZA. Mr. Dodt stated in the December meeting we stated if the debris isn't cleaned up you will get a \$2,500 fine and if he doesn't get on the BZA agenda there will be an additional \$1,000 fine. Mrs. Shaver stated the only difference is your actually assessing the \$2,500, so he's going to get the \$2,500 fine. Mr. LeDonne asked and the \$1,000 fine? Mrs. Shaver stated that's what it should be but Mr. Odom's motion today was next time give the \$1,000 fine. Mr. Odom stated he thinks it's critical that the BZA's aspect be for the whole thing and not just the vehicles. Mr. Koppe recommends we give Mr. Anderson 60 days, which would be the March 7<sup>th</sup> meeting and reinspect on March 1<sup>st</sup>. Mrs. Baker asked so what I'm hearing is you do whatever you want then you ask for forgiveness? Mr. Odom answered in essence in this case yes. Mrs. Baker stated instead of going through the plan like you are suppose to go through. Mr. LeDonne asked do you mean the BZA? Mrs. Baker answered I'm talking about this situation here, where he should have gone through the plan first, but since he didn't then we are going to back track and have him ask for forgiveness then you go through the BZA. It doesn't make sense to me. Mrs. Shaver stated unfortunately that's how it happens sometimes. Mrs. Shaver recommend because of how it was stated before to do the \$3,500 fine, only because Mr. Anderson didn't go to the BZA. You can still remove that \$3,500 in 60-days. Mrs. Shaver stated you can do the \$3,500 and say a possible additional \$1,000. Mr. Dodt asked if he had time to do the January BZA? Mrs. Shaver stated yes, he had time to get put on the agenda for February. Mr. Dodt stated then I would stick with what the last months motion was. Mr. Odom would like to modify his last motion to make it to a \$3,500 fine. Mrs. Shaver asked and make it a possible additional \$1,000 if he doesn't get on the agenda for the BZA? Mr. Odom answered if the \$3,500 doesn't get to what we need him to do then we can figure out what we need to do next.

Mr. Odom motioned to accept that the Board assess the \$3,500, give Mr. Anderson 60 days to go through the BZA for the scrap yard approval, which would be the March 7<sup>th</sup> meeting and reinspect on March 1<sup>st</sup>. Mr. Berkshire seconded the motion; all were in favor.

Mr. LeDonne asked if we need to go out to Mr. Anderson's property with a Deputy or someone to give the letter to him and tell him what he needs to do? Mr. Koppe stated I went out there and explained everything he needed to do and how he had to do it. Mr. LeDonne asked if Mr. Koppe could go out there and personally give him the letter? Mr. Koppe stated he could go out there and do that, but he thinks after assessing this fine Mr. Koppe feels like all communication with Mr. Anderson will be over. Mr. Odom stated down the road if Mr. Anderson goes to

the BZA and they don't approve it, then what are we going to do. At that point then his only recourse is he's going to have to clean it up and get rid of the vehicles and you will have to pay to get that done. He will fight it all the way, but that doesn't mean we shouldn't do it. If that's what needs to be done.

#### 319 Northern Ave. - Lynch

Mr. Koppe stated nothing has changed on this property. The Planning Dept. has sent letters. We did get an estimate for demo and clean up; the estimate came out to \$13,500. Mr. Koppe stated we have to require a bid process since it's over \$10,000. Mrs. Shaver stated we have assessed a total of \$3,600 fine. The last time she sent us a letter that stated that was her only contact. Mrs. Lynch has made it clear that it was going to be the neighbor to the south of her that is supposed to be buying it. There is no contract documented, the last letter we asked that she get something stated in writing stating that they are buying it. Mrs. Lynch has not contacted our office with any additional information. Mr. Odom stated we don't have any proof that it's with any other owner, so it's still Lynch. Mr. Berkshire stated she keeps saying that they sold the property, we don't have a copy of a contract but she isn't giving us any information. Mr. Odom asked if we have the funds to get this property cleaned up? Mrs. Shaver stated it's a new year, I will have to look at our budget. Last time what we did was we went ahead and went through the bid process because by the time you award it we can actually go to council if need be. Mr. Odom stated this property has been on here long enough, we need to go ahead and start the bid process. Mr. Koppe stated that the bid was for removing the one vehicle, demo the house, haul it away, back fill, seed and straw. Mr. LeDonne asked if you can have bids by next meeting? Mrs. Shaver stated 60-days is probably move in line with the timeframe. The other thing is we have to record it on their property, there are a few steps we have to go through. So, making sure that when the Board is approving this we have to add to the motion that we are requiring a demo of the structure. We have to put it on their property, that it was voted as a demo. Mrs. Shaver stated since we are doing the bid process the order has basically been approved we are going to demo it, so either they are going to demo it or we are going to demo it. Giving a certain amount of time, do we give them 60-days to have the opportunity for them to come one more time. Mr. Berkshire stated aren't the bids only good for so much time. Mrs. Shaver stated it takes a little bit, we have to get the contract approved. We might just send out the bid the second month, do all the preparation and recording of the deed. Mr. LeDonne asked if the Board can just go to the Council and ask say we might have something up to \$16,000. Mrs. Shaver stated if we don't have \$20,000 in our fund I will go to Council and ask. What we typically do with your motion we say that we are requiring a demo, they have the 60-days and as that date on we will demo. So that they have up till that date and then our demo people can come in right after that date if they don't demo it. Mr. Koppe stated so at this point the house is going to get demoed no matter what, so if they move in and in 30 days and say they are going to redo this. What will happen then? Mrs. Shaver stated we have to go through the whole thing over again, it's a different order and we have to look at it. Mrs. Shaver stated since we record it on the property it still says to the new owner that we are demoing it, so the new owner will know so we don't have to go through the process again. If the new person comes to us and says all it really needs is a new roof and fix this bathroom, we can remove the demo from the property. Basically, this person or next person after we record it, its on the demo list. We will give her until the March 7<sup>th</sup> meeting, if she hasn't demoed it then we will demo it. Mr. Odom stated we can motion to go ahead and proceed to get the estimates for demo. Mrs. Shaver stated this would be proceeding to do the bids since it's over \$10,000. Mr. Odom stated that's not officially saying to demo it yet, that's just getting the bids so at the March meeting if they haven't done anything then we would vote to actually precede with the demo. If they have done anything between then we aren't out of anything other than getting the bids. Mrs. Shaver stated I recommend also in your motion that if nothing is done by the March 7<sup>th</sup> meeting we will precede with demoing it. For the owners to understand that we aren't taking another month to talk about it.

Mr. Odom makes a motion to accept that the Board go ahead and proceed with getting the bids for the demo of the buildings and clean up the property for our March 7<sup>th</sup> meeting, if they don't demo the buildings by the March 7<sup>th</sup> meeting that the Board will precede with the demo. Mrs. Baker seconded the motion; all were in favor.

#### NEW BUSINESS:

##### Unsafe Property

##### 2311 Capital St - Aceredo-Ortiz


Mr. Koppe stated this property has exceeded the allotted number of vehicles on his property. They have 7 or 8 vehicles on this property, what Mr. Koppe recommends is that the Board give Mr. Ortiz 60-days to remove all the vehicles but 3, which will be the March 7<sup>th</sup> meeting, and reinspect on March 1<sup>st</sup>.


Mr. Odom motioned to accept that the Board give them 60-days to remove all but 3 vehicles, which will be the March 7<sup>th</sup> meeting, and reinspect on March 1<sup>st</sup>. Mr. Dodt seconded the motion; all were in favor.

FLOOR IS OPEN TO THE PUBLIC: None

ADJOURNMENT:

There were no further questions and the meeting was adjourned at 9:19 am on January 3, 2023.

  
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CCPC Officer

  
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CCPC Officer

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