



## Culver Planning Commission Meeting Minutes

July 16, 2019

**Summary of Council Actions:**

Items	Motion Made By	Seconded	Vote (For – Against - Abstained)
Motion to approve June 2019 minutes	Ms. Dehne	Mr. Oosterbaan	5 – 0 – 0 Approved
Motion to Adjourn	Mr. Osborn	Ms. Dehne	5 – 0 – 0 Approved

**1. Call to Order**

President Barry McManaway called to order a regularly scheduled meeting of the Culver Planning Commission at 6:30PM on July 16, 2019 at the Culver Town Hall.

**2. Roll Call**

Mr. Oosterbaan conducted roll call. The following members were present: Barry McManaway, Margaret Dehne, Chester Gut, Marty Oosterbaan, Dan Osborn, and Building Commissioner Chuck Dewitt. Don Fox, Pete Peterson and Wayne Bean were absent.

**3. Pledge of Allegiance**

Led by Mr. McManaway

**4. Approval of June 20, 2019 Minutes**

Ms. Dehne moved to approve the June 20, 2019 minutes. Mr. Oosterbaan seconded. The motion was approved 5-0-0.

**5. Old and New Business**

**Old Business:**

**Unsafe Building Ordinance:** The meeting featured a presentation by Culver Town Attorney Jim Clevenger on the Unsafe Building Committee approach currently used by Culver to address properties that have been allowed to deteriorate by their owners. The presentation was requested by the Plan Commission in response to dissatisfaction expressed in previous meetings by members of the Commission as well as the general public with respect to the amount of time it is taking to address unsafe properties and other properties needing maintenance.

Mr. Clevenger explained that the Unsafe Building Committee is a quasi-judicial entity consisting of a county commissioner, the town manager, a local citizen, and representatives from the county council, health and social services. The current membership also includes the building commissioner. Mr. Clevenger suggested we should change the membership to at least remove the vote provided to the building commissioner currently, as an argument can be (and has been) raised that the building commissioner could be construed as acting as both judge and jury in the current configuration. In addition, the ordinance should be clarified to allow the town manager to designate a representative to the committee.

What is supposed to happen is the building commissioner investigates and determines if a building is unsafe. Such investigations take a lot of time and require multiple visits and significant documentation. Culver's current set up, with a part-time building commissioner and a limited budget for such items as maintenance and building demolition, are the root causes limiting the current effort to address the issue. Mr. Clevenger was highly complimentary of the efforts and work quality in this area by Culver's building commissioner Chuck DeWitt and stated the given his broad job responsibilities he was certainly doing the best job possible under the circumstances.

With a good committee make-up and the ordinance changes suggested, the committee would then meet on an as-needed basis. Should a building be deemed unsafe, the owner can agree to remedy the issues. Should the owner be non-cooperative, the committee can initiate a civil hearing.

Mr. McManaway asked if the ordinance also applies to unsafe properties as well as unsafe buildings. The answer is yes, although other ordinances apply to unsafe properties as well.

Should the town act to remedy an unsafe condition, it can apply a lien on the property to recover its expenses. There is a question as to whether or not the town can foreclose on the property, and if it would have priority over any bank liens on the property. A civil action, if successful, would create a judgement lien, which is easier to enforce, though attorney's fees in such actions can be significant.

Mr. DeWitt explained that 2 or 3 visits are required for proper documentation and to prepare for testimony in a civil action.

Culver resident Cary Cheseldine spoke to say that properties on Osbispo and Ohio streets in Culver are clearly unoccupied, and now people are dumping on the properties, and that it is not right that the town is letting these properties remain in this condition.

Culver resident Stephanie Peric said that since she bought her property in 2007 the Obispo properties have not been addressed and continue to deteriorate. Mr. Peric suggested a volunteer program might be initiated as a way to gain neighborhood improvements.

A discussion of the town's approach to mowing derelict properties ensued. The town is currently mowing multiple properties in town. Before the town can act, however, the grass needs to reach a certain height, and then a letter must be sent to the property owner. The property owner is then given time to remedy the issue. Only then can the town come in and mow. Part of this discussion centered on the current fine structure. Mr. Clevenger suggested we review our ordinance, particularly with respect to the fine structure associated with failures to mow.

Ms. Peric asked why a certain property owner was not being brought before the Plan Commission for failure to maintain his properties in town. She was advised that some of those properties are already the subject of civil actions.

Mr. Clevenger advised that a neighborhood association can bring a civil action under the ordinance.

Mr. Cheseldine asked who he should talk to about getting a bigger budget for working the issue, saying "The problem is not going away." He was advised the town council appropriates funding for building inspection and enforcement, and for remediation of problem properties.

Mr. Oosterbaan asked Mr. Clevenger if he had any other changes in the ordinance to recommend. Mr. Clevenger advised he had no other changes to recommended at present.

**New Business: Parcels across the road from each other.**

A meeting of the Technical Review Committee will take place on July 25<sup>th</sup> at 1:30 at Town Hall to further consider the question of policy relating to related land parcels separated by right-of-way. Many of these properties can be found along West Lake Shore Drive.

## **6. Citizen Input**

None

## **7. Commission Members' Concerns**

Mr. Oosterbaan expressed a concern regarding the soil erosion at the BP location on Main Street. Mr. Kevin Berger, contractor for the renovations on the property, agreed to look into installing a silt fence.

Mr. Gut expressed a concern regarding a large solar panel installation proposed for Marshall County. Mr. DeWitt suggested the he speak with Ty Adley, the head of the county's Building Department, when Ty addresses the Technical Review Committee meeting on July 25<sup>th</sup>.

## **8. Building Commissioner's Report**

Mr. DeWitt had no updates from the last meeting. Mr. Berger advised that the City of Plymouth ordinance allows for replats approved by the building commissioner without the need for a hearing before their plan commission. These replats are limited to the combination of conforming lots only, and a new legal description is required at a minimum. Still, in some cases, property owners would seem to find the process more efficient and timely. There was agreement to review the Culver ordinance to see if these changes are advisable

## 9. Motion to Adjourn

Mr. Osborn moved to adjourn the meeting. Ms. Denhe seconded. The motion was approved 5-0-0 and the Commission adjourned at 7:44 PM. The next regularly scheduled meeting will be Tuesday August 20, 2019 at 6:30 PM.

Minutes approved by:

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Barry McManaway

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Pete Peterson

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Chester Gut

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Margaret Dehne

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Wayne Bean

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Don Fox

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Marty Oosterbaan

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Dan Osborn