

Marshall County Unsafe Board
Regular Meeting
January 23, 2020
112 West Jefferson Street, Room 203
Plymouth, Indiana 46563



MINUTES

Chuck DeWitt, Marshall County Building Commissioner called the Marshall County Unsafe Building meeting to order at 9:00 a.m. on Thursday, January 23, 2020, in Room 203 of the Marshall County Building. Present were Marshall County Unsafe Building Board members: Jim Masterson, County Council; Michelle Livinghouse, Adult Services; Lisa Mullaney, Town Clerk of Argos; Bill Keyser, Building Commissioner for Town of Bourbon; Trend Weldy, Town Manager of Bremen; Jonathan Leist, Town Manager of Culver; Kelli Chavez, Representative for Town of LaPaz; and Keith Hammonds, Building Commissioner for City of Plymouth. Also present were Christine Stinson, MCHD Administrator; Faith Chapman, MCHD Environmental Health Specialist; and interested parties. Absent was Mike Burroughs, County Commissioner and **Ty Adley Plan Director**.

Chuck DeWitt opened the meeting and introductions were made of the Board members and taken as roll call. Mr. DeWitt explained MCHD Christine Stinson and Faith Chapman, **Ty Adley, Plan Director** and himself will not be on the board because it was recommended by County attorney and Judge. **Mr. Adley will serve as an advisor on an as needed basis.** As part of the organizational changes Mrs. Stinson and Mr. DeWitt will be the staff to do the investigations, presentations, and leg work for the Unsafe Board. The Unsafe Board will need to have officers: President, Vice President and Secretary. **Mr. DeWitt entertained a motion for nomination for President. Mr. Leist nominated Trend Weldy, as president. Bill Keyser seconded the nomination. Mr. DeWitt asked for discussion. Nomination passed.**

Mr. Weldy took over the meeting as President and asked for nominations for Vice-President. **Mr. Weldy made a motion for Jonathon Leist for Vice President. Keith Hammonds seconded the motion. Motion passed.** Mr. Weldy asked for motion for secretary. **Mr. Leist made a motion to nominate Mr. Hammonds as Secretary of the Board.** Mr. Weldy asked for any other nominations, with no other nominations he then asked for a vote. **Motion passed.**

President, Mr. Weldy started with other items on the agenda. First item on the agenda was discussion of an Unsafe Building Board Attorney. Mr. DeWitt explained in the past they were told by the Commissioners to use Mr. Jim Clevenger the County Attorney for cases with this board. Mr. DeWitt explained Mr. Clevenger has a very busy schedule and the cases need to be done in a quick timely manner. Mr. DeWitt and Mrs. Stinson needs someone who after a meeting and decisions have been decided and letters are being sent to follow up quickly. Mrs. Stinson explained after the last meeting it was decided to move certain cases into court and she has contacted the attorney several times and has not been able to get an answer. This makes the

Unsafe Board ineffective since they cannot get cases to court. The Unsafe Board just becomes a letter writing campaign of volunteer compliance.

Mr. DeWitt suggested talking to Commissioners about new attorney for these cases. Member of the board asked if there was a line item to pay for an attorney. Mr. DeWitt and Mrs. Stinson stated they do not have funds for an attorney. There is a line item in unsafe for demolitions and they could possibly use part of that from the Health Department to put towards the attorney. Mr. DeWitt has two people in mind. One was Janette Surrisi, which is the office of Mr. Clevenger, County Attorney. Ms. Surrisi did an excellent job on a case in Culver. She is very good about digging out details and quick to get things done. This would be Mr. DeWitt's first choice and second would be Mr. Jeff Houin which has shown himself to be a good litigator and with details. Mr. DeWitt wanted a recommendation from the board before talking to these attorneys. Mr. Weldy asked if anyone had any other recommendations. Mr. Masterson stated Ms. Surrisi and Mr. Houin were good but he liked attorney Mr. Rick Huff because he was prompt in getting things done. Mr. Masterson would like to enter Mr. Huff for discussion with the others.

Mr. DeWitt will ask the Commissioners to see what they say. Mr. Leist asked that Mr. DeWitt gets back to the board, so they know when the meeting is, so they can support the idea. Mr. Weldy suggested Mr. DeWitt check into the three attorneys and with the Commissioners that they are okay with the Unsafe Board proposing to get an attorney for unsafe cases. **Mr. Leist made that a motion. Mr. Hammonds seconded the motion. Motion passed 8-0.**

Next item on agenda was review and passing of minutes of September 19, 2019, meeting. Mr. Weldy said some were not on the board and so this would be passed by those attending the September meeting. Mr. Leist suggested to postpone until the next meeting, so they had time to review them first.

First case on agenda was the case of **Ulises Juarez, 2700 State Road 331, Bremen, Indiana.** Mr. Weldy asked if anyone was present regarding this property and no one was present. Ms. Chapman presented an update on the case from the September meeting. MCHD has been working on this case for over a year. The Juarez have their permit now but there has been no movement forward. The Health Department is still getting complaints about overflowing sewer and Mr. Juarez refuses to get on Pump and Haul. There have been several letters sent with no response. Mrs. Stinson stated at the September meeting this was to go to court and it has not been addressed yet. Mrs. Stinson requested a recommendation to continue with the order and take it to court before a judge. **Mr. Hammonds moved to take this case before a judge. Mr. Leist seconded the motion. Motion passed 8-0.**

Second case was **Timothy Justice, 16586 Mill Pond Trail, Plymouth, Indiana.** Mr. Justice was present for the meeting. Ms. Chapman presented updates on the case. June 2017 the Health Department found the septic system in noncompliance. Mr. Justice addressed the board stating he is working with Mr. Stone from Stone Excavating and First Source Bank to set up a system and funds that will satisfy everyone. Mrs. Stinson said she wanted to bring this to the board because it has been going on for a long time. Mr. Justice has been cooperative verbally, but action has not been done. Mrs. Stinson wanted to present case to get a formal deadline. Mr.

Justice did get an IOWPA inspection but has not done the pump and haul order. Options are putting in a tank with a pump and haul until a complete new system is put in or vacate the property. Discussion was held explaining issues, pump and haul system, and providers. Mr. Justice helped the county by allowing training on his property and the Health Department appreciates it. Mr. Masterson expressed that there are several good companies in the area to do septs. **Mr. Hammonds moved the property be vacated until a tank for pump and haul or a complete system be properly installed. Mr. Keyser seconded the motion. Motion passed 8-0.**

Third case was **Jerry Haeck, 17419 Lincoln Highway, Plymouth, Indiana.** No one was present for this case. Ms. Chapman updated the board on the case regarding septic sewage all over the commercial property. State has demanded more soil tests be done and an engineer plan sent to them since this was a commercial property with 8 units. There has been no pump and haul tickets returned to Health Department and no plans sent to the State. Mr. Haeck refuses to communicate with the Health Department. Mrs. Stinson wanted to bring this case to the meeting asking the board to uphold the decision at last meeting to take to court. **Mr. Keyser moved the Health Department take this case to court to get results and answers. Mr. Hammonds seconded the motion. Motion passed 8-0.**

Next on the agenda are properties that Mr. DeWitt wanted to bring to the board at the February 27, 2020 meeting. 1st picture was old West High School on State Road 17 with approximately 10 acres. Terry Borggren, West Township Trustee presented to the board what they have been trying work with the owners of the property and purchase the land. Doors are open, windows are broken, and grounds are not taken care of. Mr. Borggren cannot attend February meeting, so he came to give his presentation in January. Mr. Borggren did leave minutes from the West Township Trustee meetings.

Second property belongs to Robert and Glennia Cooper, 438 South Ohio Street, Culver. MCHD have been working with the owners on another property and the Coopers have cleaned it up and sold that property. Mr. DeWitt would like to proceed with this property and bring to the February meeting.

Third property belongs to George Hopple, Jr., 17036 Tamarack Rd., Culver, Indiana including 3 parcels. This property has been discussed before. There is not enough done to satisfy the Unsafe Building guidelines. Culver has been working on this for year and half. Mr. DeWitt will try to get access to the house for pictures and will bring pictures to the February meeting.

Fourth location belongs to Larry and Anita Boetsma, 590-600 West Jefferson Street, Culver. Building was once an old furniture store. Building is junk with tarps all over the roof. Owner thinks there are no problems with the building. Mr. Boetsma did clean up another property he owns but ignores this property. Culver Plan Commission wants this brought to the Unsafe Board to get taken care of because of part of the Stellar project is new homes that are adjacent to the property.

Fifth property belongs to Rev Leila Emmons and Lorna Zartman ½ ea Trustees Living Trusts, 15133 State Road 17, Burr Oak. This property will be on the February agenda.

Other Business: Mr. Keyser brought up a home located at 606 N. Washington Street owned by Marjorie Holm. Mr. DeWitt explained what he found and said the property will be on February agenda.

Mr. Hammonds brought up property located at 11190 Manor Drive, Plymouth that was discussed at the September 2019 meeting. They have received more complaints from neighbors and Health Department has received several complaints. There is now structural damage. Health Department cannot take a lead on this property. She has pushed her limit under the Health Code and every attempt to contact someone has failed. All addresses associated with the property have been returned. Ms. Stinson said it is the 2-mile zone.

Discussion was held regarding the home, possibilities and actions that have been done. Mr. DeWitt said actions are limited since they cannot find someone. There is a need for an attorney to see about forcing a sale of this property since vacated so long. Mr. Masterson suggested that someone should be responsible to take care of the property in the meantime, send a bill and if unpaid, put a lien on the property. This will help force the sale. Culver handles their properties this way. Discussion was held about the 2-mile zone and who is responsible. There was agreement immediate action needed to be taken before it's too late to save the home. Ms. Mullaney from Argos wants to know about the 2-mile zone because their town have a several of issues.

Mrs. Stinson informed the Unsafe Board that she will be resigning at the end of the month. She hopes the Board will continue to support the Health Department and continue to move forward. Mrs. Stinson is proud to serve with the members and would like to see the board stay on course. Preliminary Regional Sewer report is coming to an end and Mrs. Stinson would like to see the board understand and support it.

Mr. Hammonds moved to adjourn the meeting. Mr. Keyser second the motion. Motion was passed.

Mr. Weldy adjourned the meeting.

Keith Hammonds, Secretary