

Marshall County Unsafe Board  
Regular Meeting  
February 27, 2020  
112 West Jefferson Street, Room 203  
Plymouth, Indiana 46563



## MINUTES

Vice President, Jonathan Leist, called the Marshall County Unsafe Building Board to order 9:00 a.m. on Thursday, February 27, 2020, in Room 203 of the Marshall County Building. Present were: Jonathan Leist, Town of Culver Town Manager; Bill Keyser, Town of Bourbon Building Commissioner; Jim Masterson, Representative of County Council; Michelle Livinghouse, Adult Protective Services; Ty Adley, Marshall County Plan Director; Mike Burroughs, County Commissioner; Lisa Mullaney, Town of Argos Town Clerk; Keith Hammonds, City of Plymouth Building Commissioner; Chuck DeWitt, Marshall County Building Commissioner; Faith Chapman, Marshall County Health Department Environmental Health Specialist and interested parties. Absent were Trend Weldy, Town of Bremen Town Manager and Kelli Chavez, Town of LaPaz.

First item on agenda was review of minutes from September 9, 2019. Ty Adley asked that on page 7 of the minutes it states a letter was read by Building Commissioner Chuck DeWitt and was attached. Mr. Adley asked for the letter to be attached. **Jim Masterson moved to accept the reading of the minutes with the letter being attached. Keith Hammonds seconded the motion. Motion passed 7-0-3 abstaining as staff.**

Second item on agenda was review of minutes from January 23, 2020. Ty Adley asked the minutes read he was absent from the meeting. Mr. Adley would seek to add Plan Director to serve as an advisor on an as needed basis. Reducing the role from the existing ordinance to the proposed ordinance. **Keith Hammonds moved to accept the January 23, 2020 minutes with revisions. Bill Keyser seconded the motion. Motion passed 7-0-3.**

Third item of business was Unsafe Building attorney. Mr. DeWitt gave an update after talking to Mr. Clevenger at length. They were going to use Mrs. Surrisi, but she is now running for an official office. Mr. DeWitt asked the board to wait for Mr. Clevenger's next recommendation and will bring his suggestion to the next meeting.

Next item of business was an update of previous cases from the Health Department.

First case was 19-UB-97 Ulises Juarez, 2700 State Road 331, Bremen, IN. Ms. Chapman told the board Mr. Juarez received the letter for this meeting and Mr. Juarez nor a representative was present to the meeting. There has been no changes and Mr. Juarez has not put their septic system in. Due to the weather, the Health Department will have to wait a little bit longer.

Second case was 19-UB-98 Timothy Justice, 16586 Mill Pond Trail, Plymouth, IN. Mr. Justice was present at the meeting. Ms. Chapman received a call from the bank and they were still processing the home equity loan. The Health Department would like to push this out 60 days because everyone is working closely together with Stone Excavating. Mr. Justice stated the loan was approved and he was signing papers today. Mr. DeWitt stated once the contract is signed, the case will be taken off the Unsafe Building list and Ms. Chapman will monitor the job and make sure completed properly.

Third case was 19-UB-99 Jerry Haeck, 17419 Lincoln Highway, Plymouth, IN. Ms. Chapman stated Mr. Haeck has had no contact with the department and the letter sent was returned. Mr. Haeck is still in process with the State of Indiana to get his commercial septic system. Ms. Chapman has no updates or movement on this case. Mr. DeWitt suggested that the board goes from certified letter to a hand delivered letter to find him. **Keith Hammonds moved that a hand delivered letter be sent to Mr. Haeck. Lisa Mullaney seconded the motion. Motion passed 7-0-3.**

Mr. DeWitt presented the next item of business which was the new cases to the Unsafe Building Board.

First case was 20-UB-01 Old West High School, Musilek Cheryl Trustee of the Musilek Family, 9971 S. R. 17, Plymouth, IN. Mr. DeWitt has talked to Cheryl Musilek informing him she would like to appear next month due to illness. Ms. Musilek will not fight the board and is looking for a buyer at this time. Mr. DeWitt will contact Terry Borggren, West Township Trustee, to let him know she is willing to sell. Mr. DeWitt would suggest purchasing it through the county through West Twp. and put it in the park system being created to possibly make a Fire Memorial Park.

Second case was 20-UB-02 Robert and Glennia Cooper, 438 South Ohio Street, Culver, IN. Mr. DeWitt presented the board pictures of the property and explained it has been in disarray for a long time. Mr. Cooper was present to talk to the Board. Mr. DeWitt explained at one time Mr. Cooper applied for a demolition permit, but it has expired. The permit was applied for July 31, 2018. Mr. Cooper stated he thought permit was good for 2 years thus expiring 7/31/2020. The permits are only good for six months to get started. Mr. Cooper's explained only one room in the house is full and it belongs to wife's grandmother and sister-in-law is supposed to be pick up. Mr. Cooper has most of the walls down on the inside and he has hired a contractor to tear the remainder of the building down. Mr. Leist stated the Culver police and himself have gone on the property and made sure the vehicles are running. Mr. Cooper agreed with 60 days. **Mr. Hammonds moved the building be done by May 1<sup>st</sup>, 2020, or it will come**

**before the May meeting to take to court. Mr. Burroughs seconded the motion. Motion passed 7-0-3.**

Third case was 20-UB-03 George Hopple Jr., 17036 Tamarack Rd., Culver, IN. Mr. DeWitt presented pictures to the board. Mr. Fred Elliott, owner of Elliott Enterprise Construction, Culver, appeared to represent Mr. Hopple. Mr. DeWitt explained they have asked Mr. Hopple to clean up the property, get rid of old equipment and fix the house that has at least 6 tarps on the house. Mr. Elliott explained he met with Mr. Hopple last night and went through the house. Only one small area the ceiling is down from water damage. Mr. Elliott said he went on the roof and it is a solid old tongue and groove roof. Mr. Elliott said as a neighbor and friend Mr. Hopple was dragging his feet and needed to get the house fixed and clean up the property. Mr. Hopple and Mr. Elliott proposed that Mr. Hopple hire Mr. Elliott to do the roof and some other work. Mr. Elliott's second stipulation to Mr. Hopple was it be addressed now. Mr. Elliott said there was a new furnace in the basement but needs hooked up. Mr. Hopple asked for 2 weeks to get that completed. Mr. Hopple has applied for a roofing permit on line. Mr. Elliott will keep in contact with Mr. DeWitt through the process and let him know as things get done and ask to come down for inspections. Mr. Masterson said he would like to go with Mr. DeWitt.

Another issue regarding the Hopple property is there are 5 people with some being children living in the house with Mr. Hopple and there is ponding where the septic is located. Ms. Chapman said there is nothing on file about the septic system. Ms. Chapman suggest there be an IOWPA inspection to see what is happening and what will need done. Mr. DeWitt would suggest a motion to continue the order of cleaning up the property in an expedited manner, Mr. Elliott repair the roof and make sure furnace is hooked up, and IOWPA inspection done. Mr. Elliott suggest there is a need to watch weather within that time frame especially with the roof. Mr. Elliott saw the septic ponding. The plumbing is going down and the breakers are working in the home. Mr. Elliott stated that if septic is not working that Mr. Hopple can do a new septic without much of an issue. Ms. Chapman agreed as long as Mr. Hopple is registered and follows the stipulations. **Mr. DeWitt suggested a motion that the Unsafe Board gives 1) 90 days to do the roof, 2) 30 days or before the next meeting have an IOWPA inspection done and work with him getting certified for installation of septic, and 3) start cleaning up property before the next meeting. Mr. Masterson made a motion per Mr. DeWitt suggestion. Mr. Hammonds seconded the motion. Motion passed 7-0-3.**

Fourth case 20-UB-04 Larry and Anita Boetsma, 590-600 West Jefferson Street, Culver, IN. Mr. Larry Boetsma, owner of Boetsma Furniture in Culver for many years was present. Mr. DeWitt explained the building located on the corner of St. Rd. 17 and Jefferson in Culver. The roof is in bad shape. He would like to entertain a motion for the building to be demolished. Mr. Boetsma said that the roof as blown off and put back on several times. The company putting it back on just laid it back over and did not secure it properly. Mr. Boetsma called this company and they did not show up to fix the last time. Mr. Boetsma then asked Mr. Elliott to fix the roof and do whatever it takes. Mr. Elliott said he would agree but there needs to be a discussion to whether it is worth to fix or demolition. Mr. Liest asked about the various sections of roof. Mr. Boetsma explained part of the roof is an expensive rubber roof done a long time ago. Mr.

Boetsma said he was looking at 5 years to tear it down, so he did not want to spend the money to redo the rubber portion. Mr. DeWitt recommends to the board that Mr. Boetsma has 30 days to report with an assessment on the roof and a timeline. **Mr. Adley suggest 30 days for report and assessment to be given at the next board meeting and 45 days to apply for a permit. Mr. Burroughs moved to go with Mr. Adley's suggestion. Keith Hammonds seconded the motion. Motion Passed 7-0-3.**

Fifth case 20-UB-05 Rev. Leila Emmons and Lorna Zartman, 15133 St. Rd. 17, Burr Oak, IN. Mr. DeWitt informed the board that a certified letter was sent out and returned deceased. Someone has contacted Mr. DeWitt about purchasing the property and if it could be brought back to standards. Mr. Masterson said it was sold at a tax sell on October 17 to investors. Mr. Masterson explained the issue with the property and ownerships. Mr. DeWitt will investigate and find the new owner to make sure something is going to be done. Mr. DeWitt will bring the information to the next meeting.

#### **Other business:**

Mr. DeWitt brought to the board a home located at 4241 E. Shore Drive, Bremen, IN, owned by Clarence Bellman. Mr. DeWitt explained this is what we see more often that they would like. House has caught on fire, no insurance, and owners can't afford to clean up. Mr. DeWitt would like to get a letter out, try to find some resolution and/or bring to the next meeting.

There is another property located at 3408 West Shore Drive, Bremen, IN owned by John and Marjorie Rupert. This is another property where the home is burned, and it has not been cleaned up. Mr. DeWitt will try to get a resolution and/or bring the case to the next board meeting.

Mr. Keyser presented to the board 4 homes in Bourbon they have been struggling with the owner. One home that is being lived in is passable at this time. All are in sad shape inside and outside. A floor has caved in on one home, a roof on another home. Mr. Keyser would like to put the three houses on the next meeting, contact the owner and attorney, bring some pictures, and ask the board for a timeline to be set so the homes will be in compliance with ordinances and safety guidelines.

Ms. Mullaney presented to the board 4 homes in Argos that are problem properties. Ms. Mullaney brought a few photos of each property. Mr. DeWitt said per Ms. Mullaney's recommendation was to get letters out for the agenda at next meeting on these properties. Mr. Burroughs agreed for this to be done. These are the four properties Ms. Mullaney requested for on the March agenda.

- 1). Pugh, Travis 402 N. Michigan Street, Argos, IN This barn has no roof.
- 2). Speegle, David 311 West Street, Argos, IN The owner received a payment from insurance company when the roof blew off and there has been blue tarp has been covering the roof for years.

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- 3.) Caudill, Jeremy 210 N. Maple Street, Argos, IN Several complaints about the condition of the property. Picture does not show all the trash because of the snow.
- 4.) Marsilinao, Shelly 193 South Michigan St., Argos IN This is a rental property and has no utilities and is falling apart. The floors are sagging. This is a historical site.

The property located at 11190 Manor Drive, Plymouth was the next item on other business. Jim Stuckmeyer, 11159 Forest Drive, Plymouth, IN and John Beauchamp, 11171 Manor Drive, Plymouth, IN came forward to speak to the board regarding this property. Mr. Stuckmeyer said they were neighbors to this property. Mr. DeWitt reminded the board this was discussed before and there was an issue on this being in the 2-mile zone and who was responsible to take care of the property. After discussion with legal counsel and going through ordinances with Mr. Adley and his research, the 2-mile zone is within the jurisdiction of the County. Mr. Stuckmeyer wanted clarification of who has responsibility for the building because he has an understanding the city has the responsibility of the zone. So, if it's building and it's unsafe, then who takes responsible for the property. Mr. DeWitt answered the question that the Unsafe Board does cover unsafe buildings and properties. If it's a new construction, then the Plan Commissioner for Plymouth will do the permit and inspection. Mr. Stuckmeyer wanted to know because the growth on the property is bad. There are also some tractors etc. Mr. Stuckmeyer voiced his concern about the danger to the kids in the area and animals living there. There is concern of value of surrounding property. Mr. Beauchamp stated he cared for the property in the past because he had to look at it. With spring coming, is he suppose to keep it up or is there something else that can be done. Mr. DeWitt recommended to the board that Unsafe Board does a letter to owners, Mr. DeWitt will go in and take some pictures, and this be addressed at the next meeting. Mr. Burroughs said after a call he looked at the property and feels the it should be expedited before the kids are out in yards. **Mr. DeWitt entertained a motion to put this on next month's agenda. Mr. Burroughs moved to follow Mr. DeWitt's motion and Mr. Keyser seconded the motion. Motion passed 7-0-3.**

Mr. DeWitt brought to the board Ordinance 2015-12 that will need amended to put the Unsafe Building Board in compliance. This is for the make up of the board, terms, quorum, and administration. Per the attorney's request, this will take the Building Commissioner and Health Department from the board and they will be the staff doing the paperwork. It was suggested that Older Adult Services be removed with different wording for that position and who will appoint them. Mr. DeWitt will also take and add the Marshall County Plan Director under section 14. Mr. DeWitt asked if everyone is okay with this amendment with the changes, he would like to take it to the County Commissioners as soon as possible. Mr. Leist stated there is an ordinance that stays Social Services which will allow a broader range to select someone for the board. **Mr. Keyser made a motion to make the recommended changes to the Ordinance and then present it to the County Commissioners for approval. Mr. Masterson seconded the motion. Motion passed 7-0-3.**

Violation Complaint form was presented at the Board. The form will allow a record and history of the complaints. Ms. Mullaney discussed the confidentiality and protection for those giving the information. The office does respect and does not release the name. Rob Hurford, Marshall County Code Enforcement Officer asked to address the board. Mr. Hurford said the way the ordinance is written he cannot go on the property to get pictures. If the form has a name and information, this allows Mr. Hurford to ask them to get on their property to get pictures of the property with the violations. Ms. Mullaney would like a note on the form stating the name will be unanimous and why they are asking for the name. Mr. DeWitt recommended at this time we adopt the form so there is one and it can be changed in the future. **Mr. Hammond moved to adopt the Violation Form. Mr. Burroughs seconded the motion. Motion passed 7-0-3.**

Mr. DeWitt asked Ty Adley, Plan Director to explain the 2-mile, area planning, planning district and how they function. There are two types planning commission; advisory and area. Mr. Adley explained the two various commissions and who has control over the various areas. Some zoning districts may opt out of the area planning commission. Various towns and the county have gone through or in the process of redoing the zoning ordinances, so they read in the same format. The main pieces that would be amended would be the development standards. Mr. Adley then explained what the plan commission, BZA, TRC and other boards would be included for each type of planning commission. Ms. Mullaney asked about control for various decisions. Many of the smaller town committees are volunteers or a small stipend carrying a large responsibility. Discussion was held about representation for the municipalities on the committees and authority if area planning commission is in effect.

**Mr. Hammonds moved to adjourn the meeting. Ms. Mullaney seconded the motion. Motion passed 7-0-3.**

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Keith Hammonds, Secretary