

The Board of Public Works and Safety of Plymouth, Indiana, met in Regular Session on August 25, 2014, at 6:00 p.m. in the Council Chambers of the City Building, 124 N. Michigan St., Plymouth, IN.

Mayor Senter presided for Board Members Culp, Ecker, Grobe and Smith. City Engineer Gaul, City Attorney Surrisi and Clerk-Treasurer Hutchings were also present.

Board Members Ecker and Smith moved and seconded to approve the minutes of the last regular session of the Board of Public Works and Safety on August 11, 2014, as presented since they have been reviewed and found to be correct. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on August 14, 2014:

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| <p>Notice Pursuant to I.C. 36-7-9-25(f) of Order to Take Action Regarding 414 West LaPorte Street Plymouth, Indiana TO: <i>Torres Bertin</i> You are hereby notified that as Building Commissioner for the City of Plymouth, Indiana, I have determined that the structure located at 414 West LaPorte Street is an unsafe building pursuant to state law and City ordinance. On June 2, 2014, I previously ordered you to take action to demolish and remove that unsafe building. However, you failed to take any action in compliance with that order. You are therefore ORDERED to: 1.) <i>demolish and remove the unsafe building located at 414 West LaPorte Street,</i></p> | <p><i>Plymouth, Indiana, as both the general condition of the building warrants removal and as the building continues to require additional abatement action after an initial abatement action was taken pursuant to notice and an order.</i> You must take this action to demolish and remove the unsafe building located at 414 West LaPorte Street, Plymouth, Indiana at or before Monday, August 25, 2014 at 5:00 p.m. (EDT), which is a sufficient time more than ten (10) days from the time when notice of this order was given. This Order to take Action is issued pursuant to the authority of I.C. 36-7-9-5(a)(7) and City ordinance, and therefore it may not be affirmed until a hearing has been held before</p> | <p>the Plymouth Board of Public Works and Safety. Said hearing shall be held on Monday, August 25, 2014 at 6:00 p.m. (EDT), at the Plymouth Council Chambers 124 N. Michigan Street (Garro Street Entrance), Plymouth, Indiana 46563. You are entitled to appear at the hearing, with or without legal counsel, to present evidence, cross-examine opposing witnesses, and present arguments. If you do not comply with this Order, following any affirmation of the Order at the above referenced hearing and following the expiration of the time for any judicial review under Indiana Code § 36-7-9-8, the City of Plymouth, pursuant to Indiana Code § 36-7-9-10(b) intends to take action</p> | <p>to enforce the order by directing a contractor to demolish and remove the unsafe building at your cost and/or the City may seek enforcement of this Order in the Marshall Circuit or Superior Court, together with all costs incurred, including court costs and the assessment of a civil penalty against you in a sum not to exceed Five thousand dollars (\$5,000). Lastly, you are advised pursuant to Indiana Code § 36-7-9-27 of the following: (a) A person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order: (1) must supply full information regarding the order to a person who takes or agrees to take</p> | <p>a substantial interest in the unsafe premises before transferring or agreeing to transfer that interest; and (2) must within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the enforcement authority with written copies of: (A) the full name, address, and telephone number of the person taking a substantial property interest in the unsafe premises; and (B) the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished. (b) If a judgment is obtained against the department, enforcement authority, or other governmental entity for the failure of that entity to provide notice to persons holding an interest in unsafe premises in an action taken by the entity under this chapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure. This Order is issued by: Keith B. Hammonds Building Commissioner City of Plymouth 111 N. Center Street Plymouth, IN 46563 Telephone: (574) 936--2824 Aug 14, 2014 PN6042 hspaxlp</p> |
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Board Members Grobe and Ecker moved and seconded to open the public hearing for the Affirmation of Order to Take Action Regarding an Unsafe Building at 414 W. LaPorte St., Plymouth, Pursuant to I.C. 36-7-9.5(a)(7). The motion carried.

City Attorney Surrisi referred to the building at 414 W. LaPorte Street, most commonly formerly known as Brothers' Tavern. Surrisi said that the building burned in December, 2013. He said that the city has been in contact with the property's insurance company, noting that last year a new program was made available to third class cities. The program allows for, when there is a property involved in a fire or explosion, cities who are registered with the program are notified if there are disbursements of insurance proceeds and 15% of the money is earmarked for the city and not disbursed to the insured until there is a contract for the property to be repaired or demolished.

Surrisi said that apparently the deeded property owner is selling the building on land contract, but the land contract was not recorded; so there is a dispute between the deeded owner and the gentleman to whom he was selling the building on land contract over the insurance proceeds. He said that the deeded owner, Bertin Torres, had said he intended to attend the hearing tonight, but called and said he was unable to make it. Surrisi said that Torres told him that he was meeting with an attorney today and that he thought he and the land contract buyer would have a resolution and something worked out with the release of the insurance proceeds. He understands that their intent is to have the building demolished. Surrisi asked the board to affirm Building Commissioner Hammonds' order to demolish the building.

There being no further questions or comments, Board Members Ecker and Grobe moved and seconded to close the public hearing. The motion carried.

Board Members Ecker and Smith moved and seconded to Affirm the Order to Take Action Regarding an Unsafe Building at 414 W. LaPorte St., Plymouth, Pursuant to I.C. 36-7-9.5(a)(7). The motion carried.

Utility Superintendent Davidson updated the board on several items. He said that the Boy Scouts service project Saturday went very well. He said that two troops participated in the project with 31 volunteers for approximately 235 man-hours. They surveyed 590 structures and installed 240 medallions with no accidents to report.

Davidson updated the board on the Beerenbrook/Jefferson Street storm sewer project. He said the project was started and approximately 60' of pipe and three structures have been installed; the project has been shut down and cleanup work will take place this week for the holiday weekend.

Davidson updated the board on the progress of the construction of the odor control unit at the south end of Sixth Street.

Davidson said that he had received a letter of resignation from an employee at the water department. He requested permission to replace that employee with an entry level laborer.

Board Members Smith and Ecker moved and seconded to approve the request. The motion carried.

Police Chief Bacon presented his monthly report for July:

Plymouth Police Department
Activity Report for July 2014

| <u>Type</u> | <u>July</u> |
|-----------------------------|-------------|
| Information | 900 |
| Complaint | 290 |
| 911 Calls | 185 |
| Residential Security Checks | 106 |
| Alarms | 47 |
| Vehicle Checks | 33 |
| Assist Other Agencies | 18 |
| Animal Complaints | 26 |
| K9 Use | 17 |
| Code Enforcement | 30 |
| Traffic Stops | 329 |
| Citations Issued | 281 |

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|---------------------------|-----|
| Accident Reports | 37 |
| Arrests | 56 |
| Case Reports | 131 |
| Signed Charges (Adult) | 49 |
| Signed Charges (Juvenile) | 7 |

Chief Bacon asked the board's permission to solicit quotes for some remodeling work at the police department including some exterior painting on the trim, interior painting and changing a couple of the rooms.

Board Members Smith and Grobe moved and seconded to approve the request. The motion carried.

Street Superintendent Marquardt asked permission to fill a vacant position for an employee who retired over the summer.

Board Members Grobe and Ecker moved and seconded to approve the request. The motion carried.

City Engineer Gaul referred to the scores given in the Baker Street Safe Routes to School Project. He said that The Troyer Group received the highest ranking. He asked permission to begin negotiations with Troyer Group.

Board Members Smith and Ecker moved and seconded to begin negotiations with the Troyer Group and if they are unable to agree to terms for an agreement, to begin negotiations with the vendor with the second highest score, Lawson Fisher. The motion carried.

Board Members Grobe and Ecker moved and seconded to appoint City Attorney Surrisi, City Engineer Rick Gaul and Street Superintendent Jim Marquardt to the negotiations team for the city. The motion carried.

City Attorney Surrisi reviewed the following memo with the members:

To: Board of Public Works and Safety
From: Sean Surrisi
Date: 8/21/14
Re: Consideration / Preliminary Approval of Rouch Proposal

Julian "Jud" Rouch, through a living trust with his wife, owns a vacant lot located at 109 Baker St. Mr. Rouch has indicated that the general public using the alley in the rear of this property regularly drives over a corner of his property and never utilizes a small sliver of the actual alley. Thus, he has obtained a survey and is suggesting a swap of 168 square feet of property to reflect the actual usage patterns.

Rick Gaul, Donnie Davidson, and Jim Marquardt have each reviewed this proposal and have no problem with it. Ralph Booker has indicated that under the subdivision control ordinance, Mr. Rouch would be required to seek a replat of the property. This request is being put to you for your consideration and possible conditional approval of the transfer subject to the approval of the replat by the Plan Commission. I have prepared proposed deeds for the transaction. If this is approved to move forward, I would prepare any necessary sale disclosure documents and a simple purchase agreement. Part of the terms of the purchase agreement would be that Mr. Rouch would be billed for any 2013 payable 2014 taxes assessed to the City for the small portion of his property that the City would be receiving.

Please let me know if you have any questions.

Surrisi said that there are electrical lines overhead, so it should be noted in the agreement that any existing easements will need to be maintained.

Mr. Rouch verified that this is property that burned several years ago and he acquired the property in January, 2013.

Members Ecker and Smith moved and seconded to approve the request. The motion carried.

Members Smith and Ecker moved and seconded to allow the salaried payroll for August 1-15, 2014 and the claims for August 25, 2014, as entered in Claim Register #2014. The motion carried.

City Attorney Surrisi referred to the following correspondence he received from County Attorney Jim Clevenger:

Wyland, Humphrey & Clevenger, LLP
319 W. Jefferson Street
PO Box 158
Plymouth, IN 46563

August 20, 2014

Mr. Sean Surrisi
Plymouth City Attorney
124 North Michigan Street
Plymouth, IN 46563

Re: Tax Sale Certificates

Dear Sean:

I know that we had gone through a process of preparing resolutions to transfer three Commissioners tax certificates to the City of Plymouth. Two of the lots were owned by Krachmar and are near River Park Plaza. The third was owned by a Whitaker off of South Plum Street near the Yellow River.

In talking further with the County Treasurer and our consultants SRI, there is concern about one year of unpaid real estate taxes if we were to follow through with this matter at this point. Thus, we are proposing to hold off with completing the resolution and the transfers until after this year's tax sale which is to occur on October 27, 2014.

After renewing resolutions, you will need to follow through with a petition through the Court for a Commissioners Deed. I believe Nelson completed this process on behalf of the City several years ago when he was still the City attorney. You might check to see if he has a file and the petitions and other forms necessary to complete the transfer.

If this is a problem or you have questions or comments, please let me know. Otherwise, I'll be back in touch with you after the October 27th tax sale date to complete this exchange of real estate.

Very truly yours,

Wyland, Humphrey & Clevenger LLP

S/ James N. Clevenger

There being no further business to discuss, Board Members Grobe and Ecker moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 6:21 p.m.

S/Toni L. Hutchings, IAMC, CMC, CPFA
Clerk-Treasurer

APPROVED:

S/Mark Senter
Mayor