

Marshall County Unsafe Board
Regular Meeting
May 28, 2020
112 West Jefferson Street, Room 203
Plymouth, Indiana 46563



MINUTES

President, Trend Weldy called the Marshall County Unsafe Building Board to order 9:00 a.m. on Thursday, May 28, 2020, in Room 203 of the Marshall County Building. Present were: Mike Burroughs, County Commissioner; Jim Masterson, County Council; Trend Weldy, Town Manager for Town of Bremen, Jonathon Leist, Town Manager for Town of Culver, Keith Hammonds, City of Plymouth Building Commissioner, Chuck DeWitt, Marshall County Building Commissioner; Faith Chapman, Marshall County Health Department Environmental Health Specialist; Ty Adley, Marshall County Plan Director; and interested parties. Absent were: Michelle Livinghouse, Adult Protective Services; Lisa Mullaney, Town Clerk for Town of Argos; Bill Keyser, Town of Bourbon Building Commissioner; Kelli Chavez, Town of LaPaz; and Ashley Garcia, Marshall County Health Department Administrator.

First item on agenda was review of minutes from February 27, 2020. Keith Hammonds moved to accept the reading of the minutes. Mike Burroughs seconded the motion. **Motion passed 4-0-4.**

First case on the agenda was 19-UB-95 Diane Sherrill (deceased), 440 Lincoln Highway, Bourbon, IN. This is the old Etna Green sale barn. Mr. DeWitt reported Ms. Sherrill has passed away since last meeting and the certified mail receipt was not returned. Mr. DeWitt will need to look for the new owner and hope to have answer by next month. Mr. Hammonds asked about advertising in the paper. Mr. DeWitt said they would have to take that under advisement from Mr. Clevenger, Attorney as to the direction to go forward.

Second case on the agenda was 19-UB 97 Ulises Juarez, 2700 St. Rd. 331, Bremen, IN. Mr. Juarez has a septic system that failed. Ms. Chapman reviewed the case. Health Department got complaints two years ago. Mr. Juarez got a permit 2 years ago and nothing has been done. She has received more complaints recently. Ulises Juarez appeared before the board. Mr. Juarez said it was a flood area. He stated the company he hired wants cash and he does not have that much cash. He has been saving and with covid-19 Mr. Juarez is short of money. Ms. Chapman said a new system needs to be put in place. Mr. Juarez said the cost \$15,000 - \$16,000. Mr. Juarez told the board that later this summer or fall he hopes to get it done. Mr. DeWitt reminded the board and Mr. Juarez the seriousness of the seepage on the ground and health hazards to neighbors, kids, animals etc. **Ms. Chapman recommended 30 days for Mr. Juarez to get new system installed. Mr. Hammonds made a motion to go with Ms. Chapman's recommendation of 30 days to get new septic system installed. Mr. Burroughs seconded the motion. Motion passed 5-0-3.**

Third case on agenda was 19-UB-99 Jerry Haeck, 17149 Lincoln Highway, Plymouth, IN. Mr. DeWitt explained it was an old hotel Mr. Haeck turned into apartments. Ms. Chapman reviewed the case for the Board. Mr. Haeck was told 1 ½ years ago in court to do a pump and haul or vacate the renters. Ms. Chapman made a visit 3 months ago and 2 tenants are still living on the property. Tenants have not seen the septic tank pumped. The state has not received the plans needed for the commercial property. **Ms. Chapman's recommendation was to take the case back to court. Mr. Burroughs made a motion to follow Ms. Chapman's recommendation to take the case to court. Mr. Masterson seconded the motion. Motion passed 5-0-3.**

Fourth case was 20-UB-01 Cheryl Musilek,(deceased) 9971 St. Rd. 17, Plymouth, IN. Mr. DeWitt reported to the board that Mrs. Musilek has passed away since the last Unsafe Building Board meeting. He has talked to her daughter, Dawn Musilek is willing to work with the Unsafe Building Board and it's in an estate. Mr. DeWitt said they were working on getting the property (Old West High School) sold. He introduced Terry Borggren, West Twp. Trustee. Mr. Borggren stated in December 2018 and January 2019 they had two appraisals and a recommendation was made to make an offer to purchase the property. There were two appraisals done minus the cost of demolition. There was nothing addressed at the time about the asbestos. They made an offer contingent of the cost of asbestos. West Township made several attempts to work with Mrs. Musilek and could not get with her. They ran into the problem of cost to test for asbestos. Mr. Leist said the Town of Culver had a project that a company did a test and some samples for a commercial building for asbestos and the cost was not great. Mr. Borggren asked who's responsibility it is for the cost of the testing and demolition, Marshall County or West Township. Appraisals were \$65,000 and \$83,000 minus the \$40,000 demolition cost on both appraisals. There has been a lot of suggestions and options available for a park and other possibly putting other historical items on the property. Mr. Adley said there was a possibility to be a Brownfields project by **MACOG** that could help with the testing. Anyone could file the request. There is not clean up cost in this grant. It's just for testing and possibilities. Mr. Borggren stated that he does not have the ability to move funds. County has \$5,000 for violations and clean ups. **Mr. Burroughs moved that the address be sent to MACOG for Brownsfield and possibly paying for the testing for asbestos. Mr. Masterson seconded the motion. Motion passed 5-0-3.**

Fifth case was 20-UB-02 Robert and Glennia Cooper, 438 S. Ohio Street, Culver, IN. Mr. DeWitt reported he received a text and picture from the contractor and **the house was cleared and the foundation would be done later that day. This closes the case after 5 years.**

Sixth case was 20-UB-03 George Hopple Jr., 17036 Tamarack Rd., Culver, IN. The February meeting listed several items to be done by Mr. Hopple. 1. IOWPA inspection done because of seepage in the yard. 2. Roof to be put on the house. 3. Start cleaning up the property. Nothing has been done except on May 27th a roof permit was completed on line. Mr. George Hopple and Mr. Fred Elliott, Elliott Enterprises were at the meeting and spoke to the Board. Mr. Hopple said he did not know how few people there were to do inspections. Stone Excavating was at the property May 27th and their report showed the septic system showed no signs of failure. Mr. Hopple said he has been working on cleaning up. Mr. Elliott spoke up and said Mr. Hopple had

hired a contractor and they have cleaned up some trees and bushes by the house. Mr. Elliott also reported that an area has been cleared and stones put in for a driveway. Mr. Hopple said it was an area he would line up his equipment. Mr. Leist drove by on his way to the meeting and verified progress has been made. Mr. Elliott told the board it would be 2 weeks and the roof will be done. Mr. Weldy asked for a plan for when they would be finished. Mr. Elliott said the heating is working, the septic passed, a roof permit has been issued and yes there needs to be a time line to keep moving forward. **Keith Hammonds moved Mr. Hopple be given 60 days to make some progress and present some documentation. Mr. Burroughs seconded the motion. Motion passed 5-0-3.**

Seventh case was 20-UB-07 Jose and Teofla Dejesus 11190 Manor Drive, Plymouth, IN. Mr. DeWitt reviewed the case for the board and showed some new pictures of the home and property. Mr. DeWitt reviewed this case to the board and reminded them that this property falls in the 2 mile radius. Mr. DeWitt explained the case and showed current pictures. Mr. DeWitt went to the Marshall County Developmental Standards and read section 0 regarding properties. Mr. DeWitt said that the property calls for the same zoning standards for City of Plymouth and the property is in their zoning district. Mr. Weldy asked for any persons in attendance to come forward for this case. Mary Jane Dejesus Russell, daughter of the deceased property owners and her husband, Gerard Russell, 1305 Good Ave., Parkridge, IL 60068, came forward to speak to the board. Mrs. Russell said at this time is to demolish the property and asked the board for names of contractors and people to take care of the yard. Mr. and Mrs. Russell stated they would be paying for all the demolition and yard clean up. The Board requested a timeline for Mrs. Russell to get the property into compliance. **Mr. Masterson moved to give Mr. and Mrs. Russell 30 days to present a plan with a time table and plan. Mr. Hammonds seconded the motion. Motion passed 5-0-3.**

Jim Stuckmeyer, 11159 Forest Drive, Plymouth, neighbor behind the Dejesus property, asked if they were going to tear down the shed because he saw some neighborhood kids were hanging around it. Mr. Stuckmeyer asked them to leave. He thanked Mr. and Mrs. Russell for coming to the meeting and appreciates when this will be done.

Next case was 20-UB-08 Clarence & Evelyn Bellman, 4241 E. Shore Drive, Bremen. Mr. DeWitt explained the home has been in a bad state for a long time. There has been no contact with the owner. This is the second fire to occur at this location. Recommended to send certified letter.

Next case was 20-UB-09 John & Marjorie Rupert, 3408 West Shore Drive, Bremen. Mr. DeWitt explained this case . Recommended to send a certified letter.

Following case was 20-UB-14 Eugene & Virginia Gruwell, 16514 Sheryl Court, Plymouth. Ty Adley, Plan Director informed the Board that this property has been up for a violation and as far as he knows the tenants have left. There is no one taking care of the property. Mr. DeWitt showed and explained current pictures of the property. There is a car in the driveway and it has been tagged several times. First tag was from a year ago. Second tag was put on a few days ago. Mr. DeWitt said neighbors need to contact the sheriff department to make sure the car gets

towed. Car is dangerous because it is up on jacks and kids could get hurt. Jim Gault, 16513 Robert Court, Plymouth, neighbor from behind the property spoke to the board. They hired a professional 2 years ago to take care of the property and he refuses to go back because of all the debris. Mr. Gault explained several issues with property, dogs, etc. and he feels no one is living there now. He asked the Board to make this case a high priority. Another neighbor, Kent Naylor said he agreed with Mr. Gault. Mr. Adley said there are several issues with this property. There is a structural issue as well as the property. The land will fall under a zoning issue. They will send out notices from the Code Enforcement and their fines will double because it is a second offense. The Board asked if it could be cleaned up and the expenses be put on their taxes. It must go to court to be added to the taxes. They have to contact the property owners and give them time to clean it up before County can go in and take care of the property. Mr. Adley had this property in violation, cleaned it up, and closed the case. He will open it up again and moved forward. It will take a couple of months to get through the due process. Mr. DeWitt said that structurally it is starting to deteriorate but it can be repaired. Coming up soon for a tax sale.

New Business - Mr. DeWitt addressed the Board that we do not have fines and penalties. Mr. DeWitt would like to submit to the Commissioners an ordinance to allow fines and penalties. Mr. Adley told the Board his fines for first offense was \$50 a day, second \$100, and third violation \$200. County will have to bid out work and the cost will go to court to get back on taxes. Board told him to get it to the Commissioners.

The ordinance stating members of the Boards and allowing the staff to be resources still needs to go before the board.

Mr. DeWitt, thanked Faith for all her work because they have been understaffed and she is extremely busy and Ty for looking over cases with him.

Mr. Leist moved to adjourn the meeting. Mr. Hammond seconded the motion. Motion passed.

Keith Hammonds, Secretary