

MINUTES OF THE REGULAR MEETING OF THE BOARD OF
WORKS AND SAFETY FOR THE CITY OF ATTICA
July 7th, 2020

The Board of Works and Safety for the City of Attica met, pursuant to Public Notice, on Tuesday, July 7th, 2020, at 5:30 P.M. in the City Council Room.

Present was Board Member, Andy Smart and Chris Gayler, also, present, Mayor Duane Roderick, Attorney Mallory Redlin and Clerk-Treasurer Joanne Broadwater.

Minutes from the previous meeting:

Smart made a motion to approve the minutes from the July 7th, 2020 meeting, Gayler seconded. All were in favor and the motion passed.

Citizens petitions:

There were none.

Department Head Reports:

Director of Public Works, Eric Swank reported that both structures at 705 S Union Street are taking care of there is some scrap metal left that some local scrappers were supposed to pick up.

Mayor Roderick stated a citizen was asking about painting the curbs by the four way stop at Main and Perry streets. Cars are parking too close to the stop sign. The crosswalk also needs painting at this location.

Swank had nothing further to report.

Police Chief, Ed Durnil reported Austin Smyth will start the Academy on August 3rd. Garrett Miller will begin the Academy in November. Austin's last week of class and Garrett's first week of class will overlap.

Chief Durnil reported that he will not be at the next board of works meeting because he will be out of town on vacation. Officer Askren will be in charge while the chief is out of town.

Attica Fire Chief, Mike Little,

Little had nothing to report.

Building Commissioner, Jeff Pycke,

Pike received a complaint about 902 E Main St, the property is owned by Gerald Hutts. Pycke reached out to him to determine his intentions but was not able to reach him. Pycke stated he would add this to his list of properties to follow up with.

Pycke stated there was a couple in attendance at the meeting that were interested in purchasing 923 S Perry St to tear the house down and build a garage. The couple lives at 922 S Brady St and the house on Perry is directly behind their property. Brief discussion took place,

and Roderick stated that it needed to be brought before the zoning board. The party in attendance indicated that the interested buyer would like to have the two properties combined into one parcel with an easement for the city through the existing alley.

Roderick referred the homeowner to the zoning board.

Unsafe Building Hearing:

Pycke stated we have the unsafe building order for 113 W. Pike St. Atty Redlin asked if the board wanted to suspend the BOW meeting so they could hold the hearing on the UBO, Roderick agreed.

Attorney Redlin asked Clerk Treasurer Broadwater if she was recording the hearing, she responded in the affirmative.

The Building commissioner's order issued on June 1st in regard to 113 W Pike St. we show that the building commissioner of the City of Attica, Mr Pycke is present, city attorney Ms. Redlin, is present and the property owner is present. Can you both raise your right hand; do you swear that your testimony here today will be the truth the whole truth and nothing but the truth? Both responded "I do" we will go ahead and start with Mr Pycke. Redlin stated she has copies of photos.

Lisa Davis (daughter of the property owner), asked a question, he said earlier he reached out to a property owner, can you tell me why no one's ever reached out to her about the property? The summons for the court is the first reach out she has had from the city about anything. I'm just curious as to why you reach out to one, but you don't reach out to all. Redlin stated she did not have an answer, and asked Pycke, do you have an answer for that? Pycke stated he thought he was following the procedure. When asked why he reached out to the previous owner before filing an unsafe building order Pycke stated because he had had previous contact with that building owner on issues.

Mr Pycke was asked what position do you hold here at city of Attica? Pycke responded, Building commissioner. How long have you been in the building commissioner? Pycke responded 3 years. What are your duties as a building commissioner? Pycke responded inspect homes and building permits and approve or deny them. Redlin asked as part of your duties are you responsible for ensuring the safety of persons and property within the city? Pycke responded "yes". is it correct that you issue orders to comply with the Attica building code and the Indiana statutes? Pycke responded "yes", and are you familiar with the property of 113 W Pike street? Yes, Pycke responded. Redlin asked "how are you familiar with it?" Pycke responded he did an inspection the first part of June. Redlin asked "had you received complaints about the property in the past? Pycke responded "yes". Redlin asked "who is the current owner of 113 W Pike?" Pycke responded "the owners are the Lanum's." Redlin asked "to your knowledge is there an estate opened for the deeded property owner?" Pycke responded "I am not sure." Redlin asked the property owner this question and she responded "yes". I've already handed you a packet of exhibits, do you see the item that's been marked as exhibit A? Pycke responded "yes". Redlin asked "what do you believe that document to be?" Pycke responded that "it is the unsafe building order issued to the family." Redlin asked "did you prepare this order?" Pycke responded "yes" Redlin then asked, "is it a true accurate copy of the order that you issued?" Pycke responded "yes". Redlin asked "what actions did you ask the property owner to perform to make this property safe?" Pycke responded "demolish and clean up." Redlin stated ok, let's take a step back, "based on your opinion what are the things that are defects with the property?" Pycke responded "the roof is falling in it's just an unsafe structure." Redlin asked on your order you said the structure is in an impaired structural condition that makes it unsafe to a person and property is that correct? Pycke responded "yes" and the structure is a fire hazard, Pycke responded "yes" the structure is a hazard to public health? Pycke responded "yes" the structure is dangerous to a person or property because of a violation of statute ordinance? Pycke "yes" and the building is vacant and not maintained in a manner suitable for living? Pycke responded

"yes" and your knowledge with this served on the Lanum family? Pycke responded "yes". Redlin said "at this time I ask the board to make a motion to accept exhibit A as part of the evidence in this case.

Smart made a motion to accept exhibit A as part of this hearing, Gayler seconded, Roderick called for a vote, all were in favor, motion passed.

Redlin stated "OK, Mr Pike and you testified to the unsafe nature of the property, did you document your safety concerns?" Pycke answered "yes". And how did you document those? Pycke "with the unsafe building order." Did you also take photographs? Pycke, "yes". Redlin, "do you recall when you took those photographs of the property?" Pycke, "June 1st". Redlin, "your metadata attached to the photographs say May 20th, do you agree with that?" Pycke, "sure".

Redlin, "I've already handed you items that have been marked as exhibit B, C, D, E, F and G Do you recognize those?" Pycke, "yes, I do." Redlin "what do you recognize them to be?" Pycke, "the property at 113 W. Pike St." Redlin, "flipping through those photos can you briefly explain the problems in each one?" Pycke, "the garage has no overhead door, no other door to open and is open to the environment. The back of the Home is caved in the Wall is caved." Pycke stated all the photos are just more of the same issues.

OK and as you flip through these photos these are true and accurate copies of the photos you took correct OK and at this time I've asked the board to to make a motion to accept exhibits B through G as offered.

Roderick asked for a motion, Gayler made the motion to accept exhibits A through G as offered, Smart seconded the motion, all were in favor.

Redlin, "now Mr Pycke, based on your investigation at 113 W Pike street do you believe that it's an unsafe building under Indiana law and do you believe the board should affirm your order of June 1st and do you believe that the unsafe building needs to be removed?" Pycke responded "yes" to all.

Redlin, "now Ms Lanum you have the opportunity to ask Mr Pycke questions regarding his testimony. Do you have any questions for him?" Ms. Lanum responded "no".

Redlin, "we rest our case, Ms. Lanum, do you want to speak on your own behalf before the board regarding the property?" Ms Lanum, "it was my understanding that the board would ask me what my intention was with the building." Redlin, yes, we will get to that point, we just didn't know if you wanted to ask any questions." Ms. Lanum "I don't have any questions."

Smart asked "How long has this process went on Jeff?" Pycke, stated "this is the start of this process", Smart then asked Ms Lanum "what are your plans for this building?" Lanum responded, "Well my plans are to do something with it because of course it's in terrible shape, it has been for a long time. I was originally going to tear it down because you told me I had to and then someone approached me about buying property. Currently I'm leaning in that direction, and actually there has already been an offer to purchase the property, we're going back and forth between our attorneys. The person wanting to purchase it would like to do it as quickly as possible, with the intention to tear it down. Actually Jeff's pictures aren't all accurate because there is a garage door up, there is a new garage door for the man door inside the garage, the garage has been painted because I was originally going to tear down the house but keep the garage for storage and stuff. Now I've decided just to get rid of the property and so that will happen as quickly as attorneys and things can let it happen."

Roderick stated, I would say I would recommend based on this information that we give it 30 days and see where we're at, at that point if you guys would agree because it sounds like there's a process in place. Lanum requested more time due to trouble reaching her attorney.

Smart spoke up and stated he was not comfortable with the short amount of time from when the homeowner received the notice and the hearing. He does not believe the homeowner has enough time to make plans for the building. Smart stated in the past because buildings go from

that a building has to be torn down or repaired? Redlin explained in the purchase agreement between the buyer and the seller the city has no roll in it. The city inserts itself by issuing this unsafe building order in which the seller then must of course be notified, that's Indiana law. It sounds like the seller already knows of the condition, was already planning on tearing it down anyway. The way that we insert the city into this is by granting the unsafe building order as written.

Smart, no, what I'm saying is, that if we approve this, we basically we block that ability in a lot of ways to sell that property. Redlin responded something that must be done on it, your other option is to stay this hearing. It seems like that is what the conversation is leaning towards. If you stay a determination on this hearing, say you recess the hearing for 60 days and then resume with both the buyer and the seller present.

Swank Spoke up and said the person who is wanting to purchase the property called him on his way to this meeting and said as soon as the property is purchased, it will be torn down immediately. Smart asked if 60 days is enough time to finalize things. Ms. Lanum stated her attorney told her as soon as the sale contract was given to her for her signature, the sale could be completed since she was the executor of her husband's estate.

Gayler made a motion to table this hearing for 60 days, Smart seconded, all were in favor, motion passed.

Redlin stated the hearing will be continued on September 1st, 2020 at which time both the buyer and seller should appear.

Roderick resumed the regular meeting at this time.

Smart asked about 404 S. Perry about the property owned by Zach Cooper. Redlin stated she believes the title is still in Cooper's name. Smart stated this property has gone on to long and needs to be taken care of. Broadwater stated it is scheduled for July 21st, 2020. Redlin confirmed the Cooper property is set for a hearing on 7-21-2020.

Smart asked Swank about the water report and the chloroform violation. Swank explained when this came back he investigated and found it was problem with a bad sample. Per Ortman well drilling the sample was contaminated at the lab.

Smart then asked if we can do something about Park Ave brick street because it is in such bad shape. Swank stated we have an estimate to fix it, Roderick stated the estimate came back to repair the bad spots at \$30,000.00. Smart asked if we had the money in our budget to cover it, Roderick said we would have to transfer in the money to cover it.

Pycke had no further comment.

Mr. Sheppard from HWC was present to open the bids for the cities Community Crossing Grant Project manual application #8960, DES-#2001380.

1-Midwest Paving	\$193,900.50
2-Milestone	\$194,996.50
3-Reith Riley	\$210,990.00

The bids will be taken to be certified and the award made at the next meeting.

Unfinished Business:

None

New Business:

Utility credits were presented, BOW member Smart motioned to approve the presented credits and Gayler 2nd, all were in favor motion passed.

Claims:

The claims were presented by Mayor Roderick, Smart made a motion to approve claims, Gayler seconded. All were in favor and the motion passed.

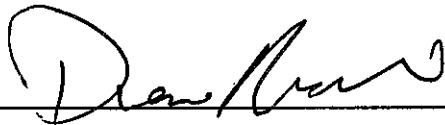
Miscellaneous Business:

None

Smart made a motion to adjourn and Gayler 2nd, all were in favor, motion passed.

There being no further business, the meeting was adjourned. The next Board of Works meeting will be held on Tuesday August 4th, 2020 at 5:30pm, in person, in the City Council meeting room.

Approved: _____



Attest: _____

