

**MINUTES OF SPECIAL MEETING
PUBLIC HEARING
CITY OF MONTICELLO
BOARD OF WORKS & SAFETY
THURSDAY, JUNE 2, 2011**

The special meeting of the Board of Works & Safety, of the City of Monticello, Indiana, was held on Thursday, June 2, 2011, at 11:30 a.m. The meeting was called to order by Mayor Jason Thompson, and opened with the pledge of allegiance.

Roll call, by Clerk Treasurer Liz Oilar, was answered by Board Members Mayor Jason Thompson, Mike Keever, and Phil Vogel, and City Attorney George Loy.

Public Hearing – Regarding 418 Chestnut Street and Turner’s ADD Lot #3, Hughes ADD Lot #37, Trailers 1-5 Hughes ADD Lot #39, and Trailers 6-10 Hughes ADD Lot #40

Mayor Jason Thompson stated that the two land owners listed above requested this public hearing. City Attorney George Loy stated that notices were provided to land owners pertaining to unsafe buildings in the City of Monticello. The Monticello City Council adopted an ordinance last year pertaining to unsafe buildings and that is pursuant to Chapter 9 of Article 7 entitled 36 of the Indiana Code. Attorney Loy briefly reviewed those statutes and definitions, and the findings the Board of Works could make at the meeting today. The first property discussed is at 615 N Railroad Street, owned by Mr. Jeff Brown. Mr. Brown is in attendance today. This is a trailer park (Trailers 1-10) that the Police Department has had numerous complaints. Mr. Brown was sent a notice identifying this property as a nuisance and hazard to our community. He has since hired Mitchell Enterprises to remove the trailers. They will begin removing them in July. Board Member Phil Vogel requested a copy of a signed contract between Mitchell Enterprises and Mr. Brown. After much discussion, Board Member Mike Keever made the motion to have the excavation cleaned up, debris removed in 60 days, which would be August 2, 2011, seconded by Board Member Phil Vogel. Further discussion by Board Member Phil Vogel who stated that on August 2nd the site should be cleaned up and the site leveled off and seeded with grass seed. Board Member Mike Keever further clarified the motion to remove all trailers and debris from the site, site to be left as a green space, seeded so no erosion can run off into the sewers and such, all within 60 days, seconded by Board Member Phil Vogel. All ayes, motion carried.

The second property discussed is also owned by Mr. Jeff Brown. It is at 621 N Railroad Street (Turner’s ADD Lot#3). The Police Department has been called to this property numerous times for unsecured doors, appears kids have been inside the house, exposed wiring, broken windows, debris on ground, and unsafe for the community. Mr. Brown stated that this property is coming down. He has talked with Jimmy Overbeck and he is going to demolish it for him. He plans to put a new building up after this one is demolished. He doesn’t have a signed contract with Jimmy but will get one and give a

copy to the Board. After much discussion, Board Member Mayor Jason Thompson made the motion to cut the power off as soon as possible, 60 days to demolish and remove the debris down to the current elevation height of the ground, and seeded grass into a green area for a future use, seconded by Board Member Phil Vogel. Further discussion by Board Member Phil Vogel who asked City Attorney George Loy if at the end of the 60 days and Mr. Brown hasn't removed it can the Board impose a fine at that time. Attorney Loy stated that the Board may do that at a regular Board of Works meeting giving Mr. Brown notice. Attorney Loy stated that he suggests in the Board's order they reserve the right to impose future civil penalties up to \$5,000.00 and Class C infraction penalties and all the other things the law will allow. The Board can reserve the right to impose those if Mr. Brown fails to comply. This option will be added to all the orders given today and all future orders. End of further discussion, all ayes, motion carried.

The third property discussed is also owned by Mr. Jeff Brown. It is at 102 Sunset Lane (Hughes ADD Lot #3). This four unit residence still has on the power. It is has the roof missing on the back side and there are vines and trees growing into the house. You cannot get to the front porch without first knocking down the weeds. The second floor balcony is about to fall off, and there has been a foundation shift on the south side of residence. Mr. Brown stated that he is taking this property down also. He would like to replace it but does not know if Area Plan will allow it. Council Member Jim Mann was in attendance at the meeting. He is the representative for the City for Area Plan. There was discussion on this issue and Mr. Brown will need to contact Joe Rogers who is the Director for Area Plan. Board Member Phil Vogel made the motion to give Mr. Brown 60 days to disconnect the power, demolition and cleanup, put back to green space, make sure the demolition is below grade, the demography can stay the same, seconded by Board Member Mike Kever. All ayes, motion carried. Mayor Thompson thanked Mr. Brown for his attention to these properties.

The fourth property discussed is currently owned by Carol Orr who has filed bankruptcy on the property. It is located at 418 Chestnut Street. Police Chief Curt Blount has been in contact with Mrs. Orr and her attorney. She believes this house will be going up for Sheriff's sale sometime soon. The house itself at 418 Chestnut looks perfectly fine. The complaints are the carport and the out building. The roof has collapsed on both. Mrs. Orr stated that she did file bankruptcy. She was under the impression that when that was done she was no longer the owner. She has not lived there for a year. City Attorney George Loy stated that the Board has a copy of her May 17, 2011 letter describing her circumstances. She is still the owner and there is a mortgage lien on the property held by Bank of America. The City is not in a position to wait until this foreclosure proceeding goes through and then jump on the buyer at the foreclosure sale. There may not be anybody to bid on it. After much discussion, it was decided to get quotes to have the carport and out building demolished for the next Board of Works meeting. There will need to be a title search on the property and the lien holders notified. Mrs. Orr first will be notified with an order to demolish the carport and out building within fifteen days of this hearing. The Board understands due to her circumstances she will not be able to do this. Board Member Phil Vogel made the motion to have Mrs. Orr have the carport and out building demolished in fifteen days, seconded by Board Member Mike Kever. All ayes, motion carried. Quotes

for demolition will be opened at the next Board of Works meeting. Board Member Mike Keever commended the Police Department on their work on this new endeavor with the unsafe building ordinance.

**Permission to Solicit Bids for Resurfacing Railroad Tracks Main & Illinois –
Street Department**

Street Department Superintendent Doug Roberts stated that INDOT has issued an order to TP&W to upgrade the railroad signals on Main Street and Illinois Street. The illegal signals were designed for two way and they are both on a one way street. INDOT has ordered TP&W to comply and install new signals by March 22, 2012. The estimated cost for the signals at Main Street and Illinois is \$250,000.00 each. This will be paid by INDOT. There will need to have new curbing which INDOT will also pay. After new signals and curbs are installed the area involved needs resurfaced. This is the cost to the City from right of way to right of way. INDOT gave Doug a bid estimate on the resurfacing for \$145,000.00. He would like the City to bid this out ourselves. Board Member Mike Keever made the motion to give the Street Department permission to solicit bids for resurfacing the railroad tracks at Main and Illinois Street, seconded by Board Member Phil Vogel. All ayes, motion carried.

Mayor Jason Thompson stated that for the National Homes project we are still waiting for Nipsco to go from design, an electronic format, to their bidding/construction department and the gentleman in charge of that is on vacation.

There being no further business, meeting adjourned at 12:50 p.m.

Liz Oilar, IAMC
City Clerk Treasurer