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MEETING MEMORANDUM

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MAY 2024 – TOWN OF SUNMAN PUBLIC MEETING

DATE: 05.16.2024 TIME: 6:30 P.M. LOCATION: 604 N. MERIDIAN ST., SUNMAN, IN 47041

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CALL TO ORDER: 6:32 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Carol Eckstein, Don Foley, Randy Zins, Brian Maynard, Zachary Powell, and Cheryl Taylor, Perry Cassidy

ADOPTION OF THE AGENDA

Carol Eckstein motioned to adopt the agenda, 2<sup>nd</sup> Randy Zins

REPORTS

UTILITY – Attached

1. He has been notified that complaints have been made and his staff remains on schedule, prioritizing as matters come to his attention.
2. Carol Eckstein motioned to award a 2% performance raise for Joe Mitchell effective beginning the next pay period 05/22/2024, 2<sup>nd</sup> Don Foley.

The clerk will draft a modified salary ordinance for the next meeting.

MARSHAL – Attached

1. Thanked his staff for doing a good job.
2. Any mini or dirt bike will be confiscated by police going forward. Proof of ownership will be required to retrieve the bike.
3. SOPs will be tailored to the Sunman Police Department for body cameras. Upon completion, the SOPs will be forwarded to the Clerk to be recorded.

CLERK

1. Approval of Meeting Memorandums – 04.25.2024 – Carol Eckstein motioned to approve the memos, 2<sup>nd</sup> Randy Zins.
2. Utility Adjustments and Fund Reports - Carol Eckstein motioned to approve, 2<sup>nd</sup> Randy Zins.
3. APV Registers – The APVs will be presented to the council in the June meeting.

OLD BUSINESS/UNFINISHED/TABLED

1. 313 Western Avenue – Carol motioned to declare 313 Western Avenue, Sunman, IN, 47041, a nuisance under the Unsafe Building Code, 2<sup>nd</sup> Don Foley.

2. Easements for Sewer Extention Project – Carol Eckstein motioned to begin the condemnation process for the properties that have not responded, 2<sup>nd</sup> Don Foley.

#### NEW BUSINESS

1. Anthem Renewal – Cheryl Taylor requested the council table the matter for time to receive options for other health coverage. Carol Eckstein motioned to table the matter, 2<sup>nd</sup> Don Foley.
2. Fire Contract – The Clerk will attempt to find extra funds for the 2024 contract.
3. Boyce Systems Renewal – Carol Eckstein motioned to approve the license renewal for Fund & Utility, 2<sup>nd</sup> Don Foley.

#### ORDINANCE VIOLATIONS

Zachary Powell - Report attached – Cheryl will send a letter to the overdue ordinance on 215 Jackson Street and add the late fee.

#### COMMENTS FROM THE FLOOR

John Hiltenbietle – John stated that he was driving through town two Sundays ago and noticed weeds coming up through the sidewalk and the streets haven't been swept in a while.

Kathleen Norris – Kathleen expressed her disagreement with an ordinance violation warning issued by Officer Zachery Powell and stated that she would not comply with the directives contained in the ordinance violation warning ticket. – *Statement Attached*

Harvey Dobson – Harvey stated that the election is affecting finances and he expects it to get worse next year.

Don Foley – Thanked everyone for voting.

#### ADJOURNMENT

Carol Eckstein motioned to adjourn the meeting at 8:27 PM, 2<sup>nd</sup> Don Foley

The full meeting can be seen at <https://www.facebook.com/Sunman47041/videos/3266690453625619>

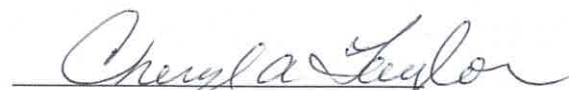
NEXT MEETING - June 20, 6:30 P.M.

Memorandum approved this 20<sup>th</sup> day of June 2024

  
Randy Zins, Council President

  
Carol Eckstein, Council Member

  
Don Foley, Council Member

  
Attest, Cheryl Taylor, Clerk-Treasurer

## MEETING AGENDA

### MAY 2024 - TOWN OF SUNMAN PUBLIC MEETING

DATE: 05.16.2024 TIME: 6:30 P.M. LOCATION: 604 N. MERIDIAN ST., SUNMAN, IN 47041

*This meeting takes place of the meeting scheduled on 04.18.2024*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF THE AGENDA

REPORTS

UTILITY

Raise – Joe Mitchell

MARSHAL

CLERK

1. Approval of Meeting Memorandum, 04.25.2024
2. Utility Adjustments, Fund Reports, Financial Report
3. APV Registers
4. Certified Payroll

OLD BUSINESS/UNFINISHED/TABLED

1. 313 Western Avenue
2. Easements for Sewer Extention Project

NEW BUSINESS

1. Anthem Renewal
2. Fire Contract
3. Boyce Systems Renewal

ORDINANCE VIOLATIONS

COMMENTS FROM THE FLOOR

- Complaint on condition of the town – John Hiltenbeitel

ADJOURNMENT

NEXT MEETING – June 20, 2024, 6:30 P.M.

Other Matters Postponed  
Annexation of Utility Customers

DORA

Winner's Circle

Mobile Home Regulations/Ordinance

## SIGN-IN SHEET

MAY 2024 - TOWN OF SUNMAN PUBLIC MEETING

DATE: 05.16.2024 TIME: 9:00 P.M. LOCATION: 604 N. MERIDIAN ST., SUNMAN, IN 47041

Please print your name here

Sign here

K. NORRIS	K. Norris
Carlos Vasquez	Carlos Vasquez
John Hiltzbeitel	[Signature]
Kenneth Campbell	[Signature]
Tommy Burns	[Signature]
Dan Sunderman	[Signature]
Lewis Dorringer	[Signature]
VICTOR ALLEN	Victor Allen
Brett Chandler	[Signature]

## ORDINANCE VIOLATIONS

Please print your name here

Sign here

K. Norris	K. Norris

## UTILITY REPORT

16 May 2024

1. Lead and copper inventory
2. Connor is looking to start apprenticeship in January 2025
3. Received a second quote from layne on water filter and will send over as soon as its clarified
4. No major changes just continuing work as normal



## **APRIL ORDINANCE REPORT**

**4/29/2024- 126 WESTERN AVE- 92.01- DUE 5/9/2024 – COMPLIED**

**4/30/2024- 123 VINE ST. – 92.01- DUE 5/10/2024- COMPLIED**

**4/30/2024- PO BOX 7 SUNMAN- 92.01- DUE 5/10/2024- COMPLIED**

**4/30/2024- 219 TAYLOR ST- 92.01- DUE 5/15/20224- COMPLIED**

**5/6/2024- 1252 GOSHEN PK MILFORD OH – DUE 5/16/2024 COMPLIED**

**4/18/2024-215 JACKSON ST-92.01-DUE 4/28/2024 COMPLIED**

**\* 5/7/2024- 215 JACKSON ST- 92.01- DUE 5/14/2024 NOT COMPLIED**

**3/27/2024- 553 BRICKYARD- 151.016,151.019(B) DUE 3/27/2024  
COMPLIED**

**4/8/2024-305 KUEBEL-92.01- DUE 4/18/2024 COMPLIED**

**4/18/2024-218 NIEMAN ST-92.01-DUE 4/28/2024 COMPLIED**

**4/22/2024-203 N FITCH ST-92.01-DUE 5/1/2024- COMPLIED**

# **SUNMAN POLICE DEPARTMENT**

## **MONTHLY REPORT**

**April 2024**

**Vin Checks- 6**

**Suspicious activity- 7**

**Children services-4**

**Civil dispute-2**

**Traffic stop-16**

**Warrant service-3**

**Arrest- 2**

**Road Hazard-2**

**Fights-4**

**Animal Complaint-2**

**Meetings-8**

**Lock Out- 4**

**Juvenile problem-2**

**Alarms-3**

**Welfare check-9**

**Citations-2**

**Citizen Assist-3**

**Agency Assist-11**

**Accidents-7**

**Ordinance Violations-7**

**Investigations-14**

**Property Damage- 2**

**Utility Issues-2**

**Theft-0**

### **RESERVE OFFICERS HOURS:**

**J. Mosmeier: 21.0**

**D. Davidson:**

**A. Brison: 113.0**

## UTILITY REPORT

16 May 2024

1. Lead and copper inventory
2. Connor is looking to start apprenticeship in January 2025
3. Received a second quote from layne on water filter and will send over as soon as its clarified
4. No major changes just contuining work as normal



## Board Meeting

I'm going to back date my case to early October time, however, we have been having dealing with our neighbor long before October 2023. All of this escalated when LaVerne told Bob we bought a wood splitter, the very next day Bob was on a war path, entering my property belittling, degraded & verbally assaulting me. He has even verbally abused Carlos with his vulgar language on numerous occasions & Brian has come to our house on several occasions b/n October/ December time frame and aware of these incidents. The Bob even went to the office of the surveyor's company that we hired on 2 occasions to tell him that, when the sidewalk was put in, they gave us 2 foot of his property 50+ years ago. Which French said to me, on the phone, that he told Bob that was untrue & my property line, lines up to what it says on our deed and the court records. Bob had been so enraged with anger I avoided my back yard, knowing he has countless amounts of guns and many that don't even belong to him. He has even gone as far as verbally assaulting me in front of the water company staff, 3 to be exact including Brian's son, Nick while I was rationally trying to get an explanation for the reason behind the rust colored water. The list goes on, however, I think I have laid the framework for you. As I fast forward to 3/27- I was in my house when my dogs alerted me to someone at the front door. When I answered the door a public servant was standing there w/ a tablet in his hands( which I had not called) so he violated my trespass signs. I asked if I could help him? He stated that they got a call about debris in my yard. I said, well you are aware we did have 50 MPH winds last night, right? He said, yes, however, he would walk around my property & take pictures of debris and give us a citation and ordinance. Then, if I don't comply a ticket will be issued violating my 8th 9th & 10th amendment right. I said, hold up debris is trash and Carlos just fed the chickens, so I think if we had trash in our yard, he would have picked it up, I'll go with you. As we began down our driveway, the public servant! I'm going to call you by your name since we are equals, is that okay with you, Zack? He made a statement about my car being newer, so do I have tags for it. I said, yes, and explained why they weren't on it. Zack continued on and came to the back of my house (as it still hadn't clicked), however, it almost felt, as if he was directed to that location. He took a picture of the direction of our trash can, recycling can to the left, then our toilet with the lid on it, in the center and to the right is our bbq up against our home. I tried to explain to Zack that we were in the process of remodeling our bathroom when all that came about with the



neighbor & we had to put the privacy wall up. I'm questioning Zack about who sent him? All Zack could say is to call the Marshal, he's at the office now! Then, it clicks, someone sent Zack and he was there under false pretenses. At that time, I told him to get off my property not once, but twice and Zack still wasn't doing so, til I banged at my back door for Carlos while telling Zack to get off my property for the third time. By that time Carlos came out Zack was standing on the sidewalk, calling for back up, then waiting for Brian & Johnathon show up. At that time Zack showed Brian a picture of our toilet with the lid intact & states can I write them a ticket threatening my 8th 9th and 10 amendment rights with excessive fines with no grounds of a crime had been committed? Brian says, just a citation & ordinance letter with 60 days notice. Brian deemed it to be trash- however, trash is something that is broken or unusable which our toilet is neither. I went on to tell Brian, if we didn't have to pay to have a stupid wall being installed, I got cut off! Brian thought the wall was nice. Carlos made a statement the toilet hasn't hurt, harmed or killed anyone, so what is the problem? While I was talking to Brian about this being private property & vehicles don't need to be registered. He disagreed and states that the town has new board members & they are getting strict on violations. While speaking to Brian, Zack scales the outside of my neighbors house and takes pictures of our vehicles that aren't registered ( violating my 4th Amendment while no crime had been committed nor a search warrant issued by a judge or Magistrate to deem probable cause ) I told Brian that was a violation of our rights & Brian reassured me that it wasn't, ignorance to the law does not excuse misconduct by anyone, least of all a sworn office of the law. I asked, Brian who called, you guys.? He said and pointed to Bob's house. Which we knew already! It clicked Bob, thru taxpayers money employed the public servants to come to my house and harass us when no crime, no injury or death has been committed & violated our no trespassing signs to charge us with crimes, when no crime had been committed, to violate our Constitutional Rights bc Bob doesn't have access to do so with our privacy wall. I told Brian how about Bob having a tarp covering a boat with trash/debris stuffed on top of & inside the boat? Brian stated, his boat is registered, so that's legal and it's covered. Brian said, he'd go over there with Zack & document by taking pictures, however, they only went to the edge of our property line looked, however, I could see them thru my living room window, but never went onto Bob's property to write him citations, ordinance, harass or violate his Constitutional Rights. Violated 4 of my Civil Rights

on several occasions, under the 14th amendment of Equal Protection Clause, encroached on & our fundamental rights they felt they had the power to infringe on, this was the abuse of power by all three public servants that came to my house. Might I add Zack gave us 56 days in the notice vs 60 days as stated on the full size 8.5x11 paper.

I'm going to state my case against these citations and ordinances that were pulled from the BMV handbook.

We live by Common Law. I have the right to travel freely on covered pursuant of SHAPIRO v THOMSON and those rights are so basic, it doesn't even need to be mentioned. The state of Indiana arbitrarily erroneously converted my rights into a privilege & issued a license plate & a fee for it. MURDOCH v PENNSYLVANIA states, no state may convert a secured liberty into a privilege & issue a license & a fee for it. If they do, SHUTTLESWORTH v BIRMINGHAM, ALABAMA says I can ignore the license & engage in a right w/ impunity and MILLER v U.S. Supreme Court claims that we can exercise our Constitutional Right that CAN NOT be converted into a crime which means I can't punish me.

. Therefore, if retaliation begins against me or any of my family members, charges will be filed against these public servants.

SHAPIRO v THOMSON 394 U.S. 618, 89 S. Ct 1322, 22 #33, (1969)

MURDOCH v PENNSYLVANIA 319 U.S. 105, 63 S. Ct 870, 87, (1943)

SHUTTLESWORTH v BIRMINGHAM, ALABAMA 394, U.S. 147, (1969)

MILLER v U.S. 230 F, 486, 489 (1939)

Retaliation cases just to name a few:

NIEVES v BARTLETT (2019), HARTMAN v MOORE (2006), and LOZMAN v CITY OF RIVIERA BEACH, FLORIDA (2018) just to name a few.