



Corporation Counsel
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October 3, 2016

**Legal Report
 For September 2016**

During September, 2016, the following areas of note were addressed by the Corporation Counsel's office:

Council

Attend PreCouncil, conference to DD, Engineering regarding projects; Discussion with CC regarding Human Relations Commission Foundation; email to Foundation regarding updated website information for Municipal Equality Index; Multiple emails with City IT team regarding needed revisions to liaison contact page; Attend Council meeting, conference with members; attend PreCouncil meeting, conference with members, dept. heads; Research and draft memo on current civil rights expansion, research regarding expanding protected classes, memo on expanding code regarding gender identity, veteran status, sexual orientation; Prepare and revise memorandum regarding modifying our ordinance to include sexual orientation, gender identity, gender expression, and veteran status.

Condemnation status updates:

Bhatia	9 N. Salisbury	Mediation set for 10/20.
Chase Bank	210 W. State	Stip for dismissal filed and order on 9/19.
Cochran	200 S. River Road	Agreed order sent to adverse counsel. F/u on Agreed order 10/3. Next status conf. 10/17 9am.
MSPI	400 S. Grant	Paid and recorded.
Phi Delta Theta	503 W. State	Paid and recorded.
Schroeder	400 S. Chauncey	PTC 10-11 at 11:30 and Jury trial scheduled for 11-21 at 10am.
Shen	Tapawingo & River Road	Working on agreed order.
River Market	Approx. 221 E. State Street	Hearing for 10-24 at 10am.

Board of Works

Attend BOW, conference with Mayor and dept heads regarding South Street, records requests; Attend Dept. Head meeting; Prepare for and attend meeting with Corp Counsel and Engineering to discuss cell tower issue; Meeting with same parties and Mobilitie representative; email to Area Plan Commission Attorney Seeger regarding zoning questions; Conferences regarding small cell towers with Engineering, DD, Mobilities, Mayor, consider alternative regulation from other municipalities, review same; Attend BOW, conference with staff and Mayor regarding staff transition and conference staff regarding public notices, conference with P. Jones esq regarding memo regarding same; Research and draft guide regarding notice of municipal actions; attend to e-verify issues, public records request, task associate for purchasing and Public Works manual changes; Review email from Human Rights Campaign Foundation staff; email to HRC Chairs and Mayor regarding status of updated draft scorecard; Attend BOW, conference with members, dept heads, Mayor, engineering staff; Research of Indiana Code relating to public purchasing, memo regarding same; Conference Mayor, attend BOW, conference with department heads regarding transitions necessary in re PWD; Research and prepare memo regarding Public Works; Research and memos regarding public works and purchasing; Attend BOW, conference with CE and Mayor regarding pending projects, quote requirements in emergencies; Review email from Doug Masson regarding Wireless Utility, phone conference with Doug Masson regarding Wireless Utility meeting; Conference with Mobilities, Engineering staff regarding small cell tower regulations, conference with Mayor; Review Fishers ordinance regarding ROW, meet with counsel from Tippecanoe County units of government regarding Micro cell tower legislation, conferences with associate regarding HRC ordinance; Meeting with Associate to discuss Ordinance draft for Wireless Utilities; Review relevant UZO provisions, Ind. Code 8-1-32.3 et seq., Fishers and Bloomington Ordinances in preparation for Small Cell Tower meeting, Review right-of-way laws; Meeting with County Attorney, APC Attorney and Lafayette City Attorney regarding wireless utility legislation.

Police Merit Commission: Attend PMC meeting; Compile and update Applicant Eligibility list; email correspondence with D. Rollock; Review and edit priority of hiring list review minimum requirements in Rules of PMC.

Development

State Street Project – Attend to Miller Building encroachment issue; Draft correspondence to Steve Schultz regarding the Miller Building Encroachment. Also, review Encroachment Agreement and discuss agreement with CC; attend to Miller Building Encroachment issue and JB/Plenary involvement; Attend to McCormick/MacArthur easement vacation via several emails and review of GIS map; Telephone call from T. Storey esq regarding Sparkletone, email to PWD; Review return of service from Minnesota SOS regarding Chase; Draft extinguishment language for grant of encroachment regarding Miller Building; Redraft Agreed Order for Cochran, telephone call from T. Bedsole esq regarding Chase and entry of dismissal, conference with staff regarding same; Attend to encroachment agreement through edits and emails with adverse and JB; attend to Koch appraisal analysis in Schroeder, review all pending condemnations for completion, correspond to adverse in Bhatia; Research in Schroeder matter regarding Realtor opinion in condemnation matter; Review documents in River Market project, specifically review Right of Entry provided by email from opposing counsel Munden; Legal Research and

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memo regarding property owner's appraisal expert and report; Court appearance in Cochran; Review State Street files, conference with DB and Controller, task staff regarding transition issues for project, JB, Management team; Email with opposing attorney Munden regarding River Market taking; Draft email correspondence to opposing counsel on River Market taking, discuss with CC and review opposing counsel's proposed right of entry with revisions; attend to various claims in regard to JB payments, review and approve Order in Shen, Review documents specifically the right of re-entry from opposing counsel on River market; task paralegal to get modified version of the right of entry to client.

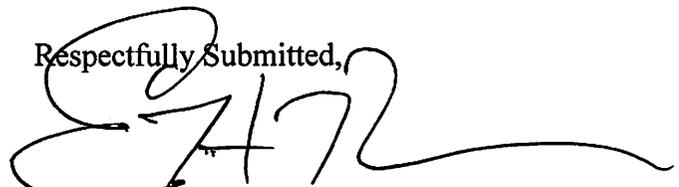
Wastewater Utility

Telephone call from J. Teusch of Greely & Hansen, revise drafted release in RL Turner case; Email correspondence with D. Henderson and M. Einterz about finalizing the settlement agreement and mutual release in the contract dispute; Attend to numerous closing details on RL Turner; Review and transmit escrow release from RL Turner; Telephone call with client regarding persons with past-due bills, send correspondence to Rhonda Wade regarding Watkins, draft complaint; Review and respond to R. Wade re Wastewater unpaid accounts; meeting with Associate to discuss collection issues and Fair Debt Collection Practices Act; Draft correspondence to Rhonda Wade over letters to be sent to delinquent users regarding waste water bill, reviewed invoices and tasked paralegal; Review conferences with Mayor, Controller, CE regarding BANS for sewer project, obtain signatures after review; Email correspondence to Rhonda regarding delinquent users; review letters; Telephone conference with Michelle Armes regarding bill payment.

Code Enforcement

Conference with Fire personnel and FC, C. Weida regarding Hodson's Bay, conference with associate to draft; Phone correspondence with E. May Esq. for respondent in ordinance violation case against Yiyao Qu, email correspondence with Cpt. Sparger about the case, review documents from the City and from attorney E. May, review city code; Draft letter to owner of Hodson's bay regarding violation of municipal code; Meet with Ofc. Miller, Dearing, Stifler and Gosney about the ordinance violation case against Qu and Wang, phone call to witness C. Hess about the case; Draft & revise letter to Hodson's Bay Co. regarding municipal code violations.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'EHB', with a long horizontal flourish extending to the right.

Eric H. Burns
Corporation Counsel