

REGULAR SESSION MINUTES
LOGANSPOUR BOARD OF PUBLIC WORKS AND SAFETY

Wednesday, August 5, 2020

9:00 AM – City Council Chambers

- CALL TO ORDER:** Mayor Chris Martin called the meeting to order at 9:00 a.m.
- PLEDGE OF ALLEGIANCE:** The pledge was recited in unison.
- ROLL CALL:** Duane Ullom, Clerk-Treasurer
- PRESENT:** Mayor Martin, Stacy Cox, Lisa Terry.
- ATTORNEY PRESENT:** Kelly Leeman
- MEDIA:** James Wolf
- OTHERS PRESENT:** Janet Fawley, Arin Shaver, Tony Shanks, Dave Morris, Johnny Quinones, Robert Barnes, Kelly Barnes, Jerald Smith, Dahrol Perry, Wayne Erwin.
- APPROVAL OF MINUTES:** Minutes of the July 29, 2020 Meeting
Motion: to approve the Minutes from July 29, 2020, as presented **Action:** Approve, **Moved** by Mayor Martin, **Seconded** by Stacy Cox.
 Motion passed unanimously.
- APPROVAL OF CLAIMS:** \$165,013.59 Including: Claims \$57,113.57
 Police Pension Payroll \$43,800.13
 Fire Pension Payroll \$64,099.89
Motion: to approve the claims as stated, **Action:** Approve, **Moved** by Chris Martin, **Seconded** by Lisa Terry.
 Motion passed unanimously.
- VISITOR COMMENTS:** None.
- OLD BUSINESS:** None.
- NEW BUSINESS:**
- Contracts/Agreements Jan Fawley
 - Rundell Ernstberger Associates

- **Huston Park Phase II Improvements: Amendment to April 2, 2019
Contract for Schematic Design Services**

Jan came forward to present this contract stating this is a new design services contract for the dog park at Huston Park. The money being used is left over from the Huston development fund. Originally there was around \$19,000 left over after the park was built and that money has been used to keep the park in good shape. Now, moving toward Phase II at Huston Park, the dog park is the next item on their agenda. Rundell Ernstberger initially designed the park including documentation. Currently, the charge is for design, with a small group of people, to present to the public and, also, to help come up with the cost estimate for fundraising. The Human Society has been interested in helping and Jan is hopeful they will do the bulk of the fundraising. Stacy asked Jan if there has already been a fundraiser for the park. Jan is unaware if they have but said she wouldn't be surprised if they had. The Park Board is supportive of moving forward on the dog park. Lisa Terry agrees that the Human Society is a good partnership to work with. Stacy confirmed this was not to exceed \$6500. Jan stated that was all she had. Stacy asked Duane to confirm. Duane confirmed that is accurate. Jan stated there will be more Zoom meetings and an in-person meeting to present to the public. The location of the dog park will be along Smith Street and will not need to have parking added but will need to add electric and water, possibly sewage. Stacy added on Page 2 of the contract, there is a typo on the date. It says August 13, 2020, it should say July 13, 2020.

Motion: to approve the Rundell Ernstberger Associates contract/agreement Huston Park Phase II Improvements, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Stacy Cox. Motion passed unanimously.

- Electrical License
 - Rob Griffith, d/b/a Gaylor Electric

Mayor Martin

Motion: to approve the electrical license for Rob Griffith d/b/a Gaylor Electric, **Action:** Approve, **Moved by** Stacy Cox, **Seconded by** Lisa Terry. Motion passed unanimously.

- Gated Alley

Bob Barnes & Dave Morris

City Council President, Dave Morris, came forward to present this request along with Robert Barnes, 1411 Lobelia Street. Dave presented a map to the board members and Duane displayed it on the monodpad. There is an alley that runs N/S and an alley that runs E/W. The whole area is owned by 3 families. Mr. Barnes owns lots 11-15; Mr. Howell owns lots 5-10; Chris Woodruff owns lots 1-4. Over the years, the E/W alley between Mr. Barnes and Mr. Woodruff has been vacated. Last year, or early this year, the little piece at the top, number 18, was vacated. The

long-time issue is that Mr. Howell has put up three gates on Balsam Street, a double gate, probably 20-foot-wide, from end to end; and 2 gates on the N/S alley, shown on the map. There is one at the corner of Mr. Barnes lot 11, Mr. Howell's lot 5 on the south end. There is another one on the north end. Basically, there is a platted alley that is city owned that is closed most of the time. Mr. Barnes has communicated with Dave, Arin, Tony, and the police. The gates were open again for a time but are now shut again. Dave asked Mr. Barnes to present this to the Board. Lisa Terry asked if the closed gates encloses the owner's property. Dave confirmed. The Mayor and Tony gathered at the mondo pad for discussion clarification. Mr. Barnes stated it was security for Mr. Howell's business vehicles. Mr. Barnes stated he would like to be able to drive behind his business at night and drive out to Balsam Street. Mr. Barnes discussed, from the mondopad, more history of the issue. Arin came forward and stated the gate was also removed, due to violation, during the vacation of the other alley. Mr. Barnes continued his discussion also mentioning a chicken house on the property. Mayor Martin asked Johnny if chickens were allowed in the city. Johnny stated chickens were not allowed in the city. Mayor Martin asked the attorney what their next steps should be in. Stacy asked, since he is blocking a public right-of-way, do they send him a notice, acknowledging the gates and chickens, and for it to be removed. Kelly said he has communicated with Mr. Howell's lawyer and his lawyer is supposed to be working it through with Mr. Howell. Lisa Terry questioned why he thought he could do this. Stacy explained because he owns the property on all sides of it. Stacy asked Arin which alleys were vacated. Arin pointed to the vacated alley on the mondopad. Stacy asked about the other alley. Arin stated the other alley that he asked for, running the other direction, has a NIPSCO line running through it and NIPSCO would not approve the alley vacation without an easement. Arin stated, they were, or are currently, working with NIPSCO on the easement. Arin continued to explain where the 3 gates are placed, on the public right-of-way, which leads to people having to back out or drive through a yard to exit the alley. Arin stated the gate that is on Balsam is open during the day and closed at night. The gate may be on his property when it is open but when the gate is closed it is on the alley. Dave approached the council with a current visual of what Arin was explaining. Arin showed on the mondopad the progression of the property throughout the years. More discussion was held between Dave and Lisa Terry and Arin continued to communicate the property status. Mr. Barnes would like to see it re-stoned. Stacy asked Tony if they had to drive down the alley for brush pickup or anything. Tony stated they pick brush up from the street. Stacy asked if anyone used the alley. Mr. Barnes stated they can't and that people use to use it before it was blocked. Kelly asked when he started blocking the alley off. Mr. Barnes stated "about 15 years ago." Stacy elaborated Arin's pictures were from 2011. Stacy suggested, that after several years and after several people communicated with Mr. Howell, sending a cease and desist notice. Mr. Barnes stated the only thing he is asking is the gates be removed so he can drive through there 24/7. Kelly asked if any other people use the alley. Mr. Barnes stated anyone that uses it has to back out because of the gates. Kelly

asked if people do that. Mr. Barnes stated “once in a while” but Mr. Howell has a private property sign on his first gate and people will just back out. Lisa Terry confirmed people probably assume they are trespassing. Lisa Terry suggested having Mr. Howell come before the Board to communicate with him. Stacy asked if they could send him a request to appear. Kelly stated they could and has talked to his lawyer about doing that. Mayor Martin agreed they should have him come to a meeting in two weeks to have his statement on record too. Kelly stated he feels both property owners should be present at the meeting. Stacy asked if they should invite Mr. Woodruff to the meeting as well. Kelly said whoever has potential interest. Kelly asked if it has ever been staked out where the alley actually is. Mr. Barnes presented Kelly with proof of the land survey. Stacy asked Tony if they have gravel to put stone on the alley once it’s open. Tony said they do.

Mayor Martin asked Mr. Barnes, or someone representing his property, to plan on being at the meeting on August 19, 2020.

- Street Department Tony Shanks
 - Request to use City lot (continuation of Street Closure, 7/29/2020)

Tony came forward to communicate this request. The Mayor presented the request, asking Tony if he had any issues with the request. Tony said no. Stacy noted she did receive a call from Rick Schroder about the parking lot being used. Stacy explained, to Rick, it would be after business hours.

Motion: to approve the request to use the city lot, **Action:** Approve, **Moved by** Mayor Martin, **Seconded by** Lisa Terry.
Motion passed unanimously.

- Application for Curb Cut
 - Corner of 17th Street and Douglas Street
 - Front yard of 404 Howard Street

Tony stated these are both in the right-of-way. Stacy asked if it is to install gas service. Tony confirmed they were both to install gas lines and he has no issues.

Motion: to approve the curb cut applications for the corner of 17th Street and Douglas Street and for the front yard of 404 Howard Street, **Action:** Approve, **Moved by** Mayor Martin, **Seconded by** Stacy Cox.
Motion passed unanimously.

- Parks Department Jan Fawley
 - Park & Golf Mileage Reports

Jan was present to speak on this report. There were two vehicles sold at the auction and she would like to put that money into a semi-new vehicle as a Parks administration vehicle. The mileage for this summer is pretty standard.

Motion: to approve the park and golf mileage report for July, **Action:** Approve, **Moved by** Stacy Cox, **Seconded by** Mayor Martin.

Motion passed unanimously.

- Building Commissioner

Wayne Erwin

- Condemnation Hearing

- 211 E. Linden Avenue (Update)

Wayne came forward to present the update for 211 E. Linden Avenue. Mr. Alder, or anyone representing 211 E. Linden Avenue, was not present. Wayne stated he has not heard from Mr. Alder. He went yesterday to take photos and some of the tree beside the house has been cut. Nothing has been done with the roof over the front porch. The Mayor and the Board reiterated their desire to work with Mr. Alder, and had hoped he would be present with an update and a plan of action. The Mayor asked Wayne what he suggests doing. Wayne stated he has tried to find help for Mr. Alder but hasn't found any sources. Kelly asked Wayne if the house is uninhabitable. Wayne stated the front porch is the only thing he has found and has never been inside the residence. Before COVID, Mr. Alder received a letter about the porch. At that time, the porch had lots of debris on it which has since been cleaned off as best as it could. Wayne stated, that when he posted the letter last week on the porch, the porch was wet. Wayne said there's mold and mildew probably caused from dampness and the porch is in bad shape. Wayne said it's getting to the point where the floor is going to start rotting. Lisa confirmed there could be health issues for anybody of any age that is living there. Wayne confirmed and mentioned contacting the health department. Lisa Terry asked if the problem would still exist if the roof was removed. Wayne confirmed it would but the roof is the main issue with the residence. Kelly asked when the tree fell. Wayne stated it was probably about 3 weeks ago. He thinks the neighbors, where the tree came from, cleared the tree from in between the two houses. Mr. Alder's back yard still has the fallen tree in his back yard and Wayne can't confirm if all the debris that was there before is still there or not. Stacy asked Wayne what his recommendation would be. Wayne stated to condemn the property. Mayor Martin asked if this property was in Amy Densborn's ward. Dave stated he believed it is in ward 3. Wayne stated if the Board condemns the property, he will send the condemnation notice that allows him 45 days to fix the issues. The Board agrees that is a fair amount of time to resolve the issue. Wayne stated he will continue to try and communicate with Mr. Alder.

Motion: to approve the condemnation of 211 E. Linden Avenue, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Lisa Terry.

Motion passed unanimously.

▪ 417 13th Street

Wayne presented this hearing and Jerald Smith, 417 13th Street, came forward as well. Wayne introduced this property stating he sent Mr. Smith a 10-day letter requesting a plan of action. Mr. Smith called Wayne and told him he didn't have any money to repair the house. Wayne suggested selling the property and Mr. Smith said the house was paid for and didn't want to sell. Lisa Terry asked Mr. Smith if he lived in the house. Mr. Smith said yes with his two teenage sons, ages 16 & 17. Stacy asked if the roof is currently leaking. Mr. Smith said yes and it is currently tarped. Mayor Martin asked how long it has been tarped. Wayne said it has been tarped for years. Mr. Smith explained when he purchased the house in 2011 there was a tree next to the house. Shortly after he purchased the house a limb fell on the house and went through the roof. Mr. Smith stated he has not had the money to get it repaired and didn't make a lot of money; all the money he made was going toward paying the house off to own. Mayor Martin asked if he had attempted to find resources to assist with the repairs of the home. Mr. Smith stated he has looked around. He contacted Area Five, who use to have a program to help, but they don't have the program anymore. The reason he hasn't submitted a plan of action is because he doesn't have one but wishes he did. Mr. Smith stated he doesn't want to lose his house. Stacy confirmed they don't want that for him either and also isn't fair to the community, or neighbors, for the problem to be unresolved. Stacy asked him if he has an idea of what he plans to do or attempts to do. Mr. Smith stated he has some thoughts. His original plan, once the house was paid off, was to put the (previous) mortgage money into the house. Shortly after that, he had an accident at work and wrecked his back. Lisa Terry asked him if he was working right now. He said, currently, the only thing he can do physically for long periods of time is drive a cab. Mr. Smith has a friend that lives with him and has had some thoughts and plans and the kids have started working around home too. Lisa Terry asked if they were affiliated with any church or have tried going to the United Way. Mr. Smith's plan is to, if the community will allow it, is to do a better tarp job and cover the open windows to make it look more presentable, while saving money and hopefully have enough to pay for a proper roof job in the spring. Lisa Terry asked if he was aware of any mold issues in the house. Mr. Smith said no, and that he tried to stay on top of that kind of thing. Mayor Martin inquired about the windows that was spoken of and viewed it on the mondopad. Mayor asked if it use to be a duplex and yes, it did use to be a duplex. The Mayor asked what his plan of action might entail. He said he plans to board up the windows and use the entire first floor for bedrooms with vents like a house with an attic would have. Mayor Martin explained the plan of action that they need to see from him. Mr. Smith stated in the next week or two he can have the windows sealed, where the panes are broken, protecting the house from outside elements. The roof probably can't be done until the spring when he has the money for the job. The Mayor asked Mr. Smith to come back next week

with a formal, written, plan of action. Lisa Terry asked Wayne if he could assist him with what is needed. Mr. Smith said he would be here next week. Stacy suggested communicating with the United Way and also contacting the Eel Township Trustee.

Motion: to continue the condemnation hearing for 417 13th Street for one week to 8/12/2020, **Action:** Approve, **Moved by** Lisa Terry, **Seconded by** Stacy Cox.
Motion passed unanimously.

- Code Enforcement
 - Weekly Report

Johnny Quinones

Motion: to approve the Code Enforcement weekly report, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Lisa Terry.
Motion passed unanimously.

- Property Clean-up
 - Rachel Henn or 1117 Helm Street

The date of inspection was completed on 7/8/2020, including pictures, door hanger, and an initial letter. A follow up inspection was complete on 7/17/2020 and issues were unresolved. The certified letter on 7/18/2020 was signed for. There were more pictures taken on 8/3/2020. The property is not listed as owner occupied and is listed as a rental. There has not been any contact with the owner but contact has been made with the occupant.

Motion: to approve the request for property clean-up at 1117 Helm Street and bill the property owner, **Action:** Approve, **Moved by** Mayor Martin, **Seconded by** Stacy Cox.
Motion passed unanimously.

- Jerald W Smith or 417 13th Street

The date of inspection was completed on 6/18/2020, including pictures, door hanger, and an initial letter. A follow up inspection was complete on 7/9/2020 and issues were unresolved. The certified letter on 7/11/2020 was signed for. There were more pictures taken on 8/3/2020. The property is listed as owner occupied and is not a rental. There has been contact with the owner and another occupant, Johnny believes to be his son. Johnny stated there is improper trash and debris that are not inside the trash container along with tall weeds and brush that are along the backside and both sides of the property. Mr. Smith stated the bags that are on the ground, are because the tote is too full and the animals get into it. He said he can leave them inside until trash day to avoid animals getting into it. The mowing he does periodically and does need to mow now. The tall weeds require equipment he doesn't have but needs to get. Mr. Smith also mentioned his work schedule and needing to make the time to get these things done. Mayor Martin asked about his teenage sons and if they are able to work and if they can help. Mr. Smith said they can and one of his boys does help sometimes. He said they are willing to try and

help. Mayor Martin suggested communicating with the United Way to help with the weeds and brush as well. Lisa Terry suggested the options of borrowing or renting the tools needed to complete the job and having his sons and his friends to help and complete the job within an afternoon. Mr. Smith said he would like to see the problem taken care of. Mayor Martin asked if this was something that could be take care of by next Wednesdays meeting. Mr. Smith said the thought it could be.

Motion: to continue the property clean-up at 417 13th Street for one week on 8/12/2020,

Action: Approve, **Moved by** Mayor Martin, **Seconded by** Lisa Terry.

Motion passed unanimously.

BOARD MEMBER COMMENTS:

Lisa Terry stated she likes the fact that they are trying to help the people who show up for condemnation hearings and property clean-ups.

Stacy wanted to let department heads know that the first committee meeting for the Light-Up Logansport parade is at 5:30. The city departments are going to be asked to get involved and are welcome to attend any of the meetings. Stacy plans to send an email out with more information and is excited to still be having the parade.

Mayor Martin wished to acknowledge that the City of Logansport does not control what the school does. The schools opening and doing what they are doing has nothing to do with the City Council, City of Logansport, or Board of Works.

MISCELLANEOUS BUSINESS AND ANY MATTERS NOT ALREADY CONSIDERED INCLUDING ADA SECTION 504 COMPLIANCE OR CONCERNS:

ADJOURNMENT:

Motion: to adjourn the meeting at 10:07 a.m., **Action:** Adjourn, **Moved by** Chris Martin, **Seconded by** Lisa Terry.

Motion passed unanimously.


 Chris Martin, Mayor


 Duane Ullom, Clerk-Treasurer

Audio and video recorded on 8/5/2020