

**REGULAR SESSION MINUTES**

**LOGANSPORT BOARD OF PUBLIC WORKS AND SAFETY**

**Wednesday, February 9, 2022**

9:30 AM – City Council Chambers

- CALL TO ORDER:** Mayor Chris Martin called the meeting to order at 9:30 a.m.
- PLEDGE OF ALLEGIANCE:** The pledge was recited in unison.
- ROLL CALL:** Duane Ullom, Clerk-Treasurer.
- PRESENT:** Chris Martin, Jacob Pomasl, via phone Lisa Terry.
- ATTORNEY PRESENT:** Kelly Leeman.
- MEDIA:** None.
- OTHERS PRESENT** Ray Bean, Christy Bean, Madyson Clem, Kevin Price, John “Tony” Shanks, Bryan Gleitz, Bob Bernhardt, Randy Ulery, Rick Bair, Dahrol Perry, Travis Yike, Shawn Heishman, Rob Rennewanz, Janet Fawley, Jamey Harper.
- APPROVAL OF MINUTES:** Minutes of the February 2, 2022 Meeting

**Motion:** to approve the Minutes from February 2, 2022, as presented, **Action:** Approved, **Moved by** Jacob Pomasl, **Seconded by** Lisa Terry. Motion passed unanimously.

<b>APPROVAL OF CLAIMS:</b>	\$324,331.72	Including:	Claims	\$89,534.22
			Payroll 2/3/22	\$234,647.50
			Police Pension Claim	\$150.00

**Motion:** to approve the claims as presented, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Jacob Pomasl. Motion passed unanimously.

**PUBLIC COMMENT:**

**OLD BUSINESS:**

**NEW BUSINESS:**

**Motion:** to move the Police Department to the first item under New Business of the agenda, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Jacob Pomasl. Motion passed unanimously.

- Police Department Travis Yike
  - Officer Retirement
    - Lieutenant Ray Bean – effective 2/10/2022

Chief Yike came forward to present the letter of retirement of Lieutenant Ray Bean, after more than 32 years of service. Lt. Bean has served in many roles including patrol officer, Lieutenant of Patrol, Detective, Sgt in Detectives, Lieutenant of Detective Division and Traffic Officer to name a few. He was also instrumental in the department's Chaplin program and served as the department's internal Chaplin. Lt. Bean has tremendous knowledge, leadership, experience and over all trust within the community and will be a hard loss. The retirement date will start on February 10, 2022, at the close of business.

Lieutenant Bean came forward. He communicated his appreciation to the city for what they have done for him and his family as far as the job and career that has led to a lot of different things. He reiterated what the chief stated about the community knowing Lt. Bean. Lt. Bean recognized the community for the impression they have had on him. He is ready to retire and see what is in store for his next chapter.

**Motion:** to approve the Officer Retirement of Lieutenant Ray Bean, effective 2/10/2022, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Jacob Pomasl. Motion passed unanimously.

- Retention of Department Issued Glock 17 Duty Weapon

Chief Yike requested retention of Lt. Bean's personal department issued Glock 17 duty weaon.

**Motion:** to approve the Retention of Department Issued Glock 17 Duty Weapon, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Jacob Pomasl. Motion passed unanimously.

- January 2022 – Monthly Report

Highlights from the month of January 2022 for the Police Department include 26,724 total miles driven, 701 calls for service, 90 arrests, 50 citations, 272 warnings, and 288 traffic stops. The Detective Division investigated 14 cases and closed 11. The Cass County Drug Task Force investigated 24 cases with 15 arrests made. Animal Control responded to 32 calls within city limits.

**Motion:** to approve the January 2022 Monthly Report for the Police Department, as presented, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Jacob Pomasl. Motion passed unanimously.

- Contracts/Agreements
  - Zamorins Solutions

Jan Fawley

Jan came forward to communicate about the agreement with Zamorins Solutions. She explained this is a plan to use software, that can be done on a tablet, for our playgrounds. They already have all the playground components cataloged and is easy to track. There are monthly inspections, weekly and biweekly inspections on playgrounds; but the monthly ones are the ones that need to be formally documented. This will help us do that. Jan stated they already have a tablet to work with. Mayor Martin asked if this was in the Parks budget. Jan confirmed this will come out of Parks Contractual Services.

**Motion:** to approve the Contract/Agreement for Zamorins Solutions, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Jacob Pomasl. Motion passed unanimously.

- Food Truck Located at 1304 E Broadway

Jamey Harper

Jamey came forward and communicated back in August of 2021, the food truck was approved to be put on the road in front of 1308 East Broadway. They own the store at 1304 East Broadway. There have been multiple complaints about not being able to see when crossing Broadway at 13<sup>th</sup> Street. There was a letter sent in December, asking them to move the truck, and if unable to comply, to attend the Board of Works. There were more complaints; on January 25 there was another certified letter sent. There was a signature confirming receipt of the letter. The letter stated they needed to appear or call to remedy the issue. There has been no contact with the owners of the food truck. Mayor Martin stated he has given Deputy Pomasl, Kelly, and Lisa the pictures via email, that were submitted by a City of Logansport citizen. On these pictures it shows the food truck is not parked at 1308 East Broadway and significantly interferes with the view of safety for those who cross at that intersection. The mayor stated he worked with Tony on putting a no parking sign on the grass because they were parking their truck on the grass area on the side street. At this point, they have tried everything and been given multiple opportunities. Mayor Martin visited the truck multiple times and informed the owner if there is an issue, for him to contact one of the department heads listed. He issued everyone's business cards to him at that time. As far as the mayor knows, there has not been any contact from the food truck owner. Mayor Martin motioned to not allow the food truck, located at 1304 East Broadway, to be parked on the city streets. Jacob asked if this revokes their permit. Jamey acknowledged they have a temporary use permit for nine months of the year that they received in August. She stated she is unsure if they received a new retail food establishment permit that she believes are only good for the year and would have expired on 12/31/21. Kelly mentioned it doesn't look like a truck, Jamey stated it is a trailer, Kelly stated

that would have different rules. Jacob inquired what the procedure would be to have them removed from the street. Jacob asked if this motion is passed, would that mean it can be towed. Lisa wanted to be clear that all forms of communication have been extended and inquired if the forms are in English or Spanish and offers their communication. Mayor Martin acknowledged there is Spanish information offered at the end of the letters, Jamey confirmed it offers information for them to contact the Office of the Planning/Zoning Department. Mayor Martin acknowledged that nobody is present today to represent the food truck. Lisa communicated that she would rather people be present to represent themselves and seconded Mayor Martin's motion. Kelly asked if they received permission to park at 1308 East Broadway. Jamey confirmed, because it is closer to the alley; Duane confirmed the Minutes read they will be parked by the alley. Jacob confirmed the Minutes say closer to the alley but wondered if the permit said 1304. Jacob read the Application for Temporary Use says 1304 East Broadway on road; the minutes from the meeting it was approved and states closer to the alley with permission from those people. Jacob stated the Food Establishment Permit also says 1304 East Broadway, but it also expired on 12/31/21. Kelly inquired if there was a permit procedure when they were given permission to be at 1308. Jacob reiterated they were told "you can park here but park closer to the alley." Duane stated that it was noted at the time that it was possibly going to cause a problem and asked to move toward the alley to avoid any interference with the stop sign. Kelly stated he thinks there is a statute and/or ordinance that regards being a hazard to traffic. He mentioned someone from the police department communicating to them about being ticketed; having tickets issued for violation due to the vehicle of that size blocking traffic. He stated he was unaware of this issue before this morning. He is unsure if they can be told that they cannot park at any place, and mentioned having something different, referring to semi-trailers and trying to keep them from parking on the streets. Kelly stated he is unsure what the code sections are or what the statutes are about this particular issue. Jacob stated the temporary use is clearly for Friday, Saturday, and Sundays. He does not believe they are operating outside those times; it is just parked there all the time. Jamey asked if they have been leaving the truck there all week. Mayor Martin stated they have been operating it Friday through Sunday, but again, are not doing what they were asked to do, which was park closer to the alley. He continued explaining the truck owners have refused to contact or make contact with city employees, and refuse to follow the order. Mayor Martin inquired to the sense of having the Board of Public Works and Safety if it did not follow through making sure the citizens are safe. Kelly asked if they could follow up in one more week. Jacob acknowledged that would allow them to review the proper procedures on how to enforce it. Mayor Martin denied that request. Jamey stated, in the first letter, since it is a zoning, it says they can start a citation process. Mayor Martin mentioned the city has code enforcement and the police department and they should just ticket the truck owners. If they cannot ticket them, throw it away; this is an order by the Board of Works and Public Safety who is here to enforce and make sure these things are followed. The truck owners are ignoring city officials and now is the time for repercussions just like doing with the property clean ups. Jacob acknowledged he is clear on the procedures for the property clean ups.

**Motion:** to no longer allow the food truck located at 1304 East Broadway to park on the city streets, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Lisa Terry. Motion passed unanimously.

- Street Department
  - January 2022 – Monthly Report

Tony Shanks

Tony came forward to review some highlights of the Street Department's January 2022 Monthly Report. This includes 134 loads of brush picked up; 5 emergency call outs all winter weather related; almost 100 hours of overtime were worked; the electric was updated at the College Street building, garage doors were installed, windows were covered. They are beginning to prepare for the siding to be put up when weather allows it. There were 323 hours of spreading salt and sand on the roads; almost 100 tons of salt delivered and 600 tons of sand delivered. There were 127 hours spend removing brush at Dykeman Golf Course. They assisted LMU by removing the brush from the trees LMU cut down.

**Motion:** to approve the January 2022 Monthly Report for the Street Department, as presented, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Jacob Pomasl. Motion passed unanimously.

- Dumpster Request
  - 1502 Spear Street

Tony stated this is an extension for a dumpster that has already been approved.

**Motion:** to approve the Application for Dumpster Request at 1502 Spear Street, as presented, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Jacob Pomasl. Motion passed unanimously.

- Applications for Curb/Street Cut
  - NIPSCO – North of centerline of Chase Rd, west of centerline of new drive to building

This is to install new gas service to the new school and is in the right-of-way. Tony acknowledged he is okay with the request being made.

**Motion:** to approve the Application for Curb Cut /Street Cut for NIPSCO, as presented, **Action:** Approve, **Moved by** Chris Martin, **Seconded by** Lisa Terry. Motion passed unanimously.

- Code Enforcement
  - Weekly Report

Randy Ulery

Randy came forward. Last week there were 11 new trash violations issued and 20 cleared There are 22 extensions pending. There were 0 vehicles tagged, towed, or cleared and 7 extensions pending. There is 1 new notice to appear and 3 properties have appeared before the Board of Works.

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

- Requests for Property Clean Up
  - 101 Lockwood St or Rodolfo A Sanchez

Mayor Martin asked if anyone was present to represent this property. Nobody came forward. Randy stated this initially started on 1/5/22. This is a multiple violation property. At this moment, it is cleared. It is here because of it being a multiple offender. The iWorx report shows previous violations include one in November and then again in January. This is a rental property. Mayor Martin asked for any suggestions and reviewed details with Lisa. Kelly asked if they think they did not have to come because the property is already cleaned up. Jacob agreed that may be why they are not present. Mayor Martin asked Lisa what her suggestion would be: to place a fine on the property or give them another chance. Jacob acknowledged that the letter reads for them to show up regardless. Randy stated these letters were hand delivered. Lisa stated she agrees with Jacob with the set level of attendance to allow an explanation. With people not representing their properties it is hard for the board to want to work with them. Mayor Martin agreed. Jacob acknowledged violations before November were with a different owner. Randy confirmed. Jacob asked how they have been with getting their property cleaned up. Randy stated both of these were done by bulk pick-ups. Jacob asked if this was just set out really early. Randy stated they were set out two to three weeks before their scheduled bulk pickup. Randy acknowledged the first one could have been a misunderstanding but he sends a slip with every letter stating when bulk pickup is and what they can send. Mayor Martin asked if this is in English and Spanish. Randy confirmed it is. Jacob noticed the mattresses and asked if they were wrapped. Randy stated he believes the first one was a couch that was set out. Randy stated, what they actually did was put the couch up to their porch. Jacob asked if this could be tabled to try and make contact with the owners. Randy stated he has made communication attempts to no avail. These were properties that were suppose to appear last week on the 9<sup>th</sup>. Randy said they hand delivered the letters to appear because of the change of date. He taped the letter onto the door if no one answered. Jacob inquired, the first violation letters were sent to the address of record, Randy confirmed and acknowledged both letters being sent to the property. Jacob asked if he also dropped a letter off. Randy confirmed. Jacob mentioned he is not totally for just letting people off when they do not show up; notice there may have been a change of ownership more recently. Randy stated he is not 100% on that but knows it is recent. Jacob stated he would rather work with the owners as they are not the violators from 2015. He asked Randy what he thinks about it. Randy suggested a small fine. Mayor Martin suggested \$250. Jacob asked what the parameters are, if there is a minimum up to \$500. Kelly stated \$5,000 is the maximum that can be imposed. Mayor Martin asked if there is a minimum. Randy

stated he believes it is \$500 to \$5,000. Kelly suggested allotting the fine with the opportunity for them to appear next week to communicate with the city. Jacob mentioned allowing the owners the opportunity to appeal the fine at the meeting. Mayor Martin stated if they do not show up, they will have the fine. Jacob acknowledged with these smaller violations he would like to make an extra attempt to give the opportunity to work with them. He agrees with setting the fine at \$500 with contingencies. Randy mentioned they give them a two-week notice to appear at the Board of Works meetings

**Motion:** to place a \$500 fine at 101 Lockwood St., contingent on their appearance at the Board of Works meeting two weeks from today, 2/23/21, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed, 2-0.

- 223 Montgomery St or Steven F & Victoria J Atkinson & Step Robertson

Mayor Martin asked if anyone was present to represent this property. Nobody came forward. Randy stated this also started on 1/5/22 with mattresses, trash, and junk laying around. This, too, was supposed to be presented at last week's meeting and was extended to this week. There was a hand delivered letter to the property acknowledging the extension. The owners have contacted the office but did not leave a call back number. At the time, they called anonymous stating it was in regards to 223 Montgomery. Randy has made attempts to reach them. At this time, the issue is unresolved and also buried in snow. Jacob mentioned this looks like it is likely owner occupied. Randy confirmed and stated there are three names listed on the property. Mayor Martin acknowledged their last violation was in August for mattresses, grass and weeds. Randy believes they moved everything from the August violation to inside their fence and just recently just brought it back out.

**Motion:** to approve the request for property clean-up at 223 Montgomery St., **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- 121 E Linden Ave or Joshua A & Samantha L Rider

Mayor Martin asked if anyone was present to represent this property. Nobody came forward. Rob came forward to communicate regarding this property. Randy stated they have had multiple issues with this property but the owners took care of it. They recently, basically, walked away from this property. All letters and certified letters have been returned. As of this morning, Rob was able to get a forwarding address and the owners will properly be notified of everything going on with the property. Rob stated he is in the process of notifying them of condemning the house as it is not livable. Rob acknowledged, at some point, the property does need to get cleaned up. Mayor Martin mentioned it being along the river. Randy confirmed, and explained they would like to give this property an extension until 2/23/22 if possible, to allow time for Randy and Rob to properly communicate with the owners. There has been multiple attempts made to reach them, communication in the past, but the phone numbers Randy has are now disconnected. Jacob inquired if the extension was for them to show up at the meeting.

Randy confirmed. Jacob asked if an extension has to be given on the clean up or can they order the clean up pending their appearance at their next schedule meeting. Randy stated all the information they have tried to get to them, they have received back. Jacob inquired if this is ordering the property cleanup but doing what was done with the other people to give them an opportunity to show up with explanation and to avoid a fine. Randy stated there are more issues that are going on with this property and contact is important with this owner. Jacob mentioned having the property cleaned up in the meantime. Randy stated they have the proper address and have communicated with the post office. The property owners will have the letters with plenty of time to know they need to appear. Jacob stated he still wants the property cleaned up instead of waiting three weeks to do so. Randy and Mayor Martin agreed. Lisa stated she has visited this property and said it is absolutely deplorable. Duane confirmed, they are approving the property clean up in motion, Mayor Martin confirmed and included "with an extension for them to show up on the 23<sup>rd</sup>." He explained they still need to show up on February 23 to explain why their property has been like this. Jacob reiterated; they are ordering the property clean up but extending the multiple violations. Duane clarified, the fine on the property that could be placed is being extended. Jacob and Chris both concurred. Lisa inquired, knowing these people are out of state and could be anywhere, up to \$10,000 in fines and clean up fees, how would one go after them to collect their fees. Kelly stated there are companies that these kinds of things can be turned over to that will pursue people. Usually, owners of properties like this change jobs, avoid garnishments, court gets involved, and then if they move out of state it multiplies the problem. The lien on the property is most likely the solution. Getting it cleaned up and putting the lien on it right away before someone else buys it so the fine can be collected. Because this is on the river, it should have some intrinsic value even with the property being in bad, horrible, conditions. Randy stated that is part of the reason why they want to make contact with them. Kelly asked if they moved out of state. Rob stated they moved to Alabama. Mayor Martin feels like due diligence is being given on the fine to make sure contact is made.

**Motion:** to approve the request for property clean-up at 121 East Linden Avenue with an extension for them to show up at the Board of Works meeting on 2/23/22 to avoid a possible fee. **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- 638 Grove St or Angela Bullington

Mayor Martin asked if anyone was present to represent this property. Nobody came forward. Randy stated this also started on 1/5/22 with mattresses, trash and debris on the property. They did move everything to under the carport but the mattresses are still sitting there. In the picture taken on 2/7/22, you can see it is all still there. Mayor Martin reviewed the previous violations. Jacob inquired, if they close the garage door what would be in violation. Randy said if the door is closed then it cannot be seen. And a violation would not be sent. Randy stated it is a carport without a garage door. Jacob asked if it is a carport. Randy stated he believes it is. Duane inquired if a carport would be the same as a porch. Mayor Martin inquired, even though this is in the garage, we can see it, how can it be cleaned up. Kelly stated he does not really

have an answer. They need to be cautious as that includes going inside. Looking at the picture, it is more than just a porch; it has 3 sides. Kelly asked Randy if it has a door that comes down, Randy stated no. Jacob said it looks like the right side is open making it only two-sided. Randy confirmed it is. From the gallery, Tony stated at one time he knows there was a tarp up that covered it. Randy confirmed. Jacob explained, regardless of whether they can go inside that part, there are still tires and possibly some building material out there. There is still reason to order the property clean up. Kelly stated he would order the property clean up with not to go in garage; only things that are setting outside. This will incorporate an expense and may encourage another tarp. Jacob asked if this is one that they could issue a fine, try and impress upon her to show up. Randy stated she has called into the office and he has called and left a couple messages with her as well in trying to make contact. Lisa acknowledged she needed to hang up from the meeting. Mayor Martin suggested putting a \$2,000 fine on the property at 638 Grove Street if they do not show up on February 23<sup>rd</sup>. Jacob agreed with that and included the property clean up being ordered without going onto the carport.

**Motion:** to approve the request for property clean-up at 638 Grove Street for anything outside the carport, with a \$2,000 fine if the owner does not show up for the Board of Works meeting on February 23, 2022, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

#### **BOARD MEMBER COMMENTS:**

Jacob thanked the Street Department for all the work they did last week and said it was done really well. Traffic lanes were open and able to be traveled. He acknowledged issues in other places across the state and said we are very fortunate to have the Street Department running the show here. Mayor Martin agreed and included everybody in the city: Parks Department, LMU, Street Department, Police and Fire. He said it was an amazing come together during this storm and thanked everyone for all their hard work.

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

#### **ADJOURNMENT:**

**Motion:** to adjourn the meeting at 10:18 a.m., **Action:** Adjourn, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.



Chris Martin, Mayor



Duane Ullom, Clerk-Treasurer

Audio and Video recorded on 2/9/2022.