

REGULAR SESSION MINUTES

LOGANSPOUT BOARD OF PUBLIC WORKS AND SAFETY

Friday, August 12, 2022

9:30 AM – City Council Chambers

CALL TO ORDER: Mayor Chris Martin called the meeting to order at 9:33 a.m.

PLEDGE OF ALLEGIANCE: The pledge was recited in unison.

ROLL CALL: Duane Ullom, Clerk-Treasurer

PRESENT: Chris Martin, Lisa Terry, Jacob Pomasl.

ATTORNEY PRESENT: None.

MEDIA: Karen Stearns.

OTHERS PRESENT: Bob Bernhardt, Brian Hyder, Kelly Shriver, John “Tony” Shanks, Marietta Snow, Dahrol Perry, Janet Fawley, Rick Bair, Shawn Heishman, Randy Ulery, Jamey Harper, Rob Rennewanz, Juan Podilla.

APPROVAL OF MINUTES: Minutes of the August 3, 2022, Meeting

Motion: to approve the Minutes from August 3, 2022, as presented, **Action:** Approved, **Moved by:** Lisa Terry, **Seconded by:** Chris Martin. Motion passed, with Jacob Pomasl abstaining.

APPROVAL OF CLAIMS:	\$669,980.62	Including:	Claims	\$118,147.36
			Payroll 8/4/2022	\$255,034.08
			Blitz	\$82.93
			Grant Claims	\$156,397.80
			Ord 2018-19 YMCA	\$100,000.00
			TIF East End	\$28,318.45
			Fire Pension-Death Benefit Claim	\$12,000.00

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

PUBLIC COMMENT:

OLD BUSINESS:

- Building Commissioner
 - Raul Cordoza, 2029 East Market Street (Update)

Rob Rennewanz

Rob came forward. He stated this can be released from the condemnation order. Yesterday, he was putting siding up and getting himself where he needs to be. Rob mentioned the picture on the mondo pad, and the update of siding being added. Rob suggests releasing him on this order with no fine. Jacob asked if any action needs to be taken on this. Rob stated no, just releasing the condemnation.

- Salvatore Moore, 330 Godfrey Street (Update)

Rob suggested placing the fine on this property. Not much has been done; only added rafters on the front corner. He has cleaned up the fire part of the corner beside the meter box. Pictures on the mondo pad show the work that has been complete. He has not decked it, roofed it, or done anything on the windows. Mayor Martin stated this was tabled for 8/6/22. Rob confirmed, acknowledging more than 30 days have been given for compliance. Mayor Martin read through Building Inspector history with this property.

Motion: to approve a \$2500 fine on the property at 330 Godfrey Street for the unsafe structure, **Action:** Approve, **moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

NEW BUSINESS:

- Building Commissioner
 - Emergency Condemnation
 - 25 E Miami Avenue – House Fire

Rob Rennewanz

This was a minor fire with no damage. LMU pulled the meter; Rob condemned it. They had an electrician come in to repair the damage and Rob would now like to remove the emergency condemnation. The electrician searched out the issue and added some new circuit breakers. Lisa asked if it is safe now. Rob confirmed it is and is also cleared. Mayor Martin acknowledged this does not need to be condemned now. Rob confirmed it does not.

Motion: to approve the Emergency Condemnation of 25 E Miami Avenue, **Action:** Fail, **moved by:** Chris Martin, **Seconded by:** Lisa Terry. Motion failed unanimously.

Motion: to amend the agenda to add the Emergency Order at 600 East Broadway, **Action:** Approve, **moved by:** Jacob Pomasl, **Seconded by:** Lisa Terry. Motion passed unanimously.

Lisa asked when this initially happened. Rob stated it started back in September of 2021. Jacob asked if anyone was present to represent the property at 600 East Broadway. The owner, Juan Padilla, came forward. Rob explained, in September of 2021, there was a complaint of a piece of plexiglass window on the 3rd story that was starting to pop off the building. Rob visited the property and spoke with the owners; acknowledged needing to get the window repaired. There was also a letter sent in September with no response. Rob noticed, last week, that it had started to get worse. Last Friday, 8/5/22, he visited again and spoke with Juan, telling him he needed to get it done by Monday. It was not taken care of. The sidewalk on the front of the building has been blocked off. Since Friday, to Monday, the bowing of the plexiglass has gotten worse. He blocked the sidewalk off and the barricade will stay until the problem is resolved. Rob stated he gave 10 days to get it done and if it is not done there will be a fine placed with a condemnation order until the issue is resolved. Rob said Juan stated that there will be someone there today to take care of the issue. Mayor Martin asked if it was plexiglass. That was confirmed it is on the window of the third story of the building. Jacob confirmed it being dangerous. Mayor Martin confirmed acknowledging the bricks that fell from the building, a block down the road, a few months ago. Mayor Marin asked Juan if there is a plan of action. Juan stated Max Heating & Cooling is coming with a lift to fix it today. Jacob mentioned letting Rob know when the issue is resolved. Rob confirmed after the plexiglass is taken care of, he will immediately remove the barricade. Jacob acknowledged it being one of his favorite restaurants and thanked Juan for coming. Mayor Martin asked if this just informational. Rob stated he thinks there needs it should be emergency action. Jacob and Duane both suggested taking action in 10 days if it is not done.

Motion: to table the Emergency Condemnation at 600 E Broadway for 10 days, **Action:** Approve, **moved by:** Lisa Terry, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- Deed/Insurance – Jefferson School Property

Duane Ullom

Duane explained that the city basically took ownership of the property, and it needs to be insured. He feels Kelly would have acknowledged the property is now owned by the city and the need for it to have liability insurance. Jacob mentioned checking to confirm there is no building on the property.

- Police Department
 - Monthly Report – July 2022

Shawn Heishman

Assistant Police Chief, Shawn Heishman came forward. Highlights from the July 2022 monthly report include a total of 26,955 miles drove, 797 calls for service, 71 arrests, 42 citations, 217 warnings. The Criminal Investigation Division investigated 12 cases and closed eight. The Cass County Drug Task Force investigated seven cases. Animal Control Division took 46 calls within city limits and took a total of 14 animals to the shelter.

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

- Street Department
 - Monthly Report – July 2022

Tony Shanks

Tony came forward to communicate highlights from the Street Department July 2022 monthly report. They picked up 253 loads of brush and 70 loads of yard waste bags. There were nine emergency call outs for trees down and three additional calls for streetlights out. They hauled 71 ½ tons of sweepings to the landfill; 121 hours cleaning out catch basins; 37 hours and almost five tons of cold mix to fill pot holes; 37.5 hours of overtime; sinx hours spent grading alleys and adding stone; 127.5 hours spent working at the compost site; 160 hours painting; 113 hours spent mowing city lots; eight mowing violations, five mowed by the Street Department and three were already mowed when they arrived; 147 hours cutting back alleyways and stop signs; helped LMU remove a tree; sprayed weed killer on High Street by the guardrail by Spencer Park, Biddle Street by the Little League park, and Race Street from 7th to Riverside Park on the trail. Year-to-date they have recycled 6,858 pounds of scrap metal.

Motion: to approve the Street Department Monthly Report for July 2022, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Lisa Terry. Motion passed unanimously.

- Dumpster Request
 - 1523 High Street

Tony stated this is for a house clean out and nowhere on the property to place the dumpster.

Motion: to approve the Dumpster Request for 1523 High Street, as presented, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- 2100 East Broadway, east side of 21st Street

Tony stated there is nowhere on this property to place the dumpster either.

Motion: to approve the Dumpster Request for 2100 East Broadway, as presented, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Lisa Terry. Motion passed unanimously.

- Applications for Curb/Street Cut
 - Metronet for Logansport Cass County Public Library; Starting on 7th St by alley between Race St & High St. Continue south along east side of 7th St until North St. Cross 7th St on south side of North St. Continue up 7th St to

the alley running east/west behind library. Then continue west to the rear of the library.

Tony stated he does not have any problems with this request.

Motion: to approve the Applications for Curb/Street Cut for Metronet, as presented, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- City Street Closure Request
 - Logansport High School Student Council – Homecoming Parade, 9/7/22, 5:45 p.m. 6:15 p.m.

Tony stated this is the third or fourth year and he has not had any issues with it in the past. Tony is fine with approving this request. The mayor acknowledged the route. Tony explained they will come out of Berry Lane, down Usher to Lafayette Drive, down Lafayette Drive to George and then into the stadium. Tony acknowledged the time requested is an hour and a half. He is fine with approving this request. Mayor Martin acknowledged both chiefs have signed off on the request

Motion: to approve the City Street Closure Request for Logansport High School Student Council, as presented, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Lisa Terry. Motion passed unanimously.

- Request for Sign
 - Handicap Sign – 2312 Spear Street

Tony stated this is so they do not have to walk as far due to the neighbors parking there. They have tried to work with the neighbors with no success.

Motion: to approve the Request for Handicap Sign at 2312 Spear Street, as presented, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Lisa Terry. Motion passed unanimously.

- Animal Control
 - 69 18th Street, Kelly Shriver

Randy Ulery & Brian Hyder

Randy and Brian came forward. Mayor Martin asked if anyone was present to represent this property. Kelly Shriver and neighbor, Marietta Snow, came forward. Randy said this started on 7/22 with a complaint of chickens running around the yard. Randy visited and took pictures of the chickens. Randy has been there previously and now he and Brian are working together on this. Randy stated his first visit to this property was on September 18, 2021, before the new ordinance was in place and no way to enforce the issue. A letter was sent acknowledging

chickens are not allowed in city limits. Ms. Shriver attempted to say she never received anything then, Randy acknowledged the letter was mailed to her property and stated he has pictures, with chickens, of him being there in September. Ms. Shriver acknowledged that being almost over a year ago. Randy confirmed. Randy confirmed it was almost a year ago and showed her the date on the pictures he took. Ms. Shriver denied that took place. Randy stated another call came in through dispatch with a second report occurring. This is when Brian called Randy. They met at the house and Randy spoke with Ms. Shriver. A report was generated from the visit, including Ms. Shriver stating she had permission to have the chickens. Randy said Ms. Shriver shut the door in his face and stated she was calling the mayor. Ms. Shriver confirmed. Randy explained, during their conversation, he had seen two chickens and informed her he could write a \$50 citation for each chicken. Because of this being the first incident since an ordinance was passed, this visit was considered a warning. Randy stated everything, including discussions, have been documented. The last occurrence was on 7/22. When Randy arrived, the chickens were running around outside. Brian had visited on 4/26 and when Randy followed up, he looked over the privacy fence and did not see any chickens. At that time, they decided no further action was needed. They are here today because the chickens are still at Ms. Shriver's house. Randy explained this needs to be taken care of; there is a city ordinance that states chickens are not allowed in the city. Ms. Shriver stated she has had "her girls" for seven years. She displayed her calendar stating it is proof of when she called to get permission. Lisa asked who she called to get permission. Ms. Shriver said she called Code Enforcement first. They talked with her for a few minutes and suggested she call zoning. She called zoning. Randy asked who the individuals were that she spoke with. Ms. Shriver stated she can give Randy years. Randy asked her to name the individuals that she spoke with that gave her permission. He explained those individuals are the ones that gave her permission, and a general description does not tell enough of who those individuals were. Randy stated at this point there is no permission. Jacob explained the issue being there is no grandfather clause in the ordinance. This was an ordinance that was just passed regardless of permission given years ago. Ms. Shriver displayed her calendar and stated in 2015 on the 23rd she received permission to have "her babies;" she laid her calendar on the table for the board members to see. When she called zoning, she talked to the man for probably 7-10 minutes. She said they discussed everything, and he even looked at the papers about animals. He told her there are rules she must abide by. She asked him what the rules are. She acknowledged knowing she could not have roosters. She had to clip their wings so they could not fly. She had to receive permission from every one of her neighbors; she displayed a paper that she said is from everyone in her area that gave her permission. She has had "her girls" seven years and every two years Brian would visit acknowledging she needs to get rid of the chickens and inquiring why she had not done so yet. Ms. Shriver would tell Brian that she did not have to because she was given permission. She said she has abided by every rule. Ms. Shriver explained after four years of her having "her girls" Brian decided to go to the Chief of Police, Code Enforcement, and Zoning. Brian confirmed that was correct. The Chief of Police and Code Enforcement were both in meetings. They went to zoning and the blonde-haired lady came out and confirmed Ms. Shriver can have her chickens as pets. Her and Brian both walked out and had discussion at his truck for a few more minutes. A few years later, he came back to her house and asked why she had not gotten rid of the chickens. Ms. Shriver stated she did not have to, that she was given permission and he was

there when the lady in the zoning office confirmed she could have them. She stated the only reason, she has never hidden "her girls" and she suggested asking Susie Wamsley. She used to ride her bike, with her dog, beside Ms. Shriver's house every day. Ms. Shriver said she has never hidden her chickens because she was given permission to have them. Randy explained, on September 28, 2021, a letter was sent out about her chickens, and he asked her to notice the fence and barn in the picture on the mondo pad. He communicated that current pictures show a privacy fence was put up without a permit or any discussions with the building department regarding a fence going up to hide the chickens. He asked her why she is saying she did not get the letter and did not know about it, why was there such a big change and a brand-new fence put there if she is not trying to hide it. Ms. Shriver stated it was because of her dog. Jacob interrupted the dispute between Randy and Ms. Shriver. He stated he understands she has had the chickens for a long time and in the past, her being told they are allowed. He stated that was never true. There was no enforcement mechanism at that time. They have been through a long process over the last year and a half with City Council putting together a city ordinance, that was passed, stating chickens are not allowed. This directs him to inform people the chickens are not allowed and there are remedies. She will have to get rid of them or there are fees. Jacob acknowledged he does not feel strongly about chickens, and it has been broached about bringing this back to City Council, asking to allow chickens or a certain number of them. The City Council passed an ordinance very recently that states chickens are not allowed in city limits. He stated, based on what City Council has told Randy to do, he is just doing his job. This board, unfortunately, also must follow the ordinance. He urged her to contact City Council members to inquire about and ask to revisit the ordinance. She said she has spoke with Scott Peattie. She said he told her, at that time, that nothing was passed yet. Jacob said it may have been true at the time she spoke with him, but it is not true now. Ms. Shriver stated it was in the last month. Randy stated he believes this ordinance was adopted last November. Ms. Shriver stated she put the privacy fence up because she has three dogs. The third dog she just rescued and is huge. She explained her Australian Shepherd will bust through gates when poeple up the street set off loud fireworks. She explained she has had to go get her dog from the animal shelter after busting through the fence and taking off. She explained to Randy and Brian, last year when she put up her privacy fence, she did not cover her chickens. Jacob acknowledged the privacy fence is a different issue right now. Unfortunately, the chickens are not allowed by the City Council's new ordinance. That can be changed by them and that is why he suggested she reach out to Scott, Jake LeDonne, Jonathan Nelms, and other city councilmen to let them know, like other people that have come forward, she supports allowance of chickens. Jacob stated, right now, the rules must be followed, and chickens are not allowed in city limits. He said she will have to find some type of accommodation for them. Ms. Shriver asked Jacob if he ever had chickens. He said no. She asked him if he knew what would happen to "her girls" if she must get rid of them. She stated they would be in total shock. They have been used to her for seven years, every day, regular routine. They are trained. Jacob apologized and recognized this being present not for the chickens but for the citizens of the city. The City of Logansport rules that the City Council has put forward that must be enforced. Ms. Shriver stated she is probably the only person in Logansport that asked permission to have them. Jacob stated that is a good reason for her to speak with City Council members and get them to change the rules and he acknowledged he is for that. Ms. Shriver cried, she has had them for seven years and asked

them to look at the list of names of everyone on the block around her. Jacob urged her to present that to City Council members when she speaks with them. He suggested, if they are in favor, the option of having them write a letter of support. He stated there have been a couple people come forward asking to allow that, but nothing has been done on it. Randy stated there have been discussions with those same people sitting down in a meeting suggesting other guideline options and looking for interest from others. Randy stated nothing has moved forward since then. Randy recalled being at a meeting and the discussion of an option of having someone come forward and there not being an issue. Right now, he said, this is what he is supposed to do; his job says there cannot be chickens in city limits. He explained the complaints they get from calls and the guidance they have to go by being from city ordinances. Ms. Shriver stated, before a week and a half ago, she has never received anything from Code Enforcement in her mailbox or at her house. More discussion was had between Randy and Ms. Shriver. The board was also discussing options. The board suggested allowing 30 days. Lisa stated that was too long and suggested two weeks. Randy also suggested two weeks and acknowledged procedures; he has a letter to send recognizing when the animals were removed and what they did with them or where they went and granting Brian or Randy the right to complete a walk through to verify, they were removed. Ms. Shriver acknowledged Randy has already looked over her six-foot fence. Randy suggested she might hide them. Ms. Shriver asked why she would hide them if she was given permission. Jacob asked if they should table this for two weeks. Randy stated that was up to them and in the last picture there are four chickens there. A citation can be written for \$50 each. Then at that point they must be removed within seven days. He is unsure if there are more chickens than those four he saw.

Motion: to table the animal control issue with chickens for 69 18th Street, for Kelly Shriver, for 8/24/22, **Action:** Approve, **moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed with Lisa Terry abstaining.

- Code Enforcement
 - Weekly Report

Randy Ulery

Randy came forward. Last week there were 33 new trash violations issued, 27 cleared by the owners with one cleaned up by the Street Department, and 13 extended or pending. There were four vehicles tagged, with eight cleared by owners and two extended or pending. There were 10 new first notices for mowing violations sent out, 17 cleared by owner and five sent to the Street Department. There were four new second notices for mowing violation sent out, and six sent to the Street Department. There was one more property added to the mowing list. There are six new notices to appear, and five more properties brought before the Board of Works.

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

- Request for Property Clean Up

- 814 N Pearl St or Nies Rentals LLC (Appeal)

Mayor Martin asked if anyone was present to represent this property. Nobody came forward. Randy stated Jennifer Nies contacted him. After the initial meeting was rescheduled, she asked for the appeal to be reset for 8/31/22. She plans to come appeal the violation and fine that was placed on this property. Randy stated he gave her 30 days to make contact for an appeal. He also acknowledged she was supposed to be here on Wednesday for the meeting.

Motion: to table the appeal for the property at 814 N Pearl Street until 8/31/2022,
Action: Approve, **moved by:** Jacob Pomasl, **Seconded by:** Lisa Terry. Motion passed unanimously.

- 724 North St or Gustavo Rodrigues

Mayor Martin asked if anyone was present to represent this property. Nobody came forward. Randy stated, as of this morning, this property is cleaned up and cleared.

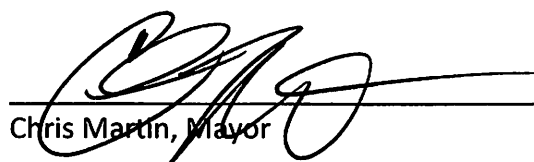
Motion: to approve the property clean up request at 724 North Street, **Action:** Fail,
moved by: Chris Martin, **Seconded by:** Jacob Pomasl. Motion failed unanimously.

BOARD MEMBER COMMENTS:

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

ADJOURNMENT:

Motion: to adjourn the meeting at 10:12 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 8/12/2022.