

**REGULAR SESSION MINUTES**

**LOGANSPOUR BOARD OF PUBLIC WORKS AND SAFETY**

**Wednesday, August 24, 2022**

9:30 AM – City Council Chambers

**CALL TO ORDER:** Mayor Chris Martin called the meeting to order at 9:31 a.m.

**PLEDGE OF ALLEGIANCE:** The pledge was recited in unison.

**BOARD OF WORKS SWEARING IN:** Adrienne Grant

**ROLL CALL:** Duane Ullom, Clerk-Treasurer

**PRESENT:** Chris Martin, Jacob Pomasl, Adrienne Grant.

**ATTORNEY PRESENT:** Kelly Leeman.

**MEDIA:** Karen Stearns.

**OTHERS PRESENT:** Petrina Hopkins, Matthew Hopkins, Stacie Flowers, Chad Dixon, Maritza Medina, Jose Medina, Dahrol Perry, Bob Bernhardt, John “Tony” Shanks, Melody Barrows, Brian Hyder, Rick Bair, Brad Miller, Cristhian Montero-Morales, Jonathan Nelms, Randy Ulery, Shawn Heishman, Adam Morrow, Mendy Asselin, Shivani Gutierrez, Andrew Myers, Rob Rennewanz, Jake LeDonne, Janet Fawley.

**APPROVAL OF MINUTES:** Minutes of the August 17, 2022, Meeting

**Motion:** to table the Minutes from August 17, 2022. **Moved by:** Chris Martin.

<b>APPROVAL OF CLAIMS:</b>	\$625,469.82 Including:	Claims	\$148,716.73
		Payroll 8/18/2022	\$247,527.61
		Payroll Claims	\$225,898.22
		Resolution 2021-139	\$1,952.26
		TIF Gateway	\$1,375

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

**PUBLIC COMMENT:**

Matt and Petrina Hopkins, 1416 Balsam Street, came forward. He explained they are here representing a new foundation here in Logansport, called the Service Angels. This is a non-profit for gold star families. Gold star families are anyone who has lost a service member during active duty. Last year they did their first gold star luminary initiative for Cass County and it was a huge success. He recalled the mayor's statement last year with hopes of this growing. Mr. Hopkins stated it has grown and taken off greatly. They are now facing a few other things. They have joined with Patriot Guard, One Warrior and Hero's Welcome. Thumper's Attic is involved, along with around 11 other sponsors. This event, in September, is going to be larger. There will be other attendees as well. The Pioneer Taco Truck would like to come to show support; the Patriot Guard is coming in. They have communicated with people including crowd control, with using Special Forces for traffic control. Mr. Hopkins explained this is a national holiday, not as well known, but it has been on the books since 1934. In 2011, Barak Obama reaffirmed this as a national holiday, changing it from Gold Star Moms to Gold Star Families. The last Sunday in September, they shut down the entire Pennsylvania Avenue, and have 30,000 luminaries. The Patriot Guard coming in would like to park their bikes along the south side of Broadway which would put the food trucks across the street. He explained his concerns of danger for the people walking back and forth across the street. He suggested the possibility of using the bank's parking lot or the city/LU parking lot, if they do not have security. The parking lot would be for the Pioneer band taco truck, elephant ears for the Lewis Cass band, and the taco truck that sits in the parking lot of the old Marsh building on Broadway. Mr. Hopkins acknowledged the bands are also able to raise money, we wish to keep this local. The Honor Guard will also be present to do the 21-gun salute and would be doing it out front. They are asking the board's approval to handle traffic during the short amount of time. Mayor Martin suggested adding it to the agenda for the September 14 meeting. Mr. Hopkin's explained his need to confirm with vendors and schools. Jacob asked if they are just asking for the one block in front of the city building. They confirmed yes, stating they are working on other avenues for next year. They have spoken with PNC, where the other memorial is, to be able to use their entire parking lot next year. He explained the luminary bags stay lit the entire night and they come back to clean up the next morning. To honor the request of keeping it on Broadway, they could move to the bank parking lot next year and will still be in front of a memorial. Mayor Martin suggested they fill out a street closure request at the street department to add to next week's agenda. Flyers and business cards were given to the board if any questions arise.

**OLD BUSINESS:**

- Animal Control Update Randy Ulery & Brian Hyder
  - 69 18<sup>th</sup> Street, Kelly Shriver

Mayor Martin asked if Ms. Shriver was present, Randy confirmed she is not. Randy explained this being a follow up from being tabled at the August 12<sup>th</sup> meeting. She was given two weeks to get rid of the chickens. Ms. Shriver phoned Randy at 9:20 a.m. and as of this morning the chickens have been removed. Randy has not yet been there to visually inspect. He visited on Monday evening and did not see anything and knocked on the door with no answer. He visited

again this morning and there was no answer at the door again. He stated she made it known that she will not allow them on the property to confirm they are gone. From what Randy has seen, and what Ms. Shriver has told them, the chickens are gone. There is nothing more that needs done at this time. Randy made note if it happens again in six months, they will invite her back to a meeting.

**Motion:** to accept closure/compliance of animal control issue at 69 18<sup>th</sup> Street, as presented, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

#### **NEW BUSINESS:**

- Contracts/Agreements Chris Martin
  - Contract for Executive Intern Services
    - Shivani Gutierrez

Mayor Martin explained Shivani is the new school intern and she will be here for two semesters instead of one. There is money in the budget appropriated for this internship

**Motion:** to approve the Contract for Executive Intern Services, as presented, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- Certificates of Appreciation Chris Martin

Mayor Martin acknowledged Robert Smith for 25 years, Chad Dixson for 10 years, Matthew Franklin for 10 years, Andrew Myers for five years, and David Hayden for 5 years of dedicated service to the City of Logansport.

- Police Department Shawn Heishman
  - Officer Resignations
    - Corporal DJ Sommers – effective 8/19/2022

Chief Heishman came forward to present this request and letter of officer resignation from Corporal DJ Sommers, effective 8/19/2022.

**Motion:** to approve the Officer Resignation of Corporal DJ Sommers, effective 8/19/2022, as presented, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- Street Department Tony Shanks
  - Applications for Curb/Street Cut
    - QC Communications for Comcast – Starting at the intersection of 18<sup>th</sup> Street and Don Heckard Blvd; Going south on the west side of the road to the address 1925 18<sup>th</sup> Street, boring approximately 441’ within the right-of-way

Tony came forward. He explained this is for the new McClure’s and has no issues with approving this request

**Motion:** to approve the application for curb/street cut QC Communications for Comcast, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- Request for Sign
  - Autistic/Blind/Deaf Persons Area – 301 Western Avenue, at stop sign in front of home and driveway

Tony stated this is at Cardinal Services group home. They have a deaf adult that he thinks may be autistic too. This sign is to alert drivers in the area to use caution.

**Motion:** to approve the Request for Sign at 301 Western Avenue, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

**Motion:** to amend the agenda to add a Request for Sign, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- Movement of Handicap Sign

Tony explained this regarding a handicap parking space on High Street. A new grocery store has been added next to Hair to Dye For and they were not interested in having a handicap parking space in front of their store. However, Hair to Dye For has people visit daily that use that parking spot. Tony is requesting to move the sign up one parking space to the west so that it no longer in front of the grocery store.

**Motion:** to approve the Request for Handicapped Parking at 412-416 High Street, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- Parks & Recreation Jan Fawley
  - Monthly Reports, Park & Golf Mileage Report – July 2022

Jan came forward to share highlights from June and July monthly reports. She reported they put the 5-Year Master Plan on hold for the rest of this year. Fairview playground is on task and equipment is currently arriving. Galbreath Industrial Services is completing the grand entrance to Fairview's Park. High School students and Fairview students are working on the individual pieces that will be on the grand entrance. Security Federal donated \$10,000 for the new shelter; demolition is ongoing due to having trouble getting rid of the concrete. Riverside Park has been mostly closed out and the grant post certificate was issued by the DNR. There is still an outstanding issue of drainage around the courts that will have to be addressed at some point. The structural condition of the lower shelters at Spencer are being discussed, whether to rebuild or save what is currently there. Jan stated they are not in good shape. They have met with the Dykeman Clubhouse Fundraising committee. They are working toward starting fundraising. R-Tech is coming next week to work on the trail camera operations. They will be moving everything from the police to the hospital servers and align the cameras as they need to be. There are two poles that still need to be installed. Jan mentioned they have began working on Christmas in the Park. The pool closed 8/7/22. A report was submitted showing attendance and financial parts of what they were able to do this year. There were more rentals this year than ever before; Jan feels people enjoy having the opportunity to rent it. As far as participation, records show being 110-150 people ahead this year as compared to last year. The number of rounds of golf are down and they are financially down a bit too from last year. The mileage report was submitted and shows decreased mileage numbers but parks is now out of gas money.

**Motion:** to approve the Parks & Recreation Monthly Reports, Park & Golf Mileage Report for June and July 2022, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- Animal Control
  - Maritza Medina, 633 12<sup>th</sup> Street

Brian Hyder

Brian and Randy came forward, along with Maritza Medina, her son, and Jose Medina, with Cristhian to translate. Brian acknowledged being here before, regarding the two dogs at this residence, a black dog "Oreo" and a brindle pit "Chico". Last time they were before the board was on 7/13 and 7/20. The fines were paid, and shots are up to date. The dogs were running loose again on the 7/20. On 8/2 the dogs were running loose again, and the owners received a \$150 citation. On 8/3 the dogs were still running loose. On 8/16 both dogs were running loose again and the bridle pit bit somebody. Brian explained, because of the bite, the brindle pit was taken to the Humane Society. After communicating with the family this morning and learned the black dog is back home. He would like both dogs to be removed from this home. His options now include a minimum fine of \$500 per dog or removal from the property. The citations from 8/2 and 8/16 have been paid; each for \$150. Brian explained the dogs belong to Joseph, Maritza's son, but she is the one that pays the fines. Jacob asked why the dogs keep getting out. Jose communicated to Cristhian the reasons why the dogs are getting out. Joseph said it is because his little cousins leave the doors open and the dogs get out. Jacob asked how many

times this has happened. Brian recalled all the dates, 6/10, 6/12, 7/14, 8/2, 8/3, 8/16 they were loose and bit someone on 24<sup>th</sup> Street. Cristhian stated Jose is willing to pay the \$500 fine if he can do it in payments. Randy communicated, going off the animal ordinance and the way it was written, they could receive the \$500. Because this is a reoccurring issue, it takes time away from other issues that Brian could be dealing with. At the last meeting, the resolution was to get the fence fixed, to no avail. Randy acknowledged it is now up to the Board to decide what to do, including the possibility of removing the dogs from the home and trying to give them a better life where someone else will take care of them. Jacob inquired about the dog that bit someone and stated that is another case. Brian stated, because the dogs are up to date on shots, they should not be at the pound. Brian explained, legally, they are not breaking any law because it is a state statute. The state statute is not in play because the dogs have their shots. Brian said he was eliminating the process by taking the dog off the roads to not have another incident. Jacob asked how the process differs from a dog found running around and a dog that has bit someone while running around. Brian stated it is pretty much the same process. Brian explained if a dog is up to date on the vaccinations, legally they are not allowed to be removed from the property, depending on the bite. That would involve the court systems. If vaccines are not up to date, a state violation is written, and the dog must be quarantined at the Humane Society for 10 days. He took the dog to the Humane Society after it bit someone until he could appear in front of the board. Kelly inquired if Brian was running the dogs through the rabies protocol. He said there is a statute that talks about dog bites and holding them to determine they do not have rabies for the benefit of the person bit. Brian stated the rabies vaccination is up to date. He mainly brought the dog in to avoid having to chase it down again. Kelly agreed and reiterated his inquiry of locking the dog up to check if there is rabies. There is a cost involved in that and Kelly assumes Brian is not qualified to say if a dog has rabies or not. Brian confirmed he is not qualified. Kelly explained, the person that was bit would like to know if they were exposed to something else. The options for knowing, removal of the dog's head or holding the dog for 10 days. Brian confirmed these dogs are up to date on their shots. He explained, if a stray dog was running loose and no owner came forward the head would be removed and sent for testing. An owned dog, unless someone surrenders their dog for that to happen, is the only way that occurs. Kelly wished to confirm that the dog is being held for the 10 days. Brian confirmed it is. Kelly mentioned the costs associated with that plus the fines. Kelly suggested, he thinks the remedy is to probably take the dogs away to find another home or let the owners dispose of them in some fashion. Randy acknowledged the 10<sup>th</sup> day of the hold is tomorrow. Kelly asked if the other dog is with the owner. Brian confirmed it is. Kelly mentioned Jose wanting to get rid of his dog at the last meeting. Brian confirmed he did want to get rid of the dog but does not know if he still feels the same way. Cristhian asked Jose if he wanted to get rid of his dog and translated Jose said they want to keep the black dog. Mayor Martin asked if that is the one that bit a person. Brian said, no, the one that bit someone is at the Humane Society. Jacob stated the black dog is the one that did not bite. Mayor Martin and Jacob both feel the dog that bit should be removed from the residence. Mayor Martin acknowledged placing a \$500 fine for the black dog and removal if it happens again. Jacob suggesting making their family aware so that does not have to happen.

**Motion:** to place a \$500 fine on Jose's dog (black dog) and removal of the other brindle dog from the residence, **Action:** Approve, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion passed unanimously.

- Code Enforcement
  - Weekly Report

Randy Ulery

Randy came forward. Last week there were 25 new trash violations issued, 27 cleared by the owners, and 12 extended or pending. There were four vehicles tagged with two cleared by owners. There were eight new first notices for mowing violations sent out and eight cleared by owner. There were four new second notices for mowing violation sent out, and three cleared by the property owner. There are no 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:** Jacob Pomasl. Motion passed unanimously.

- Request for Property Clean Up
  - 2200 E Broadway or FC Logansport Properties, LLC

Mayor Martin asked if anyone was present to represent this property. Melody Barrows came forward. Randy stated this started on 8/10 and is a multiple violation. He stated he and Melody have been in communication. Prior to today, this property has had a fine, an appeal, another fine placed, and now, within a few weeks, back in again; 6/7, 7/22, & 8/10. He contacted Melody right away because they know which tenant is the cause. Randy needs Melody to be aware of this issue. The pictures Randy took on 8/9 show trash thrown out; the day after the trash truck ran. Melody sent Randy pictures that her guys took when they checked the property that evening after trash ran and the property being cleared. Randy stated part of why this is here is because there must be a solid solution. He has offered several suggestions but stated he cannot keep getting calls of complaints for this property. Melody stated she followed Randy's suggestion. The tenant, Eric, that keeps doing this is mentally handicapped. She reached out to Four County and was finally able to reach the tenants skills trainer, Teresa. She spoke with her on 8/15 and Teresa was supposed to speak with Eric that day and then return a call to Melody. There was no returned call or answer to the voicemails Melody left. Melody sent one of her sympathetic maintenance men to speak with Eric. He spent an hour with him but is unsure if it was helpful. Per Randy's suggestion, Melody put together an estimate for a trail cam to place and catch him in the act. She hopes that will be done in the next two weeks. She also told the Four County skills trainer that they were going to have to evict him to avoid the continuance of fines. Even though he is mentally handicapped he still must follow the ordinance. His skills trainer has to follow up to ensure he is following the ordinance. Mayor Martin acknowledged his appreciation for her plan of action and for being present. Jacob asked if this is now cleaned up. Randy confirmed it is and is not asking to place another fine, more of a resolution to the issue. Melody acknowledged any time Randy calls they immediately have someone go clean it

up, as well as sending someone 3 days a week to double check. She feels she is doing everything she can but stated if it happens again, not knowing what else to do, she will file the eviction paperwork. Kelly asked if he goes out and collects stuff and then dump what he does not want. Melody stated she does not know. Randy stated it is always random stuff; it looks like someone has backed up their truck and pushed everything out and drove away. That was the reason he suggested adding a camera to ensure it is not someone else dumping their trash there. Kelly mentioned there are criminal statutes, like littering, but bigger more serious violations for dumping stuff on people's property. Randy acknowledged he feels like this may be coming from elsewhere too. He brought this here today to acknowledge the plan of action.

**Motion:** to approve the property clean up request at 2200 E Broadway, as presented, **Action:** Failed, **moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion failed unanimously.

- 211 W Ottawa or MH Realty, LLC/Denise Gonzales (Appeal)

Mayor Martin asked if anyone was present to represent this property. Nobody came forward. Randy explained this was before the board on 8/3 and this person contacted him to come in to speak for her property and appeal the fine. Randy stated it is a \$500 fine with 30 days to appeal. She called for an appeal but did not show up for the appeal process. Mayor Martin suggested voting on the appeal. Jacob asked if this is to sustain the original judgement. Chris explained if you vote yes, you are approving the appeal. If you vote no, you are not approving the appeal.

**Motion:** to approve the appeal request of 211 W Ottawa, **Action:** Failed, **moved by:** Chris Martin, **Seconded by:** Jacob Pomasl. Motion failed unanimously.

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

Jacob mentioned the Old Style reached out to inquire about outdoor seating on the sidewalk in front of their establishment. He went down and measured the area and it is plenty big enough for ADA accessibility remaining on the sidewalk. Because there is no formal process, he feels they should have insurance to cover the city on that. He asked if there is a process that needs to be followed. Duane suggested he communicate with Arin to confirm there are no ordinances in place. Arin stated there is nothing that has been processed before, typically they still have to get approval from this board. There is no actual paperwork other than them submitting something to the board and liability insurance. Jacob acknowledged a picture that they submitted showing what they want to do but no letter. He went to verify there would be enough space. Kelly acknowledged there used to be an old ordinance that talked about blocking sidewalks and if it is approvable. Duane suggested doing it like an application for a street closure or alley closure request; just modifying the form to accommodate the sidewalk. Mayor Martin suggested creating a form that will request approval, the same as a street closure would.

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

**ADJOURNMENT:**

**Motion:** to adjourn the meeting at 10:17 a.m., **Action:** Adjourn, **Moved by:** Chris Martin, **Seconded by:** Jacob Pomal. Motion passed unanimously.



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Chris Martin, Mayor



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Duane Ullom, Clerk-Treasurer

Audio and Video recorded on 8/24/2022.