



BOARD OF PUBLIC WORKS AND SAFETY MEETING MINUTES

CITY HALL CHAMBERS

WEDNESDAY, NOVEMBER 4, 2015

9:30 A.M

Present: Mayor Vanlandingham, Board member Dee Byerly, Board member Greg Metz and City Attorney Doug Lehman.

Department Heads present: Wendy Frazier, Todd Titus, John Stephens, Fire Chief Robert Mullett, Police Chief Larry Schnepf, Scott Richardson, Tyler Niccum, Terri Wilburn and Rick Price.

Council members: Doug Konkle, Bonnie Corn and Dan Townsend

MINUTES

Greg Metz moved to approve the Minutes of the October 21, 2015 meeting as were presented. Dee Byerly seconded the motion, motion carried.

CITY CLAIMS-SEWAGE CLAIMS

Dee Byerly moved to approve for payment the City Claims and Sewage Claims as they were presented and signed. Greg Metz seconded the motion, motion carried.

OLD BUSINESS

1. Update on 645 Washington Street-John Stephens and Mr. Burns appeared. Mr. Burns provided an updated schedule and scope of work to be done and it meets with the approval of Mr. Stephens and the entire Board.

NEW BUSINESS

1. Open quotes for Demolition-Old Brown Trucking block and steel garage building at Cass & Water streets

Attorney Lehman opened four quotes:

-Brainard Excavating, LLC-\$12,240

-CAT Excavating, Inc.-\$25,000

-EADS Bulldozing, Inc.-\$22,000

-Hank's Construction-\$14,500

-Matt Niccum Excavating-\$17,200

Dee Byerly moved to award the contract to Brainard Excavating to demolition the Brown trucking building for \$12,240.00. Greg Metz seconded the motion, motion carried.

2. Professional Services Agreement between the City of Wabash and United Consulting- Manchester Avenue Apartments sanitary sewer project

Keith Bryant distributed the agreement to design the component the City committed to develop the apartments on Manchester Avenue. The City is committed to design and install the lift station as well as the forcemain and sewer project. The developer is going to pay for part of the construction costs of the lift station.

Greg Metz moved to approve the Professional Services Agreement between the City and United Consulting as presented. Dee Byerly seconded the motion, motion carried.

3. Update on long-term control plan-Keith Bryant, United Consulting

Phase I is complete and each Board member received a diagram for Phase 2. Keith updated the Board on the City's long-term control plan to reconstruct and update the sewage infrastructure required by the federal authorities in the Clean Water Act. Also, the City is six to eight months ahead of schedule. Shortly, an agreement will be brought before this Board.

OTHER BUSINESS

None

QUESTIONS FROM THE AUDIENCE

None

REPORTS FROM DEPARTMENTS

None

PUBLIC HEARINGS-Unsafe Buildings

1. KAJA Holdings, LLC-758 N. Spring Street, Wabash IN

Attending on behalf of the Enforcement Authority were John H. Stephens, Building Commissioner, and City Attorney Douglas C. Lehman. No one appeared on behalf of KAJA Holdings, LLC.

The City waived opening statement.

Douglas C. Lehman presented the following exhibits to the Board

#1- Hearing Notice for Unsafe Building with proof of service to persons with interest in property

#2-Copy of title work

#3-Return receipts from County commissioners and County Treasurer. An unopened envelope addressed to KAJA Holdings, LLC

#4-Photos of September 24, 2015

Mr. Stephens informed the Board that the complaint started with the garage. It had a tarp on the roof and the tarp disintegrated and kept blowing into the neighbor's yard. John went back to the garage today and discovered a partition had been added and it appeared to have been occupied for a residence. There's a ceiling, insulation, as well as a chair in the garage.

The northwest corner of the house was John's biggest concern because it appeared to be buckling from structural failure. The soffits are missing; birds and squirrels are going in and out of the attic.

Photos were taken on September 24, 2015, and at that point, whomever had bought it on land contract had moved out. John and Terri Wilburn went inside and the conditions observed were uninhabitable. The property located at 758 N. Spring Street is unsafe, vacant, and not being maintained pursuant to our ordinance. It is not habitable, constitutes blight and a nuisance. He recommends that the structure be demolished.

A next-door neighbor (Cheryl Ulshafer) attended and it's her property that the tarp from the roof keeps blowing into. This has been going on for ten years and she verified that the former owner's (from 3 years ago) daughter and boyfriend have been living there. Mrs. Ulshafer and her husband would like to see it torn down and purchase it to add to their property.

The City Attorney had nothing further.

The entire Board agreed the structure at 758 N. Spring Street is unsafe and moved to order its demolition within 30 days. The Board made specific findings as shown on the Board's order.

2. Anthony Watson & Christine Watson-1 Bent Court, Wabash IN

Attending on behalf of the Enforcement Authority were John H. Stephens, Building Commissioner, and City Attorney Douglas C. Lehman. Neither Anthony nor Christine Watson appeared.

The City waived opening statement.

Douglas C. Lehman presented the following exhibits to the Board

#1- Hearing Notice for Unsafe Building sent October 15, 2015, Anthony Watson and Christine Watson and Coleen Taylor in West Virginia.

#2-Copy of the letter sent to Anthony Watson on July 17th

#3-Copy of title work

#4-Return receipts

#5-Top page of the GIS and photos

Mr. Stephens has had several phone conversations with Ms. Coleen Taylor and her attorney. The father (Anthony) passed away quite some time ago and Mrs. Watson passed away last year and had been living in Knoxville, TN.

On October 21st, the attorney contacted John and said they weren't aware of the property until the letter was received. They were not aware anyone was living at the property. Evidently, there's a squatter on the property. Somebody is paying rent and another is collecting rent. They (Coleen and the attorney) were not aware of this information. On the 29th of October, the attorney called John to say they won't be at the meeting and they want to give the property to the City. John has not heard anything more. They waived their rights to appear.

Attorney Lehman summed it up that Anthony and Christine Watson are both deceased. Coleen Taylor is the heir to the estate.

Exhibit 2 was acknowledged by John Stephens as the letter he sent to Anthony Watson on July 17th stating the poor conditions and giving him 60 days to tear down or improve the property. The letter was received as a signed return receipt came back. It was after that date that Coleen and her attorney contacted John.

The title work did not show any additional affected parties except various liens (sewage and taxes).

John's overview of the property: Bent Court at one time was a narrow driveway and went behind the rear of some houses, about half a dozen houses in that area. CVS came in and acquired 2 or 3 of the houses to make the parking lot. It's an odd shaped piece of ground with 3 structures on it. The two 1-story structures are tarped, collapsing and were padlocked the first time he went to inspect them. The padlocks were not there this morning and he did not want to go inside by himself. The third structure is a 2-story building-a garage down below and an apartment above. That's where the squatter apparently lives and John is not able to get any information about the occupant.

Mr. Lehman asked Mr. Stephens about the condition of the two-story garage and apartment; John said he does not know because he's not been inside. The outside appears to be habitable and he does not see any structural problems. Attorney Lehman asked if Mr. Stephens was asking for that to be demolished or the other buildings. The owner is asking that they all be demolished. Mr. Stephens indicated earlier the owner wants to deed the property to the City.

Attorney Lehman asked if the premises are substantially vacant and that was affirmed. Mr. Stephens stated that the property has become dilapidated, has not been maintained, constitutes a blight and a nuisance Mr. Stephens informed the Board that the house located at 1 Bent Court is unsafe and a danger to public health because it's not been maintained by the owner. The property is in violation of General Ordinance #2 because they do not meet the building and maintenance requirements.

Attorney Lehman stated to the Mayor that he's not sure there's enough evidence to order the demolition of the garage and apartment. There is certainly evidence to demolish everything else. If at some point the City were to receive the property, as owner the City could then go ahead and demolish it. In terms of ordering it, Lehman is not sure Mr. Stephens has testified enough to make it a dangerous building.

Greg Metz reminded the Board that the property belongs to Ms. Taylor's parents and unless an estate has been opened, she does not have the authority to deed it. Under Indiana statute, if it's under \$50,000 it's a small estate, could be transferred to the daughter who could then transfer it to the City.

Greg Metz moved to demolish the two single story houses, located at 1 Bent Court. Mayor Vanlandingham seconded the motion. The Board made specific findings as shown on the Board's order relative to the two 1-story structures.

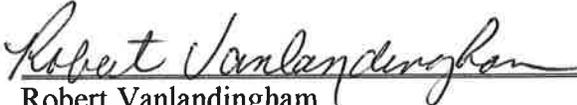
Greg Metz moved to **not** declare the two-story structure at 1 Bent Court as an unsafe structure. The motion was seconded by Mayor Vanlandingham. The Board made specific findings as shown on the Board's order relative to 2-story structure.

ADJOURN

Mayor Vanlandingham moved to adjourn. Greg Metz seconded. So moved.

NEXT MEETING

Wednesday, November 18, 2015 @ 9: 30 a.m.



Robert Vanlandingham Mayor



Greg Metz Member



Dee Byerly Member

The City of Wabash desires to make reasonable accommodations to persons with handicaps or disabilities in order that all persons may fully participate in Public Meetings. In that regard, if you need reasonable accommodations to attend and participate in a public meeting, you are requested to contact Human Resources, ADA Coordinator, Wabash City Hall, 202 South Wabash Street, Wabash, Indiana 46992, (260) 563-4171 between 8 AM and 4 PM at least 24 hours prior to the meeting. Please indicate the accommodation requested and every reasonable effort will be made to comply with your request.