



BOARD OF PUBLIC WORKS AND SAFETY MEETING MINUTES

CITY HALL CHAMBERS

WEDNESDAY, SEPTEMBER 16, 2015

9:30 A.M

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

Department Heads present: Wendy Frazier, John Stephens, Fire Chief Robert Mullett, and Police Chief Larry Schnepf

Council members: Doug Konkle and Dan Townsend

MINUTES

Greg Metz moved to approve the Minutes of the meeting of September 2, 2015 as presented. Dee Byerly seconded the motion, motion carried.

CITY CLAIMS-SEWAGE CLAIMS

Dee Byerly moved to pay the City Claims and Sewage Claims as were presented. Greg Metz seconded the motion, motion carried.

OLD BUSINESS

1. Update on 453 E. Main Street-John Stephens, Building Commissioner

John indicated it has been about 3 weeks ago that Mr. Brooks came up and put some siding on the house. He (Brooks) got a deal on the siding, ran out of corners, and had to order more material. Nothing happened and 3 weeks went by and Brooks called this morning and he was told to prove to John that he's ordered something and John printed the receipts he received via text. Mr. Brooks is requesting additional time.

Greg Metz wants to set this for a hearing at the next BOW meeting. Greg further stated if he comes up and works on it, the hearing can be pulled. There's no reason to delay another two weeks since very little has been done. There is a municipal lien on another property owned by Brooks for either sewage or weeds and Greg wants that taken care of.

Attorney Lehman stated it cannot be done in two weeks because notice has to be given. He suggests setting it for 30 days from now and get the notice out right away to allow for plenty of time.

Greg stated the only entities to be notified are the City (because of the lien), the County for current taxes and Brooks.

The Board instructed John Stephens to move forward with a Notice of Unsafe Building and to schedule a hearing for October 21, 2015.

NEW BUSINESS

1. Open quotes for demolition of 409 Manchester Avenue and 1207 Pike Street.

Attorney Lehman opened 3 quotes as follows:

Brainard Excavating LLC: Manchester Ave: \$6,350.00 Pike St: \$8,140.00

Eads & Son Bulldozing, Inc.: Manchester Ave: \$7,000.00 Pike St: \$8,300.00

Matt Niccum Excavating & Tree Service: Manchester Ave: Tree removal: \$900.00

Manchester: \$8,500.00 Pike St: \$10,500.00

Dee Byerly moved to give the contract to Brainard Excavating-\$6,350.00 for Manchester Avenue and \$8,140.00 for Pike Street. Greg Metz seconded the motion, motion carried.

Attorney Lehman suggested to reject the bid on the trees and we will proceed on the trees after the house is down. So moved by Greg Metz.

OTHER BUSINESS

None

QUESTIONS FROM THE AUDIENCE

None

REPORTS FROM DEPARTMENTS

None

The Mayor closed the regular meeting.

PUBLIC HEARING-Unsafe Building

-Harold & Rhonda Burns, relative to 645 Washington Street, Wabash, IN

The Mayor read the Declaration of Unsafe Property and noted for the record that the enforcement authority, John Stephens, and the City attorney, Douglas C. Lehman, were present along with Harold Burns.

The Mayor swore in John Stephens and Harold Burns.

Mr. Burns stated that he has not worked on the property due to family medical issues related to his father. Mr. Burns told the Board that he has someone who is supposed to start the foundation work.

The City waived opening remarks.

Douglas C. Lehman called John Stephens as his first witness.

Attorney Lehman asked Mr. Stephens to state his name.

Answer: John Stephens

Attorney Lehman asked where Mr. Stephens is employed.

Answer: City of Wabash

Attorney Lehman: And what are your duties for the City of Wabash.

Answer: Building Commissioner.

Attorney Lehman asked as Building Commissioner what are your responsibilities.

Answer: To enforce City Codes.

Attorney Lehman asked if he (Stephens) was familiar with 645 Washington Street.

Answer: Yes.

Attorney Lehman asked when did he first become familiar with the property.

Answer: Probably early spring of this year (2015).

Attorney Lehman: Did you believe that that property was an unsafe premise within the definitions of Indiana Code and our Ordinance of 1986.

Answer: Yes

Attorney Lehman showed what was marked as City Exhibit 1 and asked Mr. Stephens to identify it. Mr. Stephens replied it's the Hearing Notice for an Unsafe Building.

Attorney Lehman: And that's for the hearing today, is that correct.

Answer: That's correct.

Attorney Lehman: Did you cause that to be issued to Mr. and Mrs. Burns.

Answer: Yes

Attorney Lehman offered City Exhibit 1 to the Board to be accepted into evidence. It was received by the Board.

Attorney Lehman: Did you cause a title search to be made on the property to find all persons who might have some interest in the real estate. He handed what is marked as City Exhibit 2 and asked if he could identify it.

Answer: It's the title search we had done.

Attorney Lehman: Does that title search indicate all persons anybody who show of record as having an interest in the property.

Answer: Yes

Attorney Lehman offered City Exhibit 2 to the Board. It was received into evidence.

Attorney Lehman: After receiving the title work, did you (Stephens) send notices to all parties of record with regard to the real estate.

Answer: Yes

Attorney Lehman: Showed Stephens City Exhibit 3 and asked him to identify it.

Answer: It's an Affidavit of the mailings.

Attorney Lehman: Who signed the affidavit.

Answer: Terri Wilburn, my assistant.

Attorney Lehman offered City Exhibit 3 to the Board. It was received into evidence.

Attorney Lehman asked Mr. Stephens if he's had an opportunity to personally inspect the property.

Answer: Yes.

When did you last see the property? Answer: This morning. (September 2, 2015).

Attorney Lehman asked Mr. Stephens to briefly describe the condition of the property.

Answer: It's in disrepair. The foundation is breaking down and missing in places. You can see where the house is settling. There are holes in soffits and fascia allowing animals to get inside. There are holes in the siding and a broken window recently has been boarded up.

Attorney Lehman handed Stephens City Exhibit 4 and asked him to identify it.

Answer: These are the pictures taken on July 21, 2015.

Attorney Lehman asked if the pictures accurately reflect the condition of the property at the time you took those pictures.

Answer: Yes.

Attorney Lehman asked if the pictures have been altered or retouched in any way.

Answer: No.

Attorney Lehman asked that the record reflect he showed the pictures to Mr. Burns.

Attorney Lehman confirmed that Stephens had gone to the property prior to the meeting.

Answer: Yes

Attorney Lehman asked Stephens if the property, basically, is the same other than the boarding of a window that was previously mentioned.

Answer: Yes

Attorney Lehman: Did you know of any kind of repair work on the foundation or any of the other holes.

Answer: No

Attorney Lehman offered City Exhibit 4 to the Board. It was received into evidence.

Attorney Lehman asked Stephens the questions on the Findings of Fact and Order. Stephens affirmed all, except the building does not constitute a fire hazard.

The City had no more questions for the witness.

Mr. Burns did not have any questions for Mr. Stephens.

The Board did not have any questions for Mr. Stephens.

The Board asked Mr. Burns if he had any further comments. He reiterated the comment he has talked with someone about the foundation but the gentleman is real busy right now. It could be anywhere from two weeks to a month before he could actually get to it. After the foundation work is complete, Mr. Burns can do the rest.

He has purchased some materials for the outside of the house.

Board member Metz asked Mr. Burns if he was aware there is a \$19,000 lien on the premises. He (Burns) was not aware of that.

The Mayor stated that this house has been setting for a long time without anything being done. Mr. Burns agreed and he just bought it last year.

Greg Metz stated that Mr. Burns has owned the property for 14 months and he just spoke with the foundation guy yesterday (day before this meeting). Burns stated this is his second conversation about the foundation; he spoke with him the first time during the winter.

The Mayor asked if he were to start on the house today, when would it be finished. Burns stated probably a year or so. He works 6 days a week and would try to work on it when he has a chance.

Attorney Lehman presented City Exhibit 5 to Mr. Burns and asked him if that is a copy of the deed from Barbara Nelson to you.

Answer: Yes

Attorney Lehman offered City Exhibit 5 to the Board. It was received into evidence.

Attorney Lehman asked Mr. Stephens about the contractor (Mr. Conliff) Mr. Burns indicated he would be using and is he registered with the City.

Answer: He works a lot with Marvin Schlemmer and works under Marvin's registration. He, himself is not registered.

Attorney Lehman asked the Board to make their findings and after you make your findings, then discuss what you want to do.

Greg Metz wanted to ask a question before doing that, to John Stephens. He asked when contact was first made.

Answer: July 21, 2015.

The Board made specific findings about the condition of the property. The Mayor then ordered the Declaration of Unsafe Property including all structures and real estate, more commonly known as 645 Washington Street, Wabash, IN, as contained in the enforcement authority's notice to owner, dated August 25th, is hereby upheld and all of said premises and buildings are hereby declared to be unsafe.

Attorney Lehman made a recommendation that it's three weeks to the next Board meeting (October 7). He recommends that the Board table making a decision in terms of whether or not it needs to be demolished, but require Mr. Burns to return October 7th with a quote and a timetable for the foundation work. Lehman emphasized that the timetable be within a short period of time and, if he does that, you can decide what you want to do if he does not do that or you are not happy with what he (Burns) brings back, you can order to have it demolished within 30 days. Greg added that he wants to know what it's going to cost for the foundation, I want an estimate of costs on what needs to be done to bring it to code. It's 14 months since you took title and you

don't have the slightest idea of what it's going to cost you. It may not be practical and you didn't know there's a \$19,000 lien against it. If you can't give us any indication what you're going to have in this, within three weeks, it's going to be very difficult frankly, for me, to see any future for this house.

Attorney Lehman would like a timetable for each quote too. A quote and timetable for the foundation, and quotes for the rest of the repairs and the timetables.

Greg Metz moved to table the decision until the October 7th meeting at which time Mr. Burns is requested to reappear with a detailed list of costs to repair as well as a reasonable timetable. By reasonable, I mean from your standpoint don't tell me you'll have it done in 45 days.

Attorney Lehman suggests to have the timetable broken down by benchmarks for the Board to go by.

Dee Byerly seconded the motion; motion carried.

ADJOURN

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

NEXT MEETING

Wednesday, October 7, 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.