



BOARD OF PUBLIC WORKS AND SAFETY MEETING MINUTES

CITY HALL CHAMBERS

WEDNESDAY, JANUARY 7, 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, Fire Chief Robert Mullett, Police Chief Larry Schnepf, Scott Richardson and Rick Price.

Council members: Doug Konkle, Bonnie Corn and Jim Wenrich

MINUTES

Greg Metz moved to approve the Minutes of the meeting of December 17, 2014 as were presented. Dee Byerly seconded the motion.

Attorney Lehman indicated it was necessary to amend the Minutes due to the wrong number on the Resolution. The Minutes reference, in item #2, to Resolution No. 3 and we need to amend it to read Resolution No. 6.

Greg Metz revised his Motion to approve the Minutes with the change of Item # 2 to read Resolution No. 6 of those Minutes. Mayor Vanlandingham seconded the amended 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. Status of progress on 7 Elmwood Drive- John Stephens, Building Commissioner John Stephens (Building Commissioner) and Kristina Lynn, counsel for the Dietzer estate both appeared.

John Stephens indicated he has not received anything requested.

Ms. Lynn represents the Jo Dietzer estate and it is the only asset in the estate. It has been the goal to sell the house, pay off the debts of the estate and close the estate. Ms. Lynn stated she was unaware prior to the initiation of these proceedings that there were major issues with the house. She knew from time to time there were issues that needed to be done, but, apparently, Ms. Dietzer-Hensley had been in contact with John (Stephens). Ms. Hensley attempted to have the power

turned back on but it was denied. Ms. Lynn is now fully aware but she was not able to bring the documents from the warrant and the list of things that need to be done. The Board was informed that Ms. Hensley is making efforts to sell the home and is in the process of trying to obtain monies from her deferred compensation fund (works for the State). She does not have liquid monies to repair the house. Attorney Lynn asked the Board to consider delaying accepting any bids for demolition of the property to give them a chance to get repairs completed and brought up to where the City would like to have it and not have the house demolished. Greg Metz asked if any effort has been made about getting the water out of the basement because with the extreme cold, the water will freeze, ruining the house's foundation. Ms. Lynn verified that her client has not entered into any kind of a contract because of the lack of funds.

Greg Metz stated that it has been 30 days after she met with the Board, she assured them she was going to do something, and the only thing that has been done is to hire an attorney. Ms. Lynn has been involved on behalf of the estate. His question is "what has she (Dietzer-Hensley) done between then and now?" If she has not talked to a contractor, how will she know how much money to get out of her account?

Dee Byerly stated that was the last question proposed to her at the hearing on December 17<sup>th</sup>. "If you go ahead, are you prepared to spend \$30,000 to \$50,000 fixing that house? She said, "No, I am not" and he (Dee) doubts the funds she is willing to tap will give her that much, but no one knows. That is the problem we (the Board) are faced with. We can stall here and it will come down to the same thing, "if we're digging and there's no potatoes, it ain't going to happen". Mr. Byerly asked Ms. Lynn if she has been in the house and she indicated "no", she has only driven by. She (Attorney Lynn) knows there are issues inside, that it has gone on too long and she is willing to work with John (Stephens). Dee stated that from the report, there is not much that is salvageable in the house.

John stated there's still water in the basement (as far as he knows) and holes in the roof. The reason they wouldn't hook the power up is because the riser is bent, the riser going from the meter up through the soffit. That's been bent when the tree fell on the house. John met with Duke on Monday. The service man said he wouldn't hook it back up until it (the riser) was fixed and that was the purpose of John meeting with him.

Greg Metz does not feel it's necessary to grant the extension due to lack of attempts by the owner. Dee Byerly feels she may fix the roof, maybe some cosmetic stuff and the inside will be left uninhabitable.

Doug Lehman stated there are bids to open for demolition. Understanding the Board's reluctance to give any more time, it seems your client's best option is to immediately get the water out before it freezes and destroys the foundation and the house will cost a whole lot more to fix. It's not known how much it will take to get the water out; it needs to be pumped out. Attorney Lehman said the Board can go ahead and receive bids and whether or not it will get demolished between now and our next Board meeting, it's not known. If we (the City) have to get the water out, it will take some time to get that done. The City's vacuator would be used and the water needs to be tested.

Greg Metz moved to go ahead and open the bids, award it and have the wastewater treatment department go ahead and get the testing (of water) done and remove the water as soon as possible.

Once the water is removed, the contractor would be notified they can demolish. Mayor Vanlandingham seconded the motion.

If the demolition is not done within two weeks, Ms. Lynn's client may appear in two weeks to try and convince the Board to hold off because she may have more information and showing a greater intent of doing something.

Rick Price, Wastewater superintendent, asked two questions: 1. Do they have permission to go on to the property to get samples? 2. There's a slight possibility when we take the water out, something could fall or collapse. He didn't want the department or the City to be held liable.

Greg asked that would be part of the demolition would it not? We (the City) in affect will be a sub-contractor and we've gone through the whole hearing process, the recordings, and we've gone through everything we can go through. Is that not correct? Attorney Lehman concurred.

Greg stated once we award that bid and if we sub-contract that with that contractor to take the water out, everything should be fine. Attorney Lehman said "yes".

Attorney Lehman stated that once the 30 days has passed, the City has the authority to demolish the building, which means, we have the authority to go on the property; testing and pumping is a part of the demolition process.

Motion carried.

### **NEW BUSINESS**

#### **1. Discipline issue (Scott Reese)**

Chief Mullett stated that firefighter Scott Reese has made a mistake that warrants BOW guidance. Mr. Reese has been charged with "Operating While Intoxicated" in another County. The Chief has brought charges and the Board has reviewed and approved providing a notice to firefighter Reese as to what his rights are. At this point, under State statute, he has a right to have a hearing to determine if he has committed any act that would be grounds for demotion, dismissal, suspension, forfeiture of pay or whatever other appropriate punishment you might have. Firefighter Reese has a right to have at least 14 days before the hearing is conducted and he has a right to insist that the hearing be conducted within 30 days. We can agree to postpone that for a period of time and how long is up to the Board and firefighter Reese by mutual agreement.

At this point in time, the charges are mere allegations and I don't believe firefighter Reese has pled guilty, or otherwise committed himself with regard to those charges. In the past, and the statute permits, we have placed firefighters in this situation on administrative leave until the charges are resolved because there is the possibility that he could be acquitted or the charges might be resolved in some other manner that may or may not influence what you (Board) might want to do in terms of a punishment.

The charges were given to firefighter Reese within the last couple of days so if he wants a hearing, he has to request it within 5 days. He is here today, so in part it depends on what he wants to do at this point.

Firefighter Reese distributed a copy of a letter to the Board requesting the unpaid administrative leave until he can get the matter resolved on the criminal side of things. He does not know the time frame but he'd like to say within a month or two. As soon as he knows, he will notify Chief Mullett to proceed and go forth from there. Firefighter Reese asked for the administrative leave and the postponement of any hearings on behalf of the BOW until that issue is resolved.

Attorney Lehman did indicate that firefighter Reese does have some vacation or comp time or other personal leave and he was asked if he wished to take that before the unpaid administrative leave? Firefighter Reese indicated he would.

Greg Metz moved to accept firefighter Reese's request for unpaid administrative leave effective upon using paid time he has coming to him and postponing the hearing at his request until after his charges in another County have been resolved. Mayor Vanlandingham seconded the motion, motion carried.

2. Demolition quotes for 7 Elmwood Drive – John Stephens, Building Commissioner

Attorney Lehman opened the quotes:

1. Brainard Excavating, LLC: \$5,639.00
2. CAT Excavating, Inc. -\$7,000.00
3. Troy Eads Excavating, Inc. -\$8,900.00
4. Hank's Construction-\$5,700.00

Dee Byerly asked if they all had the same specs because of the discrepancy between numbers; Attorney Lehman confirmed they did. The City picks up the landfill fee but it's the contractor's responsibility to get the materials there.

Greg Metz moved to accept Brainard Excavating, LLC for the demolition of 7 Elmwood Drive. Dee Byerly seconded the motion, motion carried.

### **OTHER BUSINESS**

The Mayor introduced Keith Gillenwater as the new President and CEO of the Economic Development of Wabash County.

Greg Metz (member of the Board for Economic Development of Wabash County) indicated that Keith came highly recommended by Bill and the other people that we have spoken with in regards to references. He is very well thought of and we are fortunate to get someone that well thought of to replace someone who also was well thought of.

### **QUESTIONS FROM THE AUDIENCE**

None

### **REPORTS FROM DEPARTMENTS**

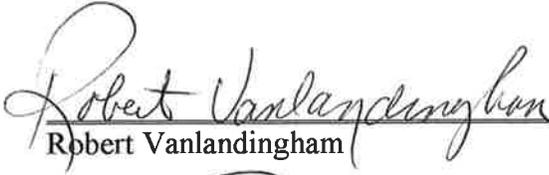
None

### **ADJOURN**

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

**NEXT MEETING**

Wednesday, January 21, 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.