

City of Tipton Board of Public Works and Safety meeting held on September 24, 2018 at Tipton City Hall, Council Chambers, Tipton.

Members: Mayor Havens, Councilmen Curnutt and Morgan and Clerk-Treasurer Clark.

Others: Steve Gill with Republic Services, Steve Niblick, Lynlie Adair, Diana Tomlinson, Mike Terry, Ronald Byal, Bob Edinger, Tom Clark, Tipton Tribune – Vicky Boyd, Jeff Ogden, Mike Phifer, Bret Jackson and Tori Holt.

Mayor Havens opened the September 24, 2018 Board of Public Works and Safety meeting.

Minutes: Councilman Morgan made a motion to approve the September 10, 2018 BOW minutes without amendment, seconded by Councilman Curnutt, with all in favor.

Amend Agenda: Nothing to report.

Old Business: Nothing to report.

New Business: Byal Hearing on Notice of Abatement – 502 N. Main Street: Mayor Havens reported Mr. Byal asked for the hearing and we are going to allow him to make his points known. Mr. Byal reported the ordinance controls vegetation. He also reported he received a notice of the vegetation too high and it needed cleaned up, the letter was dated June 25, 2018 and the first attempt to deliver date June 14, 2018. Five days later after he received notice he called Lynlie Adair. He advised her he received the letter and would take care of it that weekend. Byal reported he took care of it June 30th and July 1st, he cut the weeds with a weed eater and he called Lynlie on July 3, 2018 and told her it was done. He also reported there was two feet of vegetation at the tavern next to him and he didn't do it. Byal reported he received a bill dated July 31, 2018 for 502 N. Main Street, for weed eater and labor on June 10th for \$131. He stated he was billed for something not notified. Mayor Havens reported we will address the issue at that time. The work on June 10, 2018 should it have been July 10, 2018. Park Foreman Tomlinson reported we have the property mowing slip here. She also reported it says June 10th Lon Martin was the employee. Tomlinson reported the mowing slip says June 10th the date stamp when turned in to the Clerk-Treasurer's Office was July 11, 2018 and I take the mowing slips in the day of or day after. She also reported she would say the work was done on July 10th not on June 10, 2018. Mr. Byal accepted when the work was done of July 10, 2018. Byal reported the bill was to be paid within 10 days or a lien will be placed on property or he can dispute the abatement in which he asked for a hearing before the 10 days was up. He also reported he should have received a new notice after he abated the property himself and he contends we can't file a lien if the bill is still in dispute because work was completed by the owner before the due date. Councilman Curnutt stated Byal did the work on June 30th and July 1st. Lynlie reported there is one initial letter we send. The complaint was received June 14th and a certified letter was sent on Monday, June 18th, re-inspected on June 28, 2018 (following Thursday), Mr. Byal called on June 28th after property checked and said he would take care of the nuisance on the weekend of June 29, 2018. She also reported he then called the following week of July 2-6th and said he

cleared the vegetation by spraying the weeds. Lynlie reported Tomlinson (Parks Dept.) called on July 10th the following week and stated the property needed cleared and that the weeds were over 8 inches and did not look like they were sprayed. She also reported she advised Tomlinson it would be at her discretion. Councilman Morgan reported there is not normally a second letter sent after the first letter. Lynlie reported only one letter. Mayor Havens asked if the weeds appeared to be under stress. Tomlinson reported she didn't notice it. Mayor Havens asked Byal if he sprayed. Byal reported no spray just cut the weeds with weed eater. Councilman Curnutt asked if the action was taken on the weeds to the west. Tomlinson reported by the junction no, there is a cement slab, it was his property. Finding of fact was restated. Byal asked who made the complaint. Lynlie reported not sure but probably someone coming out of Faye's. Byal reported he received certified letter, responded, and cut weeds, he notified City he took care of the weeds and waited 10 days to inspect creates another issue. Mayor Havens asked Building Commissioner Niblick or Lynlie to address the notice. The ordinance doesn't require additional notice. Niblick reported the letter was mailed and posted at the property and there is a one time notice to keep the property maintained. Mayor Havens asked Mr. Byal if he resides in the City. Byal reported he does not and he is not in the City every day. He also reported the ordinance stated after such abatement by the City the City may without further notice reinspect property, but we the City hadn't abated it, yet the first abatement was by owner and not the City. Niblick reported the issue is if we should charge Byal or not. Mayor Havens reported the Finding is on June 30th and July 1st based on his representation the remediation was done by the owner, weeds grow back up quickly. He also reported it appears to him that Mr. Byal made good faith effort to remediate and reported the remediation, completed the abatement after that and it is back up again over eight inches. Mayor Havens stated he doesn't find that the City was ignored by Byal or neither, was the administration mishandled. Councilman Curnutt reported the weeds have been growing all spring on June 30th and July 1st they were cut down and it easily could have grown 7-9 inches from July 1 to July 10th. Councilman Morgan reported a week ago to 10 days the weeds grow and come back again. Mayor Havens reported July 1st is the last date and July 10th we abated, this lot is a rock lot and the rocks are a size of a fist. Councilman Curnutt reported he feels the property owner responded but nature took its course. It shouldn't have been processed it should be forgiven. Councilman Curnutt made a motion to forgive the billing and release the lien, seconded by Councilman Morgan, with all in favor.

Open 2018 Trash Bids:

Clerk-Treasurer Clark reported we received two bids one from Recycle Guy Holdings (new ownership) and the other from Republic Services. Recycle Guy the bid was for Bid C the dumpsters \$290 for a 32-yard container transporting to Oakridge Landfill in Logansport, the landfill charges is \$47.25 for a three ton minimum and the Environmental Fee is \$23 per load. Republic Services bid goes from 2018 to Oct. 14, 2021. There is a new price each of the three years.

Bid B: Transfer Disposal	(Kokomo)
1 st year	\$45.73 per ton

2 nd year	\$47.10 per ton	
3 rd year	\$48.51 per ton	
Bid C: 30 Yard Roll-Off Containers		
1 st year	\$255 per haul	30 per ton
2 nd year	\$263 per haul	31 per ton
3 rd year	\$271 per haul	32 per ton
Bid A: Landfill (Clinton County)		
1 st year	\$43 per ton	
2 nd year	\$44.29 per ton	
3 rd year	\$45.62 per ton	

It was reported we are paying \$43.55 right now.

Councilman Morgan made a motion to take the bids under advisement for Public Works Manager Terry to review, seconded by Councilman Curnutt, with all in favor. Mayor Havens stated you can make the recommendation at the next BOW meeting which is the second meeting in October. Tipton Tribune Boyd asked if this was for recycle or trash. Mayor Havens stated this is for trash.

Mayor's Report: Nothing to report.

Fire: Chief Ogden handed out his August report. He also reported Tim LaFever has completed his probationary period as of September 17, 2018. Chief Ogden recommended Tim LaFever, Firefighter/EMT be promoted from probationary status to fulltime firefighter with the City of Tipton effective September 16, 2018. Councilman Morgan made the motion to promote Tim LaFever from probationary status to fulltime fighter effective September 16, 2018, seconded by Councilman Curnutt, with all in favor. Chief Ogden reported all units have been serviced at the City Garage. There was fuel on the floor from Engine 11 fuel tank. City Mechanic Morgan thinks he can fix this and with the parts it will cost around \$1,000. He also reported October 7-13th is Fire Prevention Week, we will be in school on October 15th and the merchants help pay for this. Chief Ogden stated the grant from IPEP which was an 80/20 match. The grant amount of \$8,300 for the washer and dryer was denied. We have received different donations, so we will still be able to pay for it. The donations were from the Credit Union, CPR classes, and Pool fills.

Police: Chief Clark handed out his YTD and monthly stats. He also reported the new Officer, Kenneth Parson started on September 23, 2018. Chief Clark reported all officers have completed firearms training. The Irecord system we had a free class for interviews and interrogations and we sent Officer Leisure to it. He also stated Officer Robins last week went to class for Public Information Officer and Social Media. Mayor Havens asked about the SRO. Chief Clark stated he has heard only good comments from people at the school, he intertwines with the students. He also reported for the SRO's office out at the school, Becks donated with the help of Tractor Supply a safe for \$250 originally \$500 to

keep his rifle in. Mayor Havens reported Superintendent Emsweller echoed what you said, everyone is pleased.

Mr. Phifer requested an update regarding a tree matter at 227 E. Washington. Mayor Havens reported that his office is coordinating with the Tipton Utility Service, the Tipton Golf Course and the property owner to effect the removal of the offending tree and planting of a columnar yew in the front yard of the property.

Adjournment: Councilman Curnutt called for adjournment, seconded by Councilman Morgan. There was no vote so the meeting stayed opened.

Vicky Boyd asked if she could speak. Mayor Havens asked if it was as a reporter or member of the public. Boyd said reporter. She reported that Mr. Dollens, Johnson and Ashley from the Planning Commission advised her to take this to the BOW. Boyd reported she has copies of additional information on the proposal of clean up at Pioneer site from Tragesser Concrete. Councilman Morgan asked why are you bringing this as a reporter and not coming from the Planning Dept. Boyd reported she feels she is getting the run around. She also reported this is Mr. Andrews property and I have multiple emails to the Mayor, Sherry and Kring about cleaning up the property and a request for façade grant. Boyd reported she spoke to Mr. Andrews this morning to speak about it but he is out of State. She also reported Mr. Ashley stated the owner of the concrete and dirt on the east side of the building should be responsible for the clean-up. Beth Roach, County Council President and former Clerk-Treasurer for the City of Tipton stated the depositing of the concrete and piles of dirt by the old Pioneer was deposited by the City and Sheril Coverdale, owner of the old Pioneer building said the same thing. Boyd reported the dirt dredging of Cicero Creek you were to store there until the City could properly dispose of it and take it away. She also reported Mr. Andrews has been talking to Nathan with P3, and the Mayor regarding a façade grant and probably dispose of the material by the City about two month ago but the phone calls ceased. Councilman Curnutt reported we are open to speak to Mr. Andrews but this is not part of Tipton Tribune. Boyd reported he has made multiple attempts with the Mayor and parties involved. He is more than willing to work with the City concerning this. Mayor Havens reported in 2016 there was a lot of communications but when he put a For Sale and For Lease sign then they ceased discussions at that point and time because of adding value to the property. Boyd interjected and said did you ask Mr. Andrews about the For Sale sign. He is only selling a portion on the property, she was an advocate for Mr. Andrews in this case. Councilman Morgan stated are you taking one side. In public meetings, there is one side reporting, not unbiased. The Planning Commission should come to us, an official representative from there. Councilman Curnutt reported Mr. Andrews, property owner can come to the BOW meeting, and we meet twice a month, the second and fourth Monday. Mayor Havens reported when the sale and lease signs went up, to dispose of the asset, City taxpayer could add value to, directly or indirectly, his asset, if he runs and operates a business or lease the buildings for a particular use. Boyd reported as far as the clean up of \$300,000 was more than just the area on the East side, that area was a lower figure. It was reported

Mr. Andrew can come before the BOW or the Planning Dept. before the BOW or if they would like to visit with the Mayor in his office. Mayor Havens reported this is a difficult situation, every stone out there regardless who put it there it was all there when he paid x for the site, everything he saw and observed. Boyd reported there was emails with Kring and the City would be doing the clean-up and he would get a façade grant. He assumed the City would help. Mayor Havens asked which was it, the City help or the City would do the clean-up. He also reported for the City to do anything, he could see us being a good partner and have a partnership to any project. It is a significant amount of money with the concrete building and other building. He was not able to get the façade grant. Mayor Havens reported there was too many things asked for, he needed a lot of things and we couldn't get together. He also reported he was interested in the Gateway to the City and in the building. Boyd reported he told the City he wasn't able to do clean up but City would do it. Mayor Havens reported this was handled through Economic Development, the clean-up, water, sewer and power, the site clean up and he wouldn't be able to do. He also reported the P3 meetings are not public meetings. Councilman Morgan reported the Planning Commission has something to bring to the BOW other than having a third party, bring the issue forward.

Adjournment: With no further business, Councilman Morgan called for adjournment, seconded by Councilman Curnutt, with all in favor.

Submitted by Tamera Clark, Clerk-Treasurer.


Tamera Clark, Clerk-Treasurer


President, Board of Public Works and Safety