

# City of LaPorte Board of Public Works and Safety

May 19, 2010

## Convene

City of LaPorte Board of Public Works and Safety met in regular session in the Council Chambers on May 19, 2010 at 9:00 am. Attendance: Mayor Chrobak, Present: Mr. MacLennan, Present: Mr. Rosenberg, Present.

## Pledge

The Pledge of Allegiance was led by Mayor Chrobak.

## Minutes

As each member of the Board received an advance copy of the minutes prior to the meeting, Mayor Chrobak stated she would dispense with the reading of same and asked for any corrections or additions.

## Motion/Vote - Approval of Minutes from 5/12/2010

Mr. Rosenberg made a motion to approve the minutes as presented; Mr. MacLennan seconded the motion. The motion passed by vote: Mayor Chrobak (Yes), Mr. MacLennan (Yes), Mr. Rosenberg (Yes).

## Public Comment

Jim Stahl, 1710 Weller Avenue, revisited the issue of connecting to City sewer once it has been installed by the City. Mr. Stahl is not in favor of connecting and feels he is being unjustly forced by the City to do so as he has a completely functioning septic system in his back yard. Mr. Stahl stated at the Board of Works meeting on April 28th he never heard anyone mention the fact there were alarms attached to the grinder pumps the City wants to install, which can present a real problem in the event of a power failure. He also felt the residents are being misled by the size of the grinder pumps; they are not small pumps as Mr. Jackson, Director of Wastewater has previously stated. Mr. Stahl reported the information he has gathered on the website about grinder pumps, shows a hole will have to be dug in his yard approximately three feet wide and six feet deep to accommodate the pump. Mr. Stahl feels the \$3,000.00 each resident is being forced to spend on the pumps is unfair and showed the Board the tiny plastic pipe that will run from his house to the street for the connection point. He also reported Mr. Jackson had stated no asphalt will need to be disturbed when installing grinder pumps, yet Mr. Stahl saw pictures of a project that had asphalt removed in front of each house where these pumps were installed. Mr. Rosenberg asked Mr. Stahl if he has met with Mr. Jackson as the Mayor suggested to him when he appeared before the Council with these same questions on Monday, May 17th. Mr. Stahl stated he has not met with Mr. Jackson as of yet. Mr. Stahl believes the City is making a big mistake in choosing the grinder pump system over the gravity system which he believes will be the most successful option for the long term effect. Gravity will always work, especially because he lives on the highest point on Weller Avenue, whereas mechanical pumps will eventually fail. Mayor Chrobak reported she has an acquaintance that lives right by Mr. Stahl and they have a grinder pump which works beautifully because it is a proven system, not new technology the City is asking him to put his faith in. The Mayor asked Mr. Stahl once again to arrange a meeting with Mr. Jackson as he is the expert in this matter. Mr. Rosenberg wanted to clarify the Herald Argus has been printing some serious misconceptions about the Weller Avenue sewer issue and they need to be addressed. Mr. Rosenberg stated the pumps are not \$5,000.00 each; the total project for each residence is

approximately that amount. It's also important to note the gravity system is three times the cost to the City as the grinder pump option and will be a much lengthier, drawn-out process. Mr. Stahl asked if the cost will come from the City's general budget or the Wastewater budget. Mr. Rosenberg stated it will come from the Wastewater budget.

Tom Schmidt, 504 Jefferson, presented the Board photos of his neighbor's house at 505 Jefferson and asked for help in getting them to clean up their unsightly property. Mayor Chroback asked Mr. Schmidt if he has called the Code Enforcement Officer to report the matter. He stated he has not. Mayor Chroback stated Lynn Cains, Director of Code Compliance is at the meeting today and directed Mr. Schmidt to take the matter up with him. Mr. Schmidt stated he has also paid some parking tickets for parking overnight on Jackson Street and would like to know why the area is ticketed in the evening when it doesn't affect business owners after hours. The Mayor stated that particular area does need to be addressed and it will be looked into. She reminded Mr. Schmidt to fill out an appeal form in the future if he would like to dispute a parking ticket.

Merlyn Jones, 607 ½ Jefferson, stated she is a neighbor of Mr. Schmidt's and agrees wholeheartedly the mess out in front of 505 Jefferson is unsightly and uncalled for. She stated the people there are loud and unruly and congregate outside by the sidewalk making it impossible to pass by unless you walk on the tree lawn.

Connor Koch, 103 Willowbend, stated he and his friends were very upset to hear the City Skate Park is closing and would like to know if they can do anything to help keep it open. Mayor Chroback stated the Skate Park is not closing, that is just a rumor, not to worry. Mr. Koch reported he and his friends have been using the park since the first day it opened and are willing to volunteer supplies and labor to spruce it up and get people interested in bringing their kids there once again. He also added the Police used to drive by several times a day but are hardly seen anymore and he thinks their presence will help deter vandalism and crime. Mr. Rosenberg directed Mr. Koch to meet with Dean Heise, Director of Parks and Recreation who is at the meeting today to discuss volunteer work. Mayor Chroback thanked Mr. Koch for taking an interest in helping at the Skate Park.

## **Clerk Treasurer**

### **Claims Approval**

Mr. Rosenberg moved to approve Civil City Claims in the amount of \$87,113.46; motion seconded by Mr. MacLennan and unanimously carried. The Clerk Treasurer, Teresa Ludlow, noted \$66,000.00 was from the Major Moves Fund for the Boston Street Project and the City will be reimbursed 80% by the State.

Mr. MacLennan moved to approve Water Claims in the amount of \$217,037.30; motion seconded by Mr. Rosenberg and unanimously carried. Mrs. Ludlow noted payroll claims were part of that total.

Mr. MacLennan moved to approve Wastewater Claims in the amount of \$238,556.62; motion seconded by Mr. Rosenberg and unanimously carried. Mrs. Ludlow advised payroll and transfers were included in the totals.

### **Contractor Registrations**

The following contractor registrations were presented for the Board's approval:

1. Custom Construction      LaPorte, IN

2. Salyer Plumbing                      Hammond, IN
3. Greentree Environmental          Portage, IN
4. Marco Contractors, Inc          Warrendale, PA

Mr. Rosenberg moved to approve the contractor registrations as presented; motion seconded by Mr. MacLennan and unanimously carried.

## **New Business**

### **Request for Parking Space-Greg Hofer**

Dale Clingerman, Director of Engineering and Building Services, requested on behalf of Greg Hofer, 609 Michigan Avenue, the Board authorize the use of two parking spaces in front of his business while it's being painted this week. The job is expected to last from Wednesday, May 19th through Sunday, May 23rd. Mr. Clingerman stated he has approved the scope of work and recommended the Board approve same.

Mr. MacLennan moved to approve the parking spaces per Mr. Clingerman's recommendation; motion seconded by Mr. Rosenberg and unanimously carried.

### **Sign Request-Burkhardt Signs**

Bob Betes, Burkhardt Signs, reported he has obtained a permit to change the signs on the National City Bank building at the corner of Michigan and Lincolnway. Mr. Betes stated he needs permission from the Board to block one lane of traffic on Lincolnway and one on Michigan during the installation of the signs on Tuesday, May 25th. He stated he has verbal permission from INDOT for the lane closures. Mayor Chroback asked if they would be blocking the sidewalk. Mr. Betes stated just the traffic lane and parking spaces while the boom truck is in operation.

Mr. Rosenberg moved to approve the request for lane closures subject to receipt of written approval by INDOT; motion seconded by Mr. MacLennan. Dale Clingerman came forward and stated he was unaware of this project and because of the City's Ordinance regarding downtown building standards, he didn't feel they would have approval in time because it is usually a fifteen day turnaround for his department to ensure all specifications are being met. Mr. Betes stated he would comply with all requests. Mr. Clingerman invited Mr. Betes to come to his office after the meeting to discuss matters.

Mr. Rosenberg amended his original motion and moved to approve the request for lane closures subject to written approval from INDOT and upon the City Engineer's review and recommendation; motion seconded by Mr. MacLennan and unanimously carried.

### **Dixon Engineering Contract**

Todd Taylor, Director of Water Department, reported he has a contract he would like to enter into with Dixon Engineering for inspection services for the duration of the painting of the Webber Street water tower. Mr. Taylor stated he has worked with Dixon Engineering on many occasions and highly recommends their inspection services. The contract stipulates the fees will not exceed \$28,000.00 and he will bring it before the Board at next week's meeting for their approval.

### **Request to Solicit Quotes-Wastewater**

Due to Jerry Jackson's absence, Mr. Clingerman reported the Director of Wastewater has applied for, and received, an Energy Grant in the amount of \$207,000.00. As part of this grant award, Mr. Jackson would like to solicit quotes to purchase two pumps for the trickling filter towers at the Wastewater Plant. City Attorney, Don Baugher, asked Mr. Clingerman if he wanted to solicit bids or quotes because as long as the pumps were under \$150,000.00 he could solicit quotes. Mr. Clingerman stated they would fall under the category of quotes. Mr. Clingerman asked if the Mayor if she knew if the lights for the bridge were included in the grant award. She stated she wasn't sure if they were included or not.

### **Motion/Vote - Authorization to Solicit Quotes**

Mr. MacLennan made a motion to authorize Mr. Jackson to solicit quotes for the pumps as requested; Mr. Rosenberg seconded the motion. The motion passed by vote: Mayor Chrobak (Yes), Mr. MacLennan (Yes), Mr. Rosenberg (Yes).

### **Pay Request #7 - Darlington Street Sewer Separation Project**

Mr. Clingerman presented the Board with Pay Request #7 in the amount of \$149,040.55 payable to H & G Underground Utilities for the Darlington/Worden Street Sewer Separation Project and recommended they approve same. Mr. Clingerman stated the money will come from the State Revolving Fund.

Mr. MacLennan moved to approve Pay Request #7 to H & G Underground Utilities in the amount of \$149,040.55; motion seconded by Mr. Rosenberg and unanimously carried.

Mr. Clingerman reported the project is nearing the end and he is very pleased with the progress. Mr. MacLennan asked when he expected the project to be completed. Mr. Clingerman stated he expected one more month of work due to the replacement of a sanitary sewer by Packaging Logic. Mr. Rosenberg asked if the completion of this project will have any impact on the flooding issues at the intersection of Lawrence and Jefferson Avenue. Mr. Clingerman reported it will have significant impact because at least half of the flow of rainwater going to that intersection will now be redirected in another direction. While Mr. Clingerman could not state that flooding at Lawrence/Jefferson would be alleviated, it will certainly be reduced.

### **Change Order #5 - Boston Street**

Mr. Clingerman presented Change Order #5 for the Boston Street Project which results in a credit to the project in the amount of \$7,654.50 and recommended the Board approve same. Mr. Clingerman advised the State will receive 80% of this savings and the City will receive 20%.

Mr. Rosenberg moved to approve Change Order #5 as requested; motion seconded by Mr. MacLennan and unanimously carried.

Mayor Chrobak asked Mr. Clingerman if the project is still on schedule. Mr. Clingerman reported the project is way ahead of schedule as they are already in Phase II which should take another month or so. The last phase includes Factory Street to Lincolnway with the entire area to be fully opened to traffic by the end of November. Mr. Clingerman advised the project was originally scheduled to be completed by June 2011, so he is more than pleased with the progress.

### **Receipt of Quotes-Water Main Bore-Crescent Drive**

The following quotes were received for the Water Main Bore Project on Highway #35:

- |                              |             |
|------------------------------|-------------|
| 1. H&G Underground Utilities | \$46,760.00 |
| 2. Woodruff & Sons           | \$44,688.80 |
| 3. Selge Construction        | \$74,680.00 |

Mr. MacLennan moved to refer the quotes to the Water Department, Engineering and City Attorney, for their review and recommendation; motion seconded by Mr. Rosenberg and unanimously carried.

### **Unity Foundation Contract**

Mary Ann Richards, Program Director of Community Development and Block Grant Program, presented the Board with a contract with the Unity Foundation for Continuum of Care Services and recommended they approve same. Mrs. Richards reported the City has contracted with the Unity Foundation for the past four years for their services in constructing a ten year plan to end homelessness, rapid re-housing plans, and coordination of social services for housing. The contract is in the amount of \$7,500.00 and uses CDBG funds. Mayor Chroback asked if the City Attorney has reviewed the contract. Mr. Baugher stated he has reviewed the contract.

Mr. MacLennan moved to approve the contract with the Unity Foundation as presented; motion seconded by Mr. Rosenberg and unanimously carried.

### **Request To Solicit Quotes-CDBG Program**

Mrs. Richards informed the Board the 13 houses participating in the 2009 CDBG Homeowner Repair Program are in need of repair and she requested permission to solicit quotes to be opened by June 16th. The types of repairs needed are carpentry, plumbing, and roofing. Mr. MacLennan asked if she had an approximate cost on the total of these repairs. Mrs. Richards estimated approximately \$100,000.00 in repairs which are paid for by federal funds that support the CDBG projects.

### **Motion/Vote - Approval to Solicit Quotes**

Mr. MacLennan made a motion to authorize Mrs. Richards to solicit quotes for the 2009 CDBG Homeowner Repair Program; Mr. Rosenberg seconded the motion. The motion passed by vote: Mayor Chroback (Yes), Mr. MacLennan (Yes), Mr. Rosenberg (Yes).

### **Unfinished Business**

Rob Sabie, Fire Chief, informed the Board he has six old Self Contained Breathing Apparatus (SCBA) bottles at the Fire Department and he would like the Board to declare the equipment obsolete. Chief Sabie provided the Board with a quote from 5 Alarm Fire and Safety Equipment who valued the old bottles at \$100.00 each for trade-in purposes, and \$900.00 when brand new. Chief Sabie stated he would like to

donate the bottles to a local company which would like to remain anonymous, and in exchange they would like to donate two brand new Ice Rescue Suits to the Fire Department, which are valued at \$660.00 each. The Chief advised he has been in desperate need of new Ice Rescue Suits for several years now and has placed them on the wish list for CEDIT funds but hasn't been able to obtain them. The six suits the department currently owns are old and leak which makes it very dangerous for his men, especially with ice fishing being so popular here in LaPorte.

### **Motion/Vote - Authorization to Declare Equipment Obsolete**

Mr. MacLennan made a motion to declare the equipment obsolete and authorize Chief Sabie to make the exchange of equipment as requested; Mr. Rosenberg seconded the motion. The motion passed by vote: Mayor Chrobak (Yes), Mr. MacLennan (Yes), Mr. Rosenberg (Yes).

### **Department Reports Water**

Mr. Taylor requested permission from the Board to send an employee to school for four days in July to obtain Backflow State Certification at a cost of \$650.00. He stated the school will be held in Gary, Indiana but only if the minimum number of required applicants sign up for the school. Due to an employee retiring at the end of the year, Mr. Taylor stated he is in need of another employee obtaining this certification to compensate for the loss.

Mr. MacLennan moved to authorize Mr. Taylor to send his employee to Backflow State Certification School as requested; motion seconded by Mr. Rosenberg and unanimously carried.

### **Contract Renewal-MacAllister Power Systems**

Mr. Taylor presented the Board with a contract renewal with MacAllister Power Systems to monitor and service the back-up generator at the Water Plant and requested they approve same. He requested a three year renewal at a cost of \$3,960.00 and this provides testing twice a year. Mr. Taylor stated he would provide the City Attorney with a copy for his review.

Mr. MacLennan moved to approve the contract with MacAllister Power Systems as recommended; motion seconded by Mr. Rosenberg and unanimously carried.

### **State Revolving Fund**

Mr. Taylor reported he has applied for loans from the State Revolving Loan Fund for several upcoming projects. Test drilling is involved in for future well sites and archaeological reviews are required at each site. The first test site resulted in the discovery of a few artifacts during Phase I and due to time constraints, Mr. Taylor requested the Board authorize him to allow the next set of archaeological reviews for Phase II. Mr. Baugher reiterated the process of obtaining SRF loans is lengthy and the Water Department got a late start so time is of the essence.

Mr. MacLennan moved to authorize Mr. Taylor to move ahead with Phase II; motion seconded by Mr. Rosenberg and unanimously carried.

### **Crescent Drive Water Main**

Mr. Taylor reported the Crescent Drive Water Main project is moving ahead as scheduled without any problems.

## **Police**

Terry Scherer, Chief of Police, asked if any progress has been made on the Lease to Purchase agreement between the City of LaPorte and LaPorte Chrysler which was originally approved by the Board on April 28, 2010. Mayor Chrobak stated she was just today able to get those lease-purchase agreements to the City Attorney for his review. Mr. Baugher advised he would look them over today and get back with the Chief by this afternoon.

## **City Attorney**

Mr. Baugher reminded everyone there is an Executive Session immediately following the regular meeting today and requested the Board set one for next week as well, to discuss litigation. Mr. Baugher requested Mr. Taylor attend the Executive Session today.

Mr. Baugher reported he has formally petitioned the Indiana Supreme Court to take full jurisdiction over the property tax issues plaguing LaPorte County. The petition sites the “failure of the LaPorte County Auditor, Assessor and Treasurer to timely determine appropriate taxes, issue tax bills and collect taxes, have put the City of LaPorte and most likely other political subdivisions within the County, at risk of not being able to provide appropriate public safety services. Further, it is altogether probable that all activities of the City of LaPorte will cease if, as predicted by the Clerk-Treasurer, its operating funds are exhausted in August of 2010.”

In direct relation to this petition, Mr. Baugher advised he was in contact this morning with the Attorney for Carol McDaniel, County Assessor, and was told the agreement between the County and County Assessor has been signed by Mrs. McDaniel and will then be brought before the County Council for their acceptance. From there the agreement will go back to the tax court for its review. Once all of these steps have been satisfactorily completed, Mr. Baugher advised the City will then withdraw the Supreme Court lawsuit.

## **City Planner**

Mary Jane Thomas, Director of Community Development and Planning, reported the first Farmer’s Market held over the weekend was a great success. She stated there was plenty of positive feedback from the community about the new location at the corner of Monroe and Lincolnway. Ms. Thomas thanked the Street Department and Violations Department for their assistance in notifying residents not to park in the Monroe Street Lot where the Farmer’s Market is being held this year.

Ms. Thomas reminded the patrons who sponsor City planters to have them cleaned out by May 24th so Perennials Galore can do their plantings on May 27th and 28th.

## **Parks and Recreation**

Mr. Heise reported he was on the local radio station last week to discuss how the recent cuts in funding have affected the City parks. He wanted to emphasize, that despite rumors, the parks are not closed some services have just been cut. Due to fewer personnel, the frequency of trash pick-up will be reduced as well as the hours of operation of public restroom facilities. Mr. Heise stressed that anyone who is renting a picnic shelter or other facility will definitely have trash and restroom services provided for them. He stated eight restroom facilities are affected and announced the new hours of operation for the restrooms from

Memorial Day through Labor Day, will be 7:00 a.m. to 7:00 p.m. Mr. Heise thanked the personnel who have volunteered to open and close the restrooms such as umpires and coaches of the various sport programs. He announced the YMCA is taking responsibility for trash removal during their soccer events, Babe Ruth organizers will take care of restrooms and trash removal at Fox Park, as well as Jim Burden who is in charge of the City Band at the Dennis Smith Amphitheatre. Mr. Heise thanked the staff of Brentwood Community Retirement Home for donating a handicap Port-a-Pot at the Amphitheatre for the summer band season. He stated volunteers are still needed for set-up and clean-up at the Amphitheatre for chairs and banners which he estimated would take an hour before and after each band session. Another area in need of volunteers is Stone Lake Beach for periodic removal of seaweed and debris from the water's edge. Mr. Heise stated he was very grateful to everyone who has so graciously donated their time and equipment and asked for the public's continued patience and support.

#### **Lease-Purchase Agreement-revisited**

Mr. Baugher stated he had time to look over the lease-purchase agreement with LaPorte Chrysler and found it to be satisfactory. The City will lease six vehicles without any additional changes to the budget, and at the end of the lease they will own those vehicles outright. The City is also purchasing the van used by Animal Control for a very lucrative price of \$6,740.00.

Mr. MacLennan moved to authorize the Mayor to execute the lease-purchase agreement with LaPorte Chrysler as presented; motion seconded by Mr. Rosenberg. Discussion was held regarding whether the motions should be separated. Mr. MacLennan withdrew his original motion at this time.

Mr. MacLennan moved to authorize the Mayor to execute the lease-purchase agreement with LaPorte Chrysler at no additional cost to the City's budget; motion seconded by Mr. Rosenberg and unanimously carried.

#### **Executive Session**

Mr. MacLennan moved to set an Executive Session for next Wednesday, May 26<sup>th</sup>, immediately following the regular Board meeting, for the purpose of litigation; motion seconded by Mr. Rosenberg and unanimously carried.

#### **Animal Ordinance**

Mr. Rosenberg asked if the Board should look into updating the Animal Control Ordinance and asked for any feedback from Chief of Police Terry Scherer. Chief Scherer stated the Ordinance does need to be a lot broader to include more animals, reptiles, etc. that pose a danger to humans. He stated a previous Animal Control Officer worked diligently on putting together some detailed language for the Ordinance but it never was implemented. Mayor Chroback stated it was very important the City get the language right for liability reasons. Mr. Baugher stated the City has taken owners of vicious animals to court and received orders to destroy, so the Ordinance is enforceable. Mayor Chroback asked Chief Scherer to get the Board members a copy of what they've previously put together and they will work from there.

#### **Mayor**

Mayor Chroback announced the City of LaPorte has once again received the designation as "Tree City USA" by the Arbor Day Foundation. The Tree Commission submitted the application and this makes the 15th year for the City to receive this special honor.

There being no further business before the Board, Mr. Rosenberg moved to adjourn; motion seconded by Mr. MacLennan and unanimously carried.

## Signatures

APPROVED: \_\_\_\_\_  
Kathleen Chrobak, Mayor

ATTEST: \_\_\_\_\_  
Teresa L. Ludlow, Clerk-Treasurer  
Approved: May 26, 2010