

# **City of LaPorte Board of Public Works and Safety**

**June 23, 2010**

## **Convene**

City of LaPorte Board of Public Works and Safety met in regular session in the Council Chambers on June 23, 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 June 14th**

Mr. Rosenberg made a motion to approve the minutes from June 14th as presented; Mayor Chrobak seconded the motion. The motion passed by vote: Mayor Chrobak (Yes), Mr. MacLennan (Yes), Mr. Rosenberg (Yes).

## **Public Comment**

Frank Auckerman, 103 West Street, requested speed limit signs be placed on his street to ensure the safety of the children who play there and the pedestrians who like to walk. Mayor Chrobak advised Mr. Auckerman to attend the next Traffic Commission meeting and make his request at that time. The Mayor informed him the Traffic Commission meets the first Tuesday of each month and if he would leave his name and number with her Administrative Assistant, they would let him know when the next one is because of the holiday schedule.

Nettie Jackson, 322 Clear Lake Boulevard, reported she has two pumps running day and night due to the flooding on Clear Lake Boulevard and she wanted to know what the City was going to do to alleviate this continuous water problem since she is spending so much money on electric services. She stated the City built up the area by the old Allis Chalmers building which forced the water to redirect towards the houses. Mayor Chrobak advised the lake siphon is running and doing the best it can. Mrs. Jackson stated she has lived by the lake for almost fifty years and as a tax-paying citizen who maintains her home; she feels the City should do its part to maintain the street in front of her house. Jerry Jackson, Director of Wastewater, stated he is very aware of the problem, and has been trying to clear the water off of the road. The pump is currently draining six million gallons a day and once the rain stops it will definitely help alleviate the water. Mayor Chrobak stated the City simply does not have the funds to build up the road at this time but she is very aware this is a flood area and understands the havoc it creates for the residents who live there.

Regina Browder-Fleming, South Bend, stated she grew up in the area of Clear Lake Boulevard that is flooding once again and her mother still lives there. Ms. Browder-Fleming stated she felt the City was ignoring the residents of Clear Lake Boulevard. She wanted to know what the City was doing with President Obama's stimulus money for road improvements if they aren't using it on Clear Lake Boulevard.

Mayor Chrobak advised the stimulus funds can only be used for federally funded roadways and that is out of her control. Ms. Browder-Fleming stated she was concerned to know if emergency vehicles could get through the flooded areas because the trash and recycling services were not getting through. Mayor Chrobak invited Ms. Browder-Fleming to make an appointment with her assistant and come to her office where they can go over this matter in more detail as she was misinformed over some of the financial issues the City was currently facing.

Mr. Rosenberg stated he is very aware of the problems on Clear Lake Boulevard because he has lived around Clear Lake for over seventy years and he has seen the lake level high and low over the years.

Willie Campbell, 330 Clear Lake Boulevard, stated he agreed with what the citizens before him spoke about and wanted to know that the Board of Works members would listen to the taxpayers and take their concerns seriously. Mr. Campbell reported he was disheartened to see money spent and improvements made on streets without houses while the street he lives on suffers in disrepair and is under water. He stated inadequate patching is done to the damaged spots on the street and felt that was an insult to the homeowners who live there. Mr. Campbell implored the Board members to listen the citizens and to take the matter to officials who decide that stimulus money may only be spent on federally owned roads so that may be changed in the future. The Board explained the federal government chose the roads that were to be repaired with stimulus funds, not City officials. Mr. Campbell stated the grass that was planted years ago to look nice by the lake has turned into nothing but ugly weeds which only add to the aggravation of the homeowners who are suffering with the road covered in water and in various states of disrepair.

Mr. Rosenberg agreed that he remembered when plantings were made years ago when the lake was low to grow into attractive vegetation but it has turned out to look like unattractive weeds. He thought concessions can possibly be made by the Park Department to ease the problem of the unattractive weeds in the lake to help make the area look nicer for the taxpayers who live along the lake. Mr. Rosenberg stated although this won't solve all the problems overnight, at least it's a step in the right direction, and Mr. Campbell agreed.

Mayor Chrobak reminded everyone the entire area of Clear Lake Boulevard is part of the Brownfield area which was renamed NewPorte Landing and was slated for a complete overhaul with new businesses investing in the area, but when the economy took a turn for the worse, the entire project was put on hold.

Witold Leszczynski, 332 Clear Lake Boulevard, spoke about the water level on the road, the pumps running at his house and water in his crawl space. Mr. Leszczynski also stated children are throwing rocks from the street into the lake which was supposed to be used for fill for the potholes.

Mayor Chrobak thanked everyone for their time and stated the City has not turned a deaf ear to the residents on Clear Lake Boulevard, there simply isn't any money available at this time to make the necessary reconstruction of the area. For now, the lake siphon is the only solution.

### **Quotes for EECBG Grant**

Jerry Jackson reported his department received a grant in the amount of \$207,000.00 from the Indiana Office of Energy Development to improve the efficiency at the Wastewater Treatment Plant. Mr. Jackson

stated he is using the grant to purchase higher efficiency pumps for the bio-tower pump station. The original pumps were installed in 1987. He introduced John Phipps, who did the design, from Nies Engineering. Mr. Jackson reported Nies Engineering sent out plans and specs to three different pump manufacturers; Flowserve, Wilo, and Thomas Pump Company. Mr. Phipps offered the Engineer's estimate to be approximately \$170,000.00. The only quote received was from Thomas Pump Company in the amount of \$142,563.00. Mr. Rosenberg moved to accept the quote upon the approval of the City Attorney and Mr. Jackson. Mr. Jackson requested permission from the Board to leave the meeting with the City Attorney to review the quote and it was granted.

## **Clerk Treasurer Claims Approval**

Mr. MacLennan moved to approve Civil City Claims in the amount of \$181,075.34; motion seconded by Mr. Rosenberg and unanimously carried. The Clerk Treasurer, Teresa Ludlow, advised there were two claims written out of the Major Moves Fund; one for the Boston Street Project in the amount of \$95,680.00 and one for the McClung Road Project for \$63,471.20, both will be reimbursed by the State. The total operating claims were \$7,930.00. Mr. Rosenberg asked if the claim to The Troyer Group for \$500.00 was for the City Hall Roof Project and if any new information has been provided about the status of the roof. The Mayor stated nothing new has been heard from The Troyer Group.

Mr. Rosenberg amended the original motion to state approval of all claims except the payment to the Troyer Group until a status report on the City Hall Roof has been received; motion seconded by Mr. MacLennan and unanimously carried.

Mr. Rosenberg moved to approve Payroll Claims for June 25, 2010, in the amount of \$313,309.65; motion seconded by Mr. MacLennan and unanimously carried.

Mr. MacLennan moved to approve Wastewater Claims in the amount of \$386,492.08; motion seconded by Mr. Rosenberg and unanimously carried. Mrs. Ludlow stated the claims included payroll, transfers and bond payments.

## **Contractor Registrations**

The following contractor registrations were presented for the Board's approval and they are as follows:

- |                               |                |
|-------------------------------|----------------|
| 1. Kroczek's Lawn & Landscape | LaPorte, IN    |
| 2. C & C Services             | Knox, IN       |
| 3. Starkweather Plumbing      | Warsaw, IN     |
| 4. New Beginnings Home Repair | Valparaiso, IN |

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

## **Traffic Appeals**

Two appeals were presented. The first appeal was for parking on Jefferson Avenue in a two hour parking spot. The resident who was ticketed moved her car but not far enough because the chalk mark was still clearly visible. The rule is you must drive around the block to make sure the chalk disappears before moving into a new spot.

Mr. Rosenberg moved to deny the appeal; motion seconded by Mr. MacLennan and unanimously carried.

The second appeal was for blocking a driveway on Tyler Street and the ticket was issued by a Police Officer. A neighbor complained because they had to drive on the grass to get out of their own driveway, so they called the police who then issued the ticket. The Officer stated in his written account, that he actually gave the resident a break by not towing the vehicle.

Mr. MacLennan moved to deny the appeal; motion seconded by Mr. Rosenberg and unanimously carried.

### **CDBG Quotes-Roofing**

The following quotes were received for roofing repairs on ten homes participating in the 2009 CDBG Homeowner Repair Program:

	<b>Leslie Roofing</b>	<b>Rivendell</b>	<b>Butcher</b>	<b>J&amp;B West</b>
<b>113 Erie</b>	8495.00	7711.00	5660.00	6825.00
<b>1313 Second</b>	2450.00	3552.00	3079.00	2750.00
<b>318 Planett</b>	130.00	198.00	216.00	250.00
<b>236 E. Lincolnway</b>	9535.00	7821.00	8228.00	9265.00
<b>513 Grove</b>	8500.00	7215.00	7885.00	7325.00
<b>105 K</b>	10800.00	10285.00	8089.00	8375.00
<b>708 5th</b>	14510.00	9420.00	9685.00	9265.00
<b>1005 Harrison</b>	17285.00	10593.00	12525.00	10370.00
<b>108 Grandview</b>	7235.00	9686.00	11280.00	8550.00
<b>114 Warsaw</b>	950.00	1120.00	935.00	1000.00
<b>Total</b>	<b>79890.00</b>	<b>67601.00</b>	<b>67582.00</b>	<b>63975.00</b>

Mr. MacLennan moved to refer the quotes to the City Attorney and CDBG office for their review and recommendation at the next Board meeting; motion seconded by Mr. Rosenberg and unanimously carried.

### **CDGB Quotes-Plumbing**

One quote was received for plumbing repairs to eleven houses participating in the CDBG Homeowner Repair Program and it is as follows:

#### **H & G Plumbing**

<b>113 Erie</b>	5965.00
<b>1313 Second</b>	2645.00
<b>318 Planett</b>	1071.00
<b>236 E. Lincolnway</b>	1278.00
<b>513 Grove</b>	888.00
<b>103 Virginia</b>	758.00
<b>708 5th</b>	769.00
<b>1005 Harrison</b>	1912.00
<b>108 Grandview</b>	1637.00
<b>114 Warsaw</b>	1389.00
<b>716 Weller</b>	864.00

**Total** **19176.00**

Mr. MacLennan moved to refer the quotes to the City Attorney and CDBG office for their review and recommendation at the next Board meeting; motion seconded by Mr. Rosenberg and unanimously carried.

### **CDBG Change Order-Lead Hazard Reduction**

Mary Ann Richards, Program Manager for Community Development Block Grant Program, presented the Board with a Change Order for 236 E. Lincolnway in the amount of \$995.00 and recommended they approve same. The Change Order is to replace a porch pier and footing in order to complete window work above the porch roof which is unstable. The original contract was \$11,745.00 and the Change Order makes the new total \$12,740.00. Mrs. Richards reminded the Board these are federal funds for the CDBG program.

### **Motion/Vote - Approval of CDBG Change Order**

Mr. MacLennan made a motion to approve the Change Order to Vic Butcher Construction for Lead Hazard Reduction in the amount of \$995.00; Mr. Rosenberg seconded the motion. The motion passed by vote: Mayor Chroback (Yes), Mr. MacLennan (Yes), Mr. Rosenberg (Yes).

### **CMAQ Bike Racks**

Mayor Chroback reported the City applied for and received a grant to purchase forty bike racks to be placed throughout the City parks. The grant originated through NIRPC and INDOT with the funds coming from the Federal CMAQ Grant (Congestion Management Air Quality) to encourage bike travel throughout the City. Discussion was held to determine how much money the City has to put up first to get the grant; whether it's an 80/20 grant or 100% funded. The Mayor stated the Board needs to review the contracts

before making a decision.

Mr. Rosenberg moved to table the contracts until the Board meeting next week; motion seconded by Mr. MacLennan and unanimously carried.

### **Change Orders #2, #3 - Darlington Street**

Dale Clingerman, Director of Engineering and Building Services, presented the Board with two Change Orders for the Darlington/Worden Street Sewer Separation Project and recommended they approve same. The following is a copy of his written requests and subsequent information about the project:

*1. For the Darlington Worden Project I present for your approval Change Orders 2 and 3 followed by Pay Request #8.*

*The Original Project cost is \$1,457,767.20.*

*Change Order No 1, paid for by Aero Metals, Inc., in the amount of \$27,518.80, was approved last year.*

*Change Order No 2, to be paid for by Aero Metals, Inc. is for \$32,529.08. As you will recall, you approved an agreement with Aero Metals, Inc., two months ago in the amount of \$29,431.00. Previously Aero Metals, Inc. has deposited with us the sum of \$56,949.80. On CO #1 there is an under run of \$1,253.10. On CO #2, additional work totaling \$6,750.08, and an over run of \$2,616.76 in asphalt was accrued. Therefore, Aero Metals, Inc. owes an additional \$8,113.74 due to additional work and over runs on their portion of the project. These additional costs have been reviewed with and approved by Mr. Fleming, and the payment of the additional funds will be made this week... We shall NOT actually pay for that portion of this work until that payment is received.*

*Change Order No. 3, which is the sum of all changes in the project to date, is valued at \$148,364.57. These were accumulated from the initiation of the project, and not previously enumerated for two reasons. First, my illness between September and December 2009 prevented me from completing the documentation at that time; and second, the onset of winter caused a cessation of the work and the urgency to complete it was not present. The majority of the items in the change order were completed at already established bid unit prices, with costs of the few new items being negotiated favorably with the Contractor. Both Mr. Jackson and I are in agreement with these changes, and their costs. Mr. Jackson personally ordered the majority of them, since during my illness he managed the project. The majority of the change order items are revisions of the original work plans, and are not new issues.*

*Therefore, the sum of the original contract plus the three change orders equals \$1,666,179.65. The total of the under runs on the project to date is \$234,730.61. The sum of CO #1 and #2 is \$60,047.88, which is paid by Aero Metals, Inc. Therefore, the actual cost of the City portion of the project to date is \$1,371,401.16, OR \$83,366.04 LESS than the original contract.*

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

*Pay Request No. 8 for the project, in the amount of \$256,226.29 is offered for your approval. This payment brings the total amount paid for the project to date, including retention, to \$1,431,449.04.*

Mr. Rosenberg moved to approve Pay Request #8 in the amount of \$256,226.29, subject to the

receipt of the money from Aero Metals; motion seconded by Mr. MacLennan and unanimously carried.

*The final paving has been completed, and there is a minor amount of work yet to finish the project. As soon as that final work is completed we will complete the Final Pay Request, and Final Change Order.*

*I would also present the first Pay Request for the 2009 HC Ramp/Sidewalk, Phase 2 Project. It is in the amount of \$25,124.44, or 16.5% of the total project (\$151,950.00). While we are requesting approval of this pay request, we also must inform you that the Contractor is deficient in his compliance with the requirements of the Davis Bacon Wage Rate payments to his employees, and we request that the Clerk with hold the payment of the request until the Contractor achieves compliance with that requirement. The CDBG Coordinator is monitoring the wage reports and has informed the Contractor of his deficiencies, and we are now awaiting his final compliance documentation for the record. As soon as that is in hand, we shall inform the Clerk to release the payment.*

Mr. MacLennan moved to approve the pay request contingent on the contractor being compliant with federal regulations on the Davis Bacon Wage Rate; motion seconded by Mr. Rosenberg and unanimously carried.

*3. The ARRA Resurfacing Project is completed. There were additional funds left due to under runs in the quantities, which allowed us to complete some additional sidewalk not originally included in the project as well as striping of the cross walks and installation of Stop Bars at appropriate intersections. An over run on the project in the amount of approximately \$560 does exist for our account. Coordination with the Clerk-Treasurer indicates that we shall pay this amount out of our LRS Funds.*

*4. The Boston St. Project remains ahead of schedule and its completion is expected by the end of November this year. The NS RR has taken the opportunity of the closure of the Boston St. to remove and replace their crossing, and that work is underway at this time. It is expected that the switch from the Larson/Whirlpool Street work areas to the Boston St. areas between Factory St and Ridgeway St. will occur right after the week of July 4th.*

Mr. Clingerman reported the Indiana Flood Control Board will meet at the County Fairgrounds on July 7th from 4-7 p.m. and the public is invited to attend to learn about flood zones and requirements.

### **TransPorte Use Request**

Janet Lantz, Director of TransPorte, presented the Board with a request from the Tavern Association to use City buses just like during the Dyngus Day celebration, but for a proposed Oktoberfest celebration. The celebration will take place on Monday, October 18th with several bars participating in a tour where German beer and German food will be available at each establishment who wishes to participate. Mr. Rosenberg stated he would like to discuss this further since it is a new event and address the issue at a later meeting. He advised he would like the City Attorney to look into this as well.

### **New Business**

### **Fire-Contract for Ladders**

Fire Chief, Rob Sabie, presented the Board with a contract with Global Services for the annual inspection of the department's aerial and ground ladders. The contract is in the amount of \$3,022.50 and Chief Sabie stated he has the money in his budget to cover the cost.

### **Motion/Vote - Approval to Sign Contract**

Mr. Rosenberg made a motion to authorize Chief Sabie to sign the agreement as presented; Mr. MacLennan seconded the motion. The motion passed by vote: Mayor Chrobak (Yes), Mr. MacLennan (Yes), Mr. Rosenberg (Yes).

### **EECBG Pumps-Revisited**

Mr. Baugher stated he has reviewed the proposal opened earlier for the bio-tower pumps with Thomas Pump Company. Mr. Baugher advised the City's proposal calls for liquidated damages at the cost of \$2,500.00 per day but when speaking with a representative from Thomas Pump Company, they are unwilling to pay that amount and unable to acquire insurance to cover that on their bid bond. Because this is a time sensitive grant, the City Attorney recommended the Board modify the specifications to reduce the liquidated damages to \$500.00 per day with the additional provision the City does not have to accept the pumps if they are not delivered on time. Mr. Baugher explained the \$500.00 per day is the amount the contractor must pay the City for each day they use beyond the scheduled delivery/completion date.

### **Motion/Vote - Authorization to Modify Specifications**

Mr. MacLennan made a motion to modify the specifications with the additional provision as recommended by the City Attorney; Mr. Rosenberg seconded the motion. The motion passed by vote: Mayor Chrobak (Yes), Mr. MacLennan (Yes), Mr. Rosenberg (Yes).

### **Request for Use of City Property-YMCA**

Mayor Chrobak presented a request from the YMCA to hold their 31st Annual YMCA Triathlon in Soldier's Memorial Park on Saturday, August 7th. The necessary street closures for the event that is expected to draw approximately 1500 people are Waverly Road from Grangemouth to Garden; Garden to Orchard; Orchard to Lakeshore Drive from 5:30 a.m. to approximately 10:30 a.m. Mayor Chrobak stated the event has been successful each year with very few problems. The proper paperwork has been submitted along with the required liability insurance.

Mr. Rosenberg moved to approve the request and subsequent street closures as requested; motion seconded by Mr. MacLennan. Dean Heise, Director of Parks and Recreation, stated he hasn't been contacted by anyone from the YMCA and would like to discuss the fact he is understaffed this year and may need more YMCA volunteers to help than previously used in the past. Mayor Chrobak stated she would provide him with that information.

Mr. Rosenberg amended his original motion to include the YMCA will meet with Mr. Heise and come to an acceptable conclusion for the staffing of volunteers that day; motion seconded by Mr. MacLennan and unanimously carried.

## **Sunflower 5k Run**

Mayor Chrobak stated she had some of the necessary paperwork before her for the Sunflower Festival 5k Run on September 18th but it was missing the necessary liability insurance so it will be put on the agenda for next week. Mr. Rosenberg asked the Mayor to contact the point person for the 5k run and have them correlate their plans with Mr. Heise and the Police Department before coming back to the Board to clear up any staffing issues.

## **Department Reports**

### **Street**

Mike Frazee, Director of Street Department, reported with the recent storms they are very busy picking up brush and hauling it away. He asked the public to please call his office to report any brush or tree limbs that need to be picked up.

### **Fire**

Chief Sabie reported the recent storm knocked power out at a couple of stations but they had back-up generators to utilize. However, Chief Sabie was concerned his radios went down along with the Police and Sewage departments, none of whom had a back-up power supply. The three departments are working together to assure that doesn't happen again.

### **City Attorney**

Mr. Baugher requested the Board cancel the Executive Session scheduled for today and reschedule it following next week's meeting instead.

Mr. MacLennan moved to cancel the Executive Session for June 23rd and reschedule it for June 30th to discuss litigation; motion seconded by Mr. Rosenberg and unanimously carried.

### **Water**

Todd Taylor, Director of Water, stated he is looking for proposals to continue the archaeological testing on the proposed well sites. In order to get away from the archaeological borders, they have also adjusted the location of the well site for the drilling.

### **Wastewater**

Mr. Jackson reported the recent storm wreaked havoc on his pumping stations and radio capabilities. Thankfully, back-up generators were in place for most of the pumping stations, but he is looking into ramping up the capabilities for future outages.

### **Restricted Donation**

Mr. Rosenberg moved to accept a \$5.00 donation from Jennifer Hall for the Police/Fire Restricted Fund; motion seconded by Mr. MacLennan and unanimously carried.

### **Mayor**

Mayor Chrobak announced today begins the Red Power Round-Up at the County Fairgrounds and the City is expected approximately 20,000 visitors to attend this event which lasts through Saturday the 26th.

The Mayor reminded everyone to attend the Arts in the Park this evening where the City band will play beginning at 7:00 p.m. Tomorrow evening, the entertainment will be String of Pearls.

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

## **Signatures**

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

ATTEST: \_\_\_\_\_  
Teresa L. Ludlow, Clerk-Treasurer  
Approved: June 30, 2010