

BOARD OF PUBLIC WORKS & SAFETY  
OCTOBER 02, 2009  
10:30 A.M.  
REGULAR SESSION

The Board of Public Works & Safety of the City of Warsaw met in Regular Session on Friday, October 02, 2009 at 10:30 A.M. in the Council Chambers at City Hall. Mayor Ernest B. Wiggins presided and the following persons were noted as present or absent:

**PRESENT:** Board members Charles Smith, Joseph Thallemer and Mayor Wiggins. Also present Clerk-Treasurer Elaine Call, City Attorney Michael Valentine, City Planner Jeremy Skinner, Superintendent of Public Works Lacy Francis, Cemetery Sexton Hal Heagy, WWTP Utility Manager Brian Davison, Fire Chief Mike Rice, Firefighter Rob Barker, H/R Director Jennifer Whitaker, Police Captain Scott Whitaker, Park Activity Director Staci Young, Officer Tony Faucett, Officer Chuck Hodges, Councilmen Jerry Patterson and Kyle Babcock, WCDC Director Cindy Dobbins, Local Attorney Michael Miner Partner with Miner & Lemon LLP, Attorney David Kolbe, Attorney Richard Beers of law firm Beers, Mallers, Backs & Salin, Local residents Steve and Judy Brown, Dewey Lawshe, Earl Howard, and James Jordan of Jordan Properties, Stacey Page from News with Stacey Page.com, Warsaw Times Union reporter Jennifer Peryam from the Times Union.

**ABSENT:** None.

The meeting was called to order by Mayor Wiggins, followed by the Pledge of Allegiance.

**MINUTES –**

The minutes from the September 18, 2009 Regular Session and September 30, 2009 Executive Session were presented for approval. Board member Smith made a motion to accept the minutes as presented, seconded by Thallemer, motion carried by unanimous vote.

**NEW BUSINESS –**

**WCDC STREET CLOSURE FOR SPOOKTACULAR –**

WCDC Director Cindy Dobbins requested the City approve the closure of 2 (two) blocks of Center Street and 2 (two) blocks of Buffalo Street during the “Spooktacular Event” scheduled for October 30, 2009. Motion made by Smith to approve the street closure, seconded by Mayor Wiggins, carried by unanimous vote.

**FACADE GRANT AWARD/SCEARCE-RUDISEL/MARY ELLEN JORDAN –**

WCDC Director Cindy Dobbins reported that one of the pending awards of Façade Program Grant monies is with Searce-Rudisel/Mary Ellen Jordan in requested amount of \$5,000. She stated that because Mary Ellen is on the WCDC Board it was determined to bring this to the City’s attention. The property proposed for improvement is 120 South Buffalo. Motion made by Smith to approve the WCDC Board’s decision to award the grant, seconded by Thallemer, carried by unanimous vote. (Documentation attached to minutes).

**SEJ CONSULTING/TRAINING/WWTP –**

WWTP Utility Manager Brian Davison requested approval of an agreement with SEJ Consulting for employee training on “Confined Space Entry” at a fee of \$1,107.20. Motion made by Thallemer to approve the agreement, seconded by Smith, carried by unanimous vote. (Copy attached to minutes).

**CARRIAGE RIDES/PARK –**

Park Activity Director Staci Young presented for approval a contract with Camelot Carriage Rides for carriage rides in the park for Christmas Countdown & Friday evenings at a cost of \$2,700.00. Motion made by Thallemer to approve the contract, seconded by Mayor Wiggins, carried by unanimous vote. (Copies attached to minutes).

**FIRE TRAINING FACILITY / EXECUTION OF BID & AGREEMENT-**

A bid was opened and awarded to American Fire Training Systems Inc., at the September 18<sup>th</sup> board meeting for the construction of a Fire Training Facility – Bid amount - \$199,944.97. The bid form #96 was presented for execution. Fire Chief Mike Rice also presented for approval the agreement with American Fire Training Systems to complete the transaction. The City agrees to pay for the goods on a payment schedule, more specifically set forth within the agreement. Clerk-Treasurer Call stated the agreement was reviewed by the City Attorney Mike Valentine and he provided his letter of opinion finding the payment schedule to be in compliance with statutory requirements. Motion made by Smith to approve the agreement, seconded by Mayor Wiggins, carried by unanimous vote. (City Attorney letter and documentation attached to minutes).

**DONATION OF MOBILE HOME /FIRE DEPT –**

Fire Chief Mike Rice requested permission to accept the donation of a 1979 mobile home from Deborah & Larry Stout, which would be used as a training prop. The value of the mobile home is \$5,900. Motion made by Thallemer to accept the donation, seconded by Smith, carried by unanimous vote. (Documentation attached to minutes).

**LEGAL SERVICES AGREEMENT/FIRE TERRITORY-**

Fire Chief Mike Rice requested approval of a “Fee Agreement/Employment Letter” with Green, Cates & Grossnickle Attorneys at Law, Syracuse, Indiana for legal services for the Warsaw-Wayne Fire Protection Territory. The fees more specifically set forth within the agreement. Fire Chief Mike Rice reported that the Fire Territory Board recommends approval of the agreement. Motion made by Thallemer to accept the agreement, seconded by Smith, carried by unanimous vote. (Copy attached to minutes).

**H.J. UMBAUGH ACCOUNTING SUPPORT SERVICES/FIRE TERRITORY –**

Fire Chief Mike Rice requested approval of an “Agreement for Accounting Support Services with H.J. Umbaugh & Associates with fees, costs, and their services more specifically set forth within the agreement. The Warsaw-Wayne Fire Protection Territory is requesting approval of the agreement. Motion made by Smith to approve the agreement, seconded by Thallemer, carried by unanimous vote. (Copy attached to minutes).

**BUY BACK WRECKED POLICE CAR –**

Police Captain Scott Whitaker reported that a 2004 Ford Crown Victoria Police Car was involved in an accident and totaled by the insurance company. The City will be issued a settlement check from EMC less the \$1000 deductible, \$516 wrecked vehicle salvage value and a \$15 transfer fee. The net amount of the settlement check will be \$6,632.75 and will be applied to the purchase of a replacement vehicle. Captain Whitaker further made a request to move forward with the settlement. This settlement will allow the City to keep the wrecked 2004 Ford Crown Victoria for salvageable parts. Motion made by Smith to approve the transaction, seconded by Mayor Wiggins, carried by unanimous vote. (Documentation attached to minutes).

**PURCHASE OF NEW POLICE CAR –**

Police Captain Scott Whitaker requested permission to purchase a new 2010 Chevrolet Impala from Lakeside Chevrolet to replace the above mentioned totaled vehicle. Lakeside was the low quote. He stated that he will use insurance money and will need to transfer money within his machinery and equipment account to complete the purchase. Discussion followed. Motion was made by Thallemer to purchase the vehicle contingent upon Council approval of the transfer, seconded by Mayor Wiggins, carried by unanimous vote. (Documentation attached to minutes).

**LEGAL SERVICES FOR POLICE CHIEF –**

Mayor Wiggins presented for approval an “Engagement Agreement for Legal Services” with Attorney Mike Miner of the law firm Miner & Lemon, LLP of Warsaw. He agrees to provide legal services for the Police Chief in the disciplinary matter concerning Officer Tony Faucett. Motion made by Smith to approve the agreement, seconded by Thallemer, carried by unanimous vote. (Copy of agreement attached to minutes).

### **POLICE OFFICER TONY FAUCETT DISCIPLINARY MATTER –**

Attorney Mike Miner representing Police Chief Perry Hunter presented a resolution to the Officer Tony Faucett disciplinary action. He stated that the present status was that Officer Faucett had tendered his resignation effective January 10, 2010 which would complete his 20 years of service with the City. He was requesting to be placed in active status by using his vacation and sick days starting October 1, 2009 through January 10, 2010. Attorney Miner stated that accepting Officer Faucett's resignation may be a good resolution in that there are pending criminal cases filed in the courts that Officer Faucett's testimony, if needed, would be beneficial to the Prosecutor's Office. Motion made by Mayor Wiggins to reinstate Officer Faucett effective October 1, 2009 and reinstate him as an active officer, knowing that Officer Faucett has requested to use his vacation and sick days to take him to retirement date, seconded by Smith, carried by unanimous vote. (Copy of letters attached to minutes).

### **PERSONAL WELLNESS PROFILE/HEATH & WELLNESS CENTER –**

H/R Director Jennifer Whitaker requested approval of a price quote from the Health & Wellness Center - Kosciusko Community Hospital for blood draws to be offered to employees at the City Health Fair. Motion made by Smith to accept the quote, seconded by Mayor Wiggins, carried by unanimous vote. (Copy of attached to minutes).

### **NEW HIRES/REHIRES/CHANGES –**

Human Resource Director Jennifer Whitaker provided for approval six (6) new hires for leaf season at the Cemetery and the Street Department, (1) new hire for Cemetery Leigh Anne Denlinger – Part-time Clerical, and Constance Dawson – secretary for BZA and Plan Commission, more specifically set forth on the lists attached to minutes. Ms. Whitaker also requested permission to move forward with the replacements of Officer Stanley and Officer Martin. Clerk-Treasurer Call questioned the hiring of a new employee for a clerical position at the Cemetery. It was her understanding that Council unanimously placed a hiring freeze except for replacements. Discussion followed. Motion made by Smith to approve the new hires and the request to hire officers, seconded by Thallemer, carried by unanimous vote. (List attached to minutes).

### **TRAVEL REQUESTS –**

A list setting forth seven (7) travel requests: Firefighter Michael Wilson, and Police Officers Joseph Klaehn (x 2), Jonathan Rice (x 2), Alvin Dials and Steve Adang were submitted for approval. Motion made by Mayor Wiggins to approve all travel requests, seconded by Smith, carried by unanimous vote. (Info. attached to minutes).

### **SPECIAL CLAIMS –**

Clerk's office submitted a listing of special claims for approval of payment totaling \$99,977.56. Motion was made by Smith to approve the claims for payment, seconded by Thallemer, motion carried by unanimous vote. (List attached to minutes).

### **CLAIM DOCKETS–**

The following claim dockets were presented for approval.

Regular Docket - \$178,275.54.

EOM Docket - \$1,753,934.32.

Fire & Police Pension Docket - \$49,454.61.

Motion made by Mayor Wiggins to approve all claims for payment, seconded by Thallemer, motion carried by unanimous vote.

### **PARKER ST/ARGONNE RD PROJECT/CHANGE ORDER #2 –**

City Planner Jeremy Skinner submitted for approval the 2nd Change Order to the construction contract with Phend & Brown that was submitted by INDOT in the amount of \$2,767.60. The city portion of the 20% match will be \$553.52. Motion made by Smith to approve the change, seconded by Mayor Wiggins, carried by unanimous vote. (Documentation attached to minutes).

### **LEGAL SERVICES/BAKER & DANIELS – REDEVELOPMENT COMMISSION –**

City Planner Jeremy Skinner presented a proposal from the law firm of Baker & Daniels LLP to assist the City of Warsaw, Redevelopment Commission in connection with proposed amendments to the Redevelopment Plan and Declaratory Resolution. The proposal sets forth hourly basis fees to be charged, but not to exceed \$5,000. Motion made by Thallemer to accept the proposal, seconded by Mayor Wiggins, carried by unanimous vote. (Copy attached to minutes).

**ADJOURN –**

There being no further business to come before the Board by a motion duly made and seconded, the meeting was adjourned.

**ATTEST:**

**Elaine Call, Clerk-Treasurer**