



BOARD OF PUBLIC WORKS AND SAFETY MEETING MINUTES

CITY HALL CHAMBERS

WEDNESDAY, APRIL 15, 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, John Stephens, Fire Chief Robert Mullett, Police Chief Larry Schnepf, and Rick Price.

Council members: Doug Konkle, Joan Haag and Bonnie Corn

MINUTES

Greg Metz moved to approve the Minutes of the meeting of April 1, 2015 as presented. Dee Byerly seconded the motion, motion carried.

CITY CLAIMS-SEWAGE CLAIMS

Dee Byerly moved to approve payment of the City Claims and the Sewage Claims as they were presented and signed. Greg Metz seconded the motion, motion carried.

OLD BUSINESS

1. Update on 458 N. Allen Street-John Stephens, Building Commissioner
After the last Board of Works' meeting, he sent out a letter, via certified mail, to Eric Philips and Claude Whittle. (Claude Whittle is the owner and Eric Philips is the contract buyer.) Their presence was requested to appear today to talk about the house. No one showed. John presented photographs to the Board.

At the previous Board meeting (April 1), it was decided to have quotes ready to open in the event neither Mr. Philips or Mr. Whittle appeared.

Three quotes were received to demo the house and opened by Attorney Lehman.

1. Brainard Excavating-\$10,800.00
2. Hank's Construction-\$7,400.00
3. Troy Eads Excavating-\$11,500.00

John was asked if this included asbestos removal. He replied that he has to hire someone to go in and inspect it to determine if there is a presence of asbestos.

Greg Metz moved to award the demolition to Hank's Construction subject to John's review of the bids to make sure they are in compliance. Mayor Vanlandingham seconded the motion.

Dee Byerly had a question as to what the average TIP fee runs on these. John stated \$3,500-\$5,000.

Motion carried.

2. Update on 7 Elmwood Avenue-John Stephens, Building Commissioner

John stated the house is down and the foundation is being removed today. The house fell apart. The back wall was wired to the trusses.

NEW BUSINESS

1. Update on Carroll Street- John Stephens, Building Commissioner

The house is down and all taken care of.

2. Update on East Street- John Stephens, Building Commissioner

The owner, Mr. Jesse had a house fire last fall. He hired Hank's Construction and the house is down.

John has written a letter to the Spikers on North East Street requesting a status report.

Greg Metz inquired if the house is secured. John indicated it's roped off but he was going to follow up to see if there are any open doors and windows.

3. Resolution No. 2, 2015-Re: Sewage Works Bond Ordinance

The City has a long-term control plan that has been approved by the State for separating our sanitary and storm sewers from each other so when we have a very heavy rain, we don't have the sanitary sewers filling up with storm water and becoming more than the sewage plant can handle and end up discharging sewage into the river. That long-term control plan goes out to about 2028 (give or take a year or two) for completion. We have done several things and are a little bit ahead of schedule on that plan (which is good). The Manchester Avenue project we did a few years ago was part of that. The Sivey and Glenn Avenue projects we did a couple of years ago and Carroll Street also were part of that project. The next phase of that project is to do a bunch of work down at the sewage plant to make it more efficient in handling the water and sewage that goes into the plant. A major part of that has to do with the screw pumps. Screw pumps are the big tubes you see spinning on the southeast corner of the building and they are going to be replaced with other pumps. The primary purpose of those are to separate out things like rocks, limbs, cans and bottles, things that cannot go thru the sewage plant. One of the screw pumps is down now and is not going to be fixed and if the other one goes down, we (the City) are in a world of hurt.

Consequently, to do the next phase, which is an expensive phase, we are going to have to issue sewage bonds and John Julien (Umbaugh) has started work on that. Rich Starkey, our bond council, has also been working on it and this is the first step. It will come before the City Council at the next council meeting to approve bonding and they (council) need a recommendation from the Board of Works that this is an appropriate thing to do in order to comply with the long-term control plan and do the work that needs to be done. The bonds will be paid out of sewage revenue (user fees in essence) and so this Resolution will be your (this Board) statement as to whether or not you support this project (three million dollars). Keith Bryant totally agrees to get rid of the screw pumps and this is his recommendation. The last time one of the screw pumps had to be repaired was in the area of \$250,000. The sooner we can get the plant upgrades done, the better

and to do it, we have to have the money. This has been a part of the long-term plan and it's been known it was going to have to be done. We are not spending anything we haven't anticipated spending.

Dee Byerly moved to adopt Resolution No. 2 pursuant to the Board of Works and the City of Wabash's recommendation that council proceed with the Bond issue. Greg Metz seconded, motion carried.

4. Resolution No. 3, 2015-Re: Establishing a Policy for Disposal of Surplus Property

Every so often, the City has surplus property and there are several different ways of getting rid of surplus property and we've used several different ways in the past. Basically, this sets up a policy so that we would not have to, every time, decide how we are going to do it. The policy incorporates State law. State law says if you have one item less than \$1,000, or several items less than \$5,000, you can have a policy as to how you are going to dispose of those items and it also defines what items are considered "junk" or items you don't have to go through some kind of process. This Resolution sets up what the process will be.

Dee Byerly asked who determines if an item has value or not? Doug stated it would be up to the department head to determine if it had any value that exceeded what it would cost to dispose of it. The dollar amounts are established by State statute.

Greg Metz moved to approve Resolution No. 3, 2015, Establishing a Policy for Disposal of Surplus Property. Mayor Vanlandingham seconded the motion, motion carried.

5. Resolution No. 4, 2015-Re: Establishing a Policy for Termination of Employment for Sworn Police Officers and Fire Department Employees

Attorney Lehman indicated to the Board that all they are doing is something to help assure that the City receives the best insurance coverage at the lowest price possible. When we renewed our insurance this last time, we have an insurance policy that covers employment practices. If we "wrongfully terminate" somebody and they bring a suit against us, it provides a defense and if we are unsuccessful, it ends up resulting in the insurance company paying whatever damages the person is claiming. The insurance wanted proof, when we renewed, that we had policies in place that provided for grievances and a set disciplinary standard and we've had those for quite some time. They are in all three personnel manuals (firefighter, police and standard employees).

The other thing that they wanted is something to show that we have a policy in place but before we terminate somebody, we will consult with a labor lawyer to make sure that we are on good legal ground to terminate and that we do the termination in a way that will minimize risk to the City.

With regard to police and firefighters, the actual termination procedure is set out by State statute. They have statutory rights that are given to them by the State legislature; there is a procedure there. All this is doing is before we start a procedure, we will double check with a labor lawyer to make sure we are not missing something.

6. Resolution No. 5, 2015- Establishing a Policy for Termination of Employment for Standard City Employees

With regard to standard City employees, they are employees “at will” which means we can terminate them at any time, for any reason, except there are certain Federally protected and State protected reasons you can’t do it because of gender, because of race, because of religion, ethnicity or age or disability. There are some areas that are carved out. That’s where you can get yourself into trouble with regard to those. So once again, before we will terminate somebody, we will consult with a labor lawyer to make sure we are on good grounds to do it and we’re doing it in the proper way. There’s a lawyer in Fort Wayne that the City has talked to on a number of occasions before doing terminations and the City has used her not just in this administration but in prior administrations. We are putting the policy in writing so the insurance company can see it and, therefore, they will not charge an excessive amount because we don’t follow that kind of policy.

Attorney Lehman emphasized that the one thing he has tried to make clear in this (Resolution) that by passing this policy, we are not giving another right to the employee. That is, we do not want an employee to come in and say, “hey you didn’t consult with the labor lawyer so you can’t fire me”. This is not a step that is required in order to be able to fire the employee, it’s a step that’s required in order to satisfy the insurance company so we can get the best premium possible.

Dee Byerly asked about the time frame as the labor attorney the City has used in the past, is in Fort Wayne and if a written response is not gotten back in a reasonable time, how would that affect the process. Doug restated that this is something the City doesn’t have to do because of State law or have to do in terms of being able to terminate someone. If we find ourselves in a situation it is important to do an immediate termination, we can do this in spite of this. It could affect our insurance rates later or we might have to switch to a different insurance company. However, to the extent we can defend our actions, without having that written opinion from a labor lawyer, it would probably not affect that. This just means that the City has let the insurance company know it will consult a labor lawyer first.

Dee Byerly moved to adopt Resolution No. 4 as it pertains to police officers and fire department employees and Resolution No. 5 as it pertains to the standard City employees and adopt the Resolutions as they were written. Greg Metz seconded the motion, motion carried.

OTHER BUSINESS

None

QUESTIONS FROM THE AUDIENCE

None

REPORTS FROM DEPARTMENTS

None

