

February 22, 2023

The Board of Public Works and Safety met in regular session in the Council Chambers on Wednesday, February 22, 2023, at 9:00 A.M.

Present: Mark Kosior, Mayor Dermody, Jessica Romine

Absent:

Rick Ogle led the Pledge of Allegiance

Approval of Minutes

Each member received an advance copy of the minutes. Mayor Dermody asked if there were any additions or corrections.

Motion/Vote – Approval of Minutes

Ms. Romine made a motion to approve the minutes as presented; motion seconded by Mr. Kosior and unanimously carried.

Public Comment

Mayor Dermody stated there is public comment regarding the trash services and asked the board if they were comfortable presenting those later in the meeting when trash services is discussed. Both Mr. Kosior and Ms. Romine agreed to hold those comments until later in the meeting.

Claims Approval

Deputy Clerk-Treasurer Layman presented Civil City Claims in the amount of \$837,801.05.

Motion/Vote – Approval of Civil City Claims

Mr. Kosior made a motion to approve the Civil City Claims as presented; motion seconded Ms. Romine by and unanimously carried.

Deputy Clerk-Treasurer Layman presented Payroll from February 17, 2023 in the amount of \$455,325.41.

Motion/Vote – Approval of February 17, 2023 Payroll

Mr. Kosior made a motion to approve the February 17, 2023 Payroll as presented; motion seconded by Ms. Romine and unanimously carried.

Deputy Clerk-Treasurer Layman presented Water Claims in the amount of \$134,706.85.

Motion/Vote – Approval of Water Claims

Mr. Kosior made a motion to approve Water Claims as presented; motion seconded by Ms. Romine and unanimously carried.

Deputy Clerk-Treasurer Layman presented Sewage Claims in the amount of \$406,020.96

Motion/Vote – Approval of Sewage Claims

Mr. Kosior made a motion to approve the Sewage Claims as presented; motion seconded by Ms. Romine and unanimously carried.

Department Head Reports

Engineering: City Engineer Nick Minich reported people may see stakes and flags along the route for Chessie Trail as construction begins. Mr. Minich stated they are beginning the layout and then a silt fence will be added for erosion control. Mayor Dermody questioned when Chessie Trail II will be complete. Mr. Minich responded by stating he believes it is set for completion in May. Mr. Minich stated this trail will cross Pine Lake Ave at the signal and goes along the Chessie right-of-way past the water plant, continues downtown past the hospital, down Tyler Street to 1st and then cuts over on 1st and goes essentially to the area of the Street Department and TransPorte. Mr. Kosior questioned if the crossing at the at Pine Lake Ave would be a standard light crossing. Mr. Minich responded by stating yes and no. It is like a pedestrian crossing, but because you are crossing two lanes and then two more lanes with the open space in the middle, there is a jog in it and it will be protected. This will give people the opportunity to cross two lanes and safely wait to be able to cross the other two lanes.

Wastewater: Wastewater Director Jerry Jackson reported they got the gas leak resolved at the treatment plant. Mr. Jackson stated H&G installed 600 feet of three-inch plastic gas line in the treatment plant, replacing a 35-year-old steel pipe that had been leaking.

Water: Water Superintendent Tim Werner reported maintenance is currently working on dates for the Spring hydrant flushing schedules. Mr. Werner stated a lot of the staff is currently going through their testing and certifications. Mr. Werner is hopeful to come to the board at the next meeting with an idea of a guaranteed savings contract for the new well field. Mayor Dermody stated he would get with City Attorney Nick Otis but he did receive a call from IDEM regarding 39 North using our identification number incorrectly or illegally.

Park: Director of Parks and Rec Mark Schreiber introduced Suzanne Wireman, new Assistant Park Director. Ms. Wireman gave a brief overview of her previous job experiences and expressed her excitement to start her new role. Mr. Schreiber reminded everyone that the Youth Sports registrations are still open.

Leap: Executive Director of La Porte Economic Advancement Partnership Burt Cook reminded everyone their third house session is on Friday at the Performing Arts Center at La Porte High School at 8 A.M. You can register for this event at laportepartnership.com or by calling 219-324-8584. Mr. Cook stated if you cannot attend but do have a question you would like answered, you can also submit that.

Fire: Chief Snyder reported Cameron Watt was hired into the department and was scheduled to start the Academy at the First District on February 13, 2023 but they have decided not to enroll him in this Academy as he would have had to start a week late. Chief Snyder stated they have a long-standing relationship with the South Bend Fire Department, and they will be starting an Academy on March 13, 2023 and Cameron will attend the South Bend Academy. In addition, Chief Snyder reported they have hired Patrick Roy and Brandon Young, both scheduled to start on February 27, 2023 and they will also enroll in that Academy. This leaves the department just one short. Chief Snyder stated there is a Pension Board meeting tomorrow to discuss the vacant position and if that applicant moves through, there is the potential to be fully staffed before the start of the upcoming Academy.

Police: Chief Brettin reported after the last Board of Works meeting, he received notification that the new officer was accepted into PERF. Chief Brettin stated he has already sworn him in and is currently working. He was unable to be at today's meeting because he is in Court in Miami County. Chief Brettin stated he comes from North Judson and has nine years of law enforcement experience and is bringing his canine. The Department will be fully staffed with the conditional offers that are currently out.

Street/Code: Director of Central Services Jeff Batchelor reported the 1108 Clay Street Demolition was awarded to Pavey Excavating and the property owner would like to donate the property to the City. Mr. Batchelor requested the Board to approve the acceptance of the property donation.

Motion/Vote – Approval of Acceptance of Donation of 1108 Clay Street to the City of La Porte

Ms. Romine made a motion to accept the property donation of 1108 Clay Street; motion seconded by Mr. Kosior and unanimously carried.

New Business:

Request for Use: Cruise Night

Executive Assistant Annette Loeffler presented Request for Cruise Night. Ms. Loeffler stated Rusted Knuckles is going to host an official Cruise Night on June 10, 2023. Ms. Loeffler stated their request is to use City property. They will start on Andrews and come down Lincolnway and make a loop, essentially the same route the parade takes. Mayor Dermody questioned Chief Brettin and Chief Snyder if we should continue to support the unofficial cruise nights or make the official cruise night the priority. Chief Brettin stated the organized cruise nights are decently ran because there is always such a police presence. The unofficial cruise nights, there are not any additional officers and coverage may or may not be possible. Chief Snyder stated the official cruise nights that are planned allow the departments to alter their routes as necessary to not disrupt the cars or have a disruption to their response in emergencies. Mr. Kosior questioned if this is for a road closure. Ms. Loeffler stated it is a closed route, you would have to be a registered vehicle to drive on the route during the cruise night.

Motion/Vote – Approval of Request for Use: Cruise Night

Ms. Romine made a motion to approve Request for Use: Cruise Night as presented; motion seconded by Mr. Kosior and unanimously carried.

Permission to Sign Agreement for Police on Cruise Night

Executive Assistant Annette Loeffler requested permission to sign agreement with Rusted Knuckles for police on Cruise Night. Ms. Loeffler stated this agreement states Rusted Knuckles agrees to utilize City of La Porte Police Officers for the Cruise Night event and agree to pay their respective overtime rates.

Motion/Vote – Approval of Permission to Sign Agreement for Police on Cruise Night

Mr. Kosior made a motion to approve Permission to Sign Agreement for Police on Cruise Night as presented; motion seconded by Ms. Romine and unanimously carried.

Scum Pump Quote Award

Wastewater Director Jerry Jackson presented Scum Pump Quote Award. Mr. Jackson stated they requested quotes from three contractors for scum pump replacement. One quote was received from Pavay Excavating in the amount of \$91,518. Mr. Jackson stated this is along the lines of what he had expected to pay for this work. Mr. Jackson recommends approval.

Motion/Vote – Scum Pump Quote Award

Ms. Romine made a motion to approve Scum Pump Quote Award as presented; motion seconded by Mr. Kosior and unanimously carried.

Phosphorus Pay Request #10

Wastewater Director Jerry Jackson presented Phosphorus Pay Request #10 in the amount of \$119,267.54. This brings the project to 80 percent. Mr. Jackson stated NIES Engineering reviewed this and recommends approval of payment in the amount of \$25,149 in returning retainage to KDM. They are at approximately 1.3 percent for change orders. Mr. Jackson stated they should begin phosphorus feed today.

Motion/Vote – Approval of Phosphorus Pay Request #10

Ms. Romine made a motion to approve Phosphorus Pay Request #10 in the amount of \$119,267.54; motion seconded by Mr. Kosior and unanimously carried.

LPPD Lease Agreement

Chief Brettin presented LPPD Lease Agreement. This is an agreement for nine of the admin detective vehicles. La Porte Chrysler has called those back after a two-year agreement and the new lease agreement is for one year due to the increased cost and they will renegotiate after next year. Chief Brettin stated in order to keep the dollar amount the same, one of the drug unit vehicles was dropped and HIDTA has agreed to pay for that dropped vehicle. City Attorney Otis stated the lease agreement for each vehicle would need to be brought before the board and therefore nothing needs to be approved today as there are no lease agreements present.

Authorization to Solicit Bids for Sidewalk Replacement

CDBG Director Mary Ann Richards presented Authorization to Solicit Bids for Sidewalk Replacement. Ms. Richards request is to solicit for sidewalk replacement on Harrison, Detroit, and Noble using CDBG funds. Mayor Dermody questioned how it was determined these needed to be replaced. Ms. Richards stated by walking the neighborhood and it is within the triangle. Ms. Richards stated her request is to be able to solicit bids for sidewalk replacement.

Motion/Vote – Approval of Authorization to Solicit Bids for Sidewalk Replacement

Ms. Romine made a motion to approve Authorization to Solicit Bids for Sidewalk Replacement as presented; motion seconded by Mr. Kosior and unanimously carried.

Authorization to Solicit Bids for Homeowner Repair Program

CDBG Director Mary Ann Richards presented Authorization to Solicit Bids for Homeowner. Ms. Richards stated she has three homes from last year that need to be done this year and is requesting authorization to be able to solicit quotes. Mayor Dermody questioned what the issues are with the homes. Ms. Richards stated there are electrical issues, lead paint issues, and one homeowner is wheelchair bound and requires their bathroom and some doorways to be wheelchair accessible. Ms. Richards stated these applications were received last year and no new applications are being accepted.

Motion/Vote – Approval of Authorization to Solicit Bids for Homeowner

Ms. Romine made a motion to approve Authorization to Solicit Bids for Homeowner as presented; motion seconded by Mr. Kosior and unanimously carried.

City of La Porte ADA Transition Plan Draft w/Attachments

City Planner David Heinold presented City of La Porte ADA Transition Plan Draft. Mr. Heinold stated they have been working over the past six months on an update to the 2017 plan. Mr. Heinold stated this plan is to clarify the city's responsibility and separating the Title VI plan and Title II Plan. This plan specifically focuses on providing accessible pathways, cur ramps, and sidewalk condition. Mr. Heinold stated there are 643 ramps missing or non-compliant out of 2,347 total ramps throughout the city. Mr. Heinold stated this plan is a recommendation for City Council for adoption of the plan. This includes the grievance procedure outlines, the ADA complaint form and how they are filed, and how those are addressed through the process. Mayor Dermody stated this is something that every community has to do. Mr. Heinold stated the plan can be posted on the website for public comment. The higher priority areas are around schools, businesses, and government facilities. Mr. Minich stated there are priority areas set by our agreed order and we are systematically working in these other areas where we know there is more pedestrian traffic.

Motion/Vote – Approval Recommend Adoption of City of La Porte ADA Transition Plan Draft

Mr. Kosior made a motion to recommend adoption of City of La Porte ADA Transition Plan to City Council; motion seconded by Ms. Romine and unanimously carried.

Truesdell & Clear Lake Loop Trail Project Bid Opening

City Engineer Nick Minich presented Truesdale & Clear Lake Loop Trail Project Bid Opening. Mr. Minich stated he has affidavit of publication: advertised on December 22, 2022 and December 29, 2022. Mr. Minich stated they allowed additional time for bids and only received one bid. The one bid received was from Reith-Riley in the amount of \$7,745,007.75. Mr. Minich stated this bid will be reviewed and it is likely they will do some value engineering as these dollars will come from a combination of sources: Redevelopment Commission, ARPA, and Healthcare Foundation Grant. Mr. Minich stated the Healthcare Foundation grant is specific to the amenities adjacent to the road and the other funds will fund the actual road project.

Motion/Vote – Approval of Truesdell & Clear Lake Loop Trail Project Bid Opening

Mr. Kosior made a motion to accept bid for consideration for Truesdell & Clear Lake Loop Trail Project Bid; motion seconded by Ms. Romine and unanimously carried.

Bid Acceptance and Recommendation for Letter and Numbers Street and Utility Improvement Project

City Engineer Nick Minich Presented Bid Acceptance and Recommendation for Letter and Numbers Street and Utility Improvement Project. Mr. Minich stated this is essentially three separate contracts: Contract 1, Contract 2A, and Contract 2B. This is separated because the funding comes from Community Crossings matching grant bids. Mr. Minich stated bids were opened and read out loud on Friday at 9 A.M. Two bids were received for Contract 1 and one bid was received for Contract 2. The lowest most responsive bid for Contract 1 came from D&M Excavating in the amount of \$566,917.90. The lowest most responsive bid for Contract 2 came from HRP Construction in the amount of \$5,398,259.90. Mr. Minich recommends award to D&M Excavating for Contract 1 and HRP Construction for Contract 2.

Motion/Vote – Approval of Bid Acceptance and Recommendation for Letter and Numbers Street and Utility Improvement Project

Ms. Romine made a motion to approve Bid Acceptance and Recommendation for Letter and Numbers Street and Utility Improvement Project Pending Legal Approval; motion seconded by Mr. Kosior and unanimously carried.

NIES Engineering Contract

City Engineer requested approval for NIES Engineering: Construction Inspection Contract in the amount of \$63,350 for Contract 1 in the Letters and Numbers Street and Utility Improvement Project, Contract 2 in the amount of \$384,120, and additional design work by NIES in the amount of \$27,350. Mr. Minich stated he typically prefers to have a separate Engineer oversee construction rather than the designer but due to the way the project is being paid for, he believes it is best to have NIES Engineering do this. Mr. Minich stated payment will come from the same funds as the rest of the project except for Community Crossings as this is not something that can be paid from that.

Motion/Vote – Approval of NIES Engineering Contract

Mr. Kosior made a motion to approve NIES Engineering Inspection Contract for Contract 1; motioned seconded by Mayor Dermody and passed 2-0. Member Romine abstained from the vote.

2022 Street Paving Pay Application: Reith-Riley

City Engineer Nick Minich requested to table this item until the next meeting. Mr. Minich stated there are still a couple punch list items that need to be take care of and he would like to bring a complete pay application.

Unfinished Business

2023-26 Waste Contract

Mayor Dermody emphasized many hours were spent going through each bid for waste removal and a lot of consideration and negotiations were done. Mayor Dermody requested City Attorney Nick Otis to speak on the waste contract. Attorney Otis stated this was a public bid for services, therefore negotiations and flexibility are expected and allowed. Attorney Otis stated statute is very clear: governmental bodies may use any procedures they deem appropriate when contracting for services and may adopt rules and establish policies to that end and we have the authority to change criteria to make the decision in the best interest of the city in its consideration of the bids.

Public Comment:

Tim Franke, 11 Green Acres, stated he wanted to share what he has been hearing in the community and his personal opinion on the trash services. Mr. Franke stated he takes into consideration that Waste Management has previously provided great service, they have many local employees, and sustainability is a big factor for him and likes that their vehicles will help reduce our carbon footprint as a community.

Roger Galloway, 608 Tecumseh Street, stated he has spoken with several people within the community, and they would like to go back to the better service that was received with Waste Management, and they employ a lot of local people.

Mayor Dermody expressed his appreciation to Mr. Minich and all the work they have put in since the initial bid. Mr. Minich stated they tried to put together a structure that allowed bidders to provide what they were able to do, which is a challenge when following Indiana Bid Law with the goal of producing a very transparent bid. Because of this, they were able to offer alternative bids, other than the base bid, which ranged from fuel cost adjustments and things like this. Borden provided an alternative bid for yard waste to go into a 96-gallon cart, which is standard for all bids, but allowed residents to pay for additional carts for yard waste. There were also two base bids from Waste Management and Borden that would include the yard waste service, three biodegradable bundles of yard waste, for six months out of the year. Mayor Dermody recognized both Waste Management and Borden for being fantastic and responsive to work with. Waste Management is offering \$13.80 versus \$13.84 in addition to

three additional bags to be picked up in addition to the 96-gallon cart for six months of the year. Mayor Dermody stated because of the success of the dumpster program in the city, the city will go to one clean up per year with a savings of 57 cents from Borden and 17 cents from Waste Management. Mayor Dermody stated he would like to remove the downtown containers and both Borden and Waste Management offered ideas. Borden offered 33 cents of savings and Waste Management offered 64 cents in savings. Multiplying this out, Borden came in at a total savings over the four years at \$9,722 less than Waste Management. Mayor Dermody stated he has heard nothing but great things from the communities that Borden services, but Borden has no name ID recognition within our community and after the issues we have had for the previous four years with RTS his recommendation is to go with Waste Management as that is what the residents of the City know and where their comfort is.

Rick Ogle, 1902 Indiana Ave., expressed his concerns with using Waste Management. Mr. Ogle stated he agrees they have great customer service, but they do increase their prices. Mayor Dermody stated the City will be able to withdrawal from the contract if Waste Management tries to increase prices beyond what is agreed. Mr. Minich stated there is a price increase of \$1.74 cents over the four year contract with the Ordinance that rates are set with. Mr. Minich stated the price increase over the four years is standard and was like everyone that submitted bids. Mayor Dermody stated everyone will be provided a 96-gallon cart that will be received approximately eight weeks after they have been ordered. Ms. Romine questioned when the contract would begin. Mayor Dermody stated on March 1, 2023. Tim Werner questioned when the current trash bins will be picked up and what will happen during the meantime. Mayor Dermody stated bags of trash will be placed on the curbs as we transition. Mr. Kosior expresses his appreciation for the work that everyone put into this whole process.

Motion/Vote – Approval of 2023-26 Waste Removal Contract

Mayor Dermody made a motion to award 2023-26 Waste Removal Contract to Waste Management; motion seconded by Ms. Romine and unanimously carried.

Other Business:

Mayor Dermody encouraged everyone to attend the meeting on Friday with LEAP. Next regularly scheduled meeting: Tuesday, March 7, 2023 at 9 A.M.

Adjourn

There being no further business, Mr. Kosior moved to adjourn; motion seconded by Ms. Romine and unanimously carried.

Approve: _____
Thomas P. Dermody, Mayor

Attest: _____
Courtney Parthun, Clerk-Treasurer

Approved: March 7, 2023