

May 16, 2023

The Board of Public Works and Safety met in regular session in the Council Chambers on Tuesday, May 16, 2023, at 9:00 A.M.

Present: Mark Kosior, Mayor Dermody, Jessica Romine

Absent:

Mark Schreiber 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

None

Claims Approval

Clerk-Treasurer Parthun presented Payroll from May 12, 2023 in the amount of \$491,454.65.

Motion/Vote – Approval of May 12, 2023 Payroll

Mr. Kosior made a motion to approve the May 12, 2023 Payroll as presented; motion seconded by Ms. Romine and unanimously carried.

Clerk-Treasurer Parthun presented Civil City Claims in the amount of \$829,798.39.

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.

Clerk-Treasurer Parthun presented Sewage Claims in the amount of \$372,555.76.

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.

Clerk-Treasurer Parthun presented Water Claims in the amount of \$260,610.22.

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.

New Business:

Ticket Appeals: #69134 and #ORDN-23-341

Executive Assistant Annette Loeffler presented Ticket Appeals: #69134 and #ORDN-23-341. Ms. Loeffler stated she did not send the ticket appeals to the Police Department for remarks because they were both pretty cut and dry. The first ticket presented was ticket #ORDN-23-341. Ms. Loeffler stated the ticketed individual stated she received a violation for parking wrong side to curb in the 200 block of ridge street. The individual parked there for a few moments to get paperwork because she had a doctor's appointment, and she was only inside for a few moments because she was running late.

Motion/Vote – Approval of Ticket Appeal: #ORDN-23-341

Ms. Romine made a motion to void ticket #ORDN-23-341 as presented; motion seconded by Mr. Kosior and unanimously carried.

Executive Assistant Annette Loeffler presented ticket appeal for ticket #69134. Ms. Loeffler stated this ticket is for parking in a restricted zone, 1 A.M. – 6 A.M., on Maple. The individual provided pictures showing the restricted parking sign is facing the wrong direction and can only be seen if you are driving down Maple in the wrong direction. Director of Central Services Jeff Batchelor confirmed from the photographs that the sign is in fact facing the wrong direction as if it was turned away by someone.

Motion/Vote – Approve Ticket Appeal: Ticket #69134

Mr. Kosior made a motion to void ticket #69134 as presented; motion seconded by Ms. Romine and unanimously carried.

Mr. Kosior stated he did make a motion to void this ticket but is concerned that individuals will begin using any excuse they can to get out of paying for a ticket. Mr. Kosior stated he does not want the police department or code enforcement to feel as though they cannot write tickets because they will just be overturned. Ms. Romine stated the sign is visible when you exit your vehicle. Chief Brettin agreed that the sign would be visible once the individual had exited their vehicle.

Motion/Vote – Rescind Motion to Void Ticket #69134

Mr. Kosior made a motion to Rescind Motion to Void Ticket #69134; motion seconded by Mayor Dermody and unanimously carried.

Motion/Vote – Deny Ticket Appeal: Ticket #69134

Mr. Kosior made a motion to deny the Ticket Appeal: Ticket #69134; motion seconded by Ms. Romine and unanimously carried.

TransPorte Scheduling Policy Revision

TransPorte Director Beth West presented TransPorte Scheduling Policy Revision. Ms. West stated the original policy was designed when TransPorte was running longer hours and it no longer works. Shifts are four hours and based on seniority. This new policy will shorten the part-time drivers to 16 hours, instead of 20, which will allow newer drivers the opportunity for more hours and ultimately the ability to maintain their skills. Mayor Dermody questioned if this has been discussed with the drivers. Ms. West stated it has not, they were waiting for Board approval before bringing up the discussion.

Motion/Vote – Approval of TransPorte Scheduling Policy Revision

Ms. Romine made a motion to approve TransPorte Scheduling Policy Revision as presented; motion seconded by Mr. Kosior and unanimously carried.

MOU w/Northern Baseball League

Park Superintendent Mark Schreiber presented MOU w/Northern Baseball League. Mr. Schreiber stated the Northern League is a baseball league and is comprised of Summer college players as well as some professionals. Mr. Schreiber stated this league is expanding in Northern Indiana and is requesting the signing of a memorandum of understanding with them going forward to establish a franchise in La Porte. Mr. Schreiber introduced Don Popravak, leadership with the Northern League. Mr. Popravak provided a brief history and overview of the Northern League. Mr. Kosior thanked Mr. Popravak for coming and presenting and questioned what this would be like for the next one to two years. Mayor Dermody stated the goal is to have a La Porte team by next summer using current playing fields as other opportunities are discussed with the goal of a stadium being built within the city. Mayor Dermody stated the team would be owned by an investor.

Motion/Vote – MOU w/Northern Baseball League

Ms. Romine made a motion to approve MOU w/Northern Baseball League as presented; motion seconded by Mr. Kosior and unanimously carried.

Contract for 4th of July Fireworks

Park Superintendent Mark Schreiber presented Contract for 4th of July Fireworks. Mr. Schreiber stated they are working with the La Porte County Fairgrounds to host the fireworks due to Fox Park being under construction. Mr. Schreiber stated they are working to find a sponsor for the fireworks, and they have also asked that traffic control is provided with two to three officers. Waste Management will be helping with trash pickup. Mr. Schreiber stated they will be provide the use of the fairgrounds at no cost and they will provide food vendors and traffic assistance. Mayor Dermody questioned how long this contract was for. Mr. Schreiber stated there may be options for multiple years, however, there is no future agreement with the fairgrounds and the intention is only for July 4, 2023. Ms. Romine questioned if there is a rain date. Mr. Schreiber stated a rain date can be worked out but due to the fair following so closely, the rain date would have to be later in July.

Motion/Vote – Approval of Contract for 4th of July Fireworks

Ms. Romine made a motion to approve Contract for 4th of July Fireworks as presented; motion seconded by Mr. Kosior and unanimously carried.

Quotes Opening CDBG Homeowner Repair Program: Electrical Repairs and Lead Hazard Reduction at 321 Niles

CDBG Director Mary Ann Richards presented CDBG Homeowner Repair Program bids. Ms. Richards stated she received two bids for electrical repairs. Ms. Richards opened the first bid from Close Circuit Electric for all three houses is in the amount of \$10,650. The second and final bid for electrical is from Paul L Crow Electrical Contractor in the amount of \$19,148 for all three houses. Ms. Richards received one bid for Lead Hazard Reduction at 321 Niles from Langley Construction in the amount of \$46,160.

Motion/Vote – Approval of CDBG Homeowner Repair Program: Electrical Repairs and Lead Hazard Reduction at 321 Niles

Mr. Kosior made a motion to approve CDBG Homeowner Repair Program: Electrical Repairs to Close Circuit Electric as the lowest bidder and Langly Construction for Lead Hazard Removal at 321 Niles pending Engineering and Legal review; motion seconded by Ms. Romine and unanimously carried.

Phosphorus Pay Request #13

Wastewater Director Jerry Jackson presented Phosphorus Pay Request #13 in the amount of \$22,000. This takes the project to 95 percent. Mr. Jackson stated there have been issues starting up the chemical feed pumps and they are working with the manufacturer to correct this, in addition to paving and sidewalk work that is left to be done.

Motion/Vote – Approval of Phosphorus Pay Request #13

Ms. Romine made a motion to approve Phosphorus Pay Request #13 as presented; motion seconded by Mr. Kosior and unanimously carried.

Letters and Numbers Contract 2A Pay Request #1:

Wastewater Director Jerry Jackson presented Letters and Numbers Contract 2A Pay Request #1 for contract 2A in the amount of \$215,518.90. This brings the project to eight percent.

Motion/Vote – Approval of Letters and Numbers Contract 2A Pay Request #1

Mr. Kosior made a motion to approve Letters and Numbers Pay Request #1 as presented; motion seconded by Ms. Romine and unanimously carried.

Letters and Numbers Contract 2B Pay Request #1

Wastewater Director Jerry Jackson presented Letters and Numbers Contract 2B Pay Request #1 in the amount of \$92,625 and brings the project to four percent. Mr. Jackson stated this is the Community Crossings portion of the project.

Motion/Vote – Approval of Letters and Numbers Contract 2B Pay Request #1

Mr. Kosior made a motion to approve Letters and Numbers Contract 2B Pay Request #1 as presented; motion seconded by Ms. Romine and unanimously carried.

Basement Backup Grant: 1402 Lincolnway

Wastewater Director Jerry Jackson presented Basement Backup Grant: 1402 Lincolnway. Mr. Jackson stated he was not able to get a quote from the plumber because he was unsure of how to fix this and stated he would bring it to the next Board of Works meeting.

Contract for Fire Apparatus Purchase

Fire Chief Andy Snyder presented a contract with Fire Service Incorporated for construction and purchase of a new aerial truck for the department in the amount of \$1,669,594. Chief Snyder stated this contract is for approximately a year's worth of work. The contract states the apparatus will be delivered in 24 months. This truck will be replacing a current truck, a 2006 aerial, and will not be an additional apparatus. Chief Snyder stated the intention is to try and sell to another local community. Chief Snyder stated Indiana State law allows trade of equipment between government units and in this scenario, money is considered a trade item. Chief Snyder stated a discount of \$83,325 will be applied for full payment. Sourcewell has been used to find this truck, therefore the bidding process is not necessary as Sourcewell already has the lowest negotiated prices available. The prepayment option has been used previously and has been successful. Mr. Kosior questioned if the new apparatus offers the same or additional capabilities as the old one. Chief Snyder stated it will provide everything the old apparatus provided in addition to a longer ladder and some new technologies that have been added in the previous 17 years. Ms. Romine questioned if the sale of the old truck would help reduce the cost of the new fire truck. Clerk-Treasurer Parthun stated the monies received from that sale would go into the general fund. Ms. Romine questioned if the current truck can still be used while we wait for the new one. Chief Snyder stated they will have to continue to use what they have; however, it is out of compliance with ISO and they do risk being dinged for being out of compliance. Chief Snyder stated they are not necessarily due for an inspection but there is always the possibility for one. They always produce maintenance records and will plead the case that they are waiting on a new apparatus. Mr. Kosior questioned if the hit taken is financial or just in ratings. Chief Snyder stated it affects the ISO ratings of the City which ultimately effects the city financially.

Motion/Vote – Approval of Contract for Fire Apparatus Purchase

Mr. Kosior made a motion to approve Contract for Fire Apparatus Purchase as presented; motioned seconded by Ms. Romine and unanimously carried.

Outdoor Seating Application: Hotspot Cafe

City Engineer Nick Minich presented Outdoor Seating Application: Hotspot Café and recommends approval. Ms. Romine questioned if this is the same as requested in the past. City Planner David Heinold stated this is the same as in the past and it has been reviewed and is ADA accessible and compliant.

Motion/Vote – Approval of Outdoor Seating Application: Hotspot Café

Ms. Romine made a motion to approve Outdoor Seating Application: Hotspot Café as presented; motion seconded by Mr. Kosior and unanimously carried.

Approval of the Preliminary and Final Plats: Zayo Subdivision

City Engineer Nick Minich presented Approval of the Preliminary and Final Plats: Zayo Subdivision. Mr. Minich stated this is one lot being subdivided into two. Mr. Minich stated he reviewed it, as well as the Plan Commission and recommends approval. Ms. Romine questioned if it was approved by the BZA. City Planner David Heinold stated the BZA approved a variance reduction because the lot is under the minimum of 80,000 square feet.

Motion/Vote – Approval of the Preliminary and Final Plats: Zayo Subdivision

Ms. Romine made a motion to approve Preliminary and Final Plats: Zayo Subdivision as presented; motion seconded by Mr. Kosior and unanimously carried.

Department Head Reports

City Planner: City Planner Craig Phillips announced Thursday, May 18, 2023, from 5:30 P.M. to 7 P.M. at the Civic Auditorium, the second open house for the La Porte Trails, Greenways, and Blueways Master Plan will be held. Mr. Phillips encouraged everyone to attend and provide their input. Mayor Dermody asked Mr. Phillips if there is an update on Steiner Homes. Mr. Phillips stated they have been working diligently to get the development agreement back to the Board of Works and hope to do so soon. Ms. Romine questioned Mr. Phillips about the Habitat for Humanity project. Mr. Phillips stated they recently had the groundbreaking, and they will be providing updates as the project progresses that he will forward to the Board.

Park: Parks and Rec Superintendent Mark Schreiber reported they have two projects they are hoping to move forward with. The first project is a second lodge on Stone Lake that would accommodate up to 250 people at approximately 6,800 square feet. The second project is the expansion and renovation of the Kesling baseball and softball complex. Each of these discussions will be brought to the Park Board on Wednesday and an open house will be held on Tuesday June 6, 2023 from 6 P.M. to 7 P.M. at the Park Office for public input.

TransPorte: TransPorte Director Beth West reported their Summer Passes will go on sale next week and be sold for three weeks. The passes will be good through Labor Day. Ms. West reminded riders to allow for extra time to get to their destination with all the construction. Mayor Dermody thanked the public for their patience and understanding with all the construction, which is progress, that is happening currently.

Engineering: City Engineer Nick Minich reported they have delivered a paver to the Truesdale project. Paving should begin next week.

Waste Management Contract

City Attorney Nick Otis presented the final contract with Waste Management to be approved. Attorney Otis stated after working closely with several departments within the City, the final contract is ready to be signed and includes all adjustments. Last night's City Council did approve the Ordinance for the new trash rates. City Attorney Nick Otis stated WM has been working within the terms of the contract without a signed contract since March. City Engineer Nick Minich reminded the public that by going with WM we are working with local individuals that have been very responsive. Overall, had the City stayed with the previous company, RTS, residents would be paying \$10-\$12 more per month. Mr. Minich stated the carted services with the 96 gallon tote help keep costs down for residents as it is the most effective way to pick up the trash. Clerk-Treasurer Parthun stated WM will only pick up garbage in the appropriate container and for those that have more than one tote can handle, additional trash totes can be purchased at a cost of \$6 per month and is billed directly to the resident.

Motion/Vote – Approval of Waste Management Contract

Mr. Kosior made a motion to approve Waste Management Contract as presented; motion seconded by Ms. Romine and unanimously carried.

815 Eason Court Settlement and Release Agreement

City Attorney Nick Otis presented a settlement and release agreement in the amount of \$10,144.81 for a sewer backup into the home at 815 Eason Court. Attorney Otis stated this incident happened around February 27, 2023. Wastewater Director Jerry Jackson stated there was a blockage that occurred during a storm that resulted in significant damage. The wall was damaged and the floor had to be ripped up and replaced in addition to substantial property damage to items stored in the basement. The insurance company denied the claim as they take the position that any blockages or backups are acts of God. Mr. Jackson stated that the City's policy has always been, if there is a backup during rain it is due to the combined sewer system and the homeowner needs to fix their plumbing but if there is a blockage, the city takes care of the damage. Mayor Dermody questioned how it is determined whether it is an act of God or something else. Mr. Jackson stated they have been consistent with stating if there is a blockage inside the main sewer line and the sewer backs up into the basement the city takes responsibility. City Attorney Nick Otis questioned if this is something that can be prevented. Mr. Jackson replied, no. Clerk-Treasurer Parthun stated they did request the homeowner file a claim with their insurance and the City would cover the deductible, but that claim was also denied. Mr. Kosior questioned how frequently there is a payout for this issue. Mr. Jackson stated they typically pay out once a year for an issue like this. Ms. Romine asked for clarification that by signing the contract and paying out, the homeowner could not come back and request additional monies. Mr. Jackson stated this is correct, there is language in the contract that does not allow the homeowner to come back to the city for damages from this incident.

Motion/Vote – Approve Basement Backup 815 Eason Court Settlement and Release Agreement

Ms. Romine made a motion to approve 815 Eason Court Settlement and Release agreement as presented; motion seconded by Mr. Romine and unanimously carried.

Unfinished Business

Other Business:

Mayor Dermody provided an update on 39 N. Mayor Dermody stated they have committed to the deadline of May 31st and signatures do continue to come in. Mayor Dermody stated if this does not happen, he does feel for the residents, as this means the Conservancy Board did not agree to the offer presented to them to fix the issues. The next regularly scheduled meeting: Tuesday, June 6, 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: June 6, 2023