

**July 18, 2023**

The Board of Public Works and Safety met in regular session in the Council Chambers on Tuesday, July 18, 2023, at 9:00 A.M.

**Present:** Mark Kosior, Jessica Romine

**Absent:** Mayor Dermody

Jessica Romine 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**

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

**Claims Approval**

Deputy Clerk-Treasurer Knoll presented Civil City Claims in the amount of \$453,752.69.

**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 Knoll presented Water Claims in the amount of \$192,203.87.

**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 Knoll presented Sewage Claims in the amount of \$.

**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.

Deputy Clerk-Treasurer Knoll presented Payroll from July 7, 2023 in the amount of \$522,619.87.3

**Motion/Vote – Approval of July 7, 2023 Payroll**

Mr. Kosior made a motion to approve the July 7, 2023 Payroll as presented; motion seconded by Ms. Romine and unanimously carried.

### **David Albin Water Bill Appeal**

Utility Billing Office Assistant Manager Eman Fokianos presented David Albin Water Bill Appeal. Mr. Fokianos stated they had been contacted approximately one month prior by Mr. Albin and informed that Mr. Albin had received two garbage cans and he had given them to his neighbor. Mr. Fokianos stated that after looking at the billing, Mr. Albin was being charged as a two unit and was made aware of this fact at this time. After further investigation through Beacon, it was determined that Mr. Albin's residence was a single-family home. Mr. Albin questioned how he would be reimbursed for the years of overpayment. Mr. Fokianos informed Mr. Albin that the issue would need to be taken before the Board of Works for approval. Ms. Romine questioned if the dwelling was ever a two unit. Mr. Fokianos stated it would have been a two unit at some point, they have not set any multiunit utilities up recently, but there are a lot of homes over the years that have been converted back to single-family and unless the office is notified, they are not aware to change the billing. Mr. Kosior noted the billing does not indicate the number of units that are being billed, rather just a dollar amount for the services billed. Mr. Fokianos confirmed this information. Ms. Romine noted that trash service fees are public as required by the state. Mr. Kosior noted that it is the responsibility of the homeowner to be aware of what they are paying for and believes any refund amount would be considered generous. City Attorney Nick Otis stated looking at Beacon, he can see that the home was in fact a multi-unit dwelling at one point. Mr. Otis stated he is not aware of any legal requirements to refund but the board can certainly go back one year, if they choose to do so. Water Superintendent Tim Werner stated it is very clear on the application when services are set up whether they are setting up for a single-family home or a multi-unit. The water department does not have the ability to go and check every home to determine if it is a single or multi-unit dwelling, that is left up to the public. Mr. Otis asked for clarification if this was for water or just trash service. Mr. Fokianos confirmed this is just regarding the trash service. The amount to be credited to Mr. Albin is the monthly charge of \$10.41 times 12 months for a total amount of \$124.92.

### **Motion/Vote – Approval of David Albin Water Bill Appeal**

Mr. Kosior made a motion to approve a refund of one year of trash services, applied as a credit to Mr. Albin's account; motion seconded by Ms. Romine and unanimously carried.

### **Public Comment**

Carissa Ebert, 1408 Lincolnway, spoke before the board regarding her trash services. Ms. Ebert stated she purchased her home on Lincolnway in 2013 and did not realize she had been double charged for trash services. City Attorney Nick Otis questioned Ms. Ebert if she had spoken with the Utility Billing Office prior to coming today. Ms. Ebert stated she had, and they told her they could go back one year and if she wanted to try to get more, she would have to come to the Board of Works for approval. Mr. Otis advised Ms. Ebert to meet with Eman, as soon as after the meeting, to discuss further and be put on the agenda for a future meeting in order for this matter to be voted on.

### **Department Head Reports**

**Water:** Water Superintendent Tim Werner reported Friday at 4 o' clock was the close of the request for qualifications for the guaranteed savings contract for the well field at Soldier's Memorial Park. Mr. Werner stated they will now put together a team to go over those qualifications and score them. A contractor will be selected and presented at the August 8, 2023 meeting.

**Communications:** Communications Director Jess Bruder reported the moonlight movie night on July 25, 2023 has been moved to Plaza 618. It was previously scheduled at Fox Park but had to be moved due to road work that is being done. In addition, Ms. Bruder reported the Friday Night Live Event: Cheeseburger in Paradise is back and will take place on August 11. There will be additional food trucks to accommodate the expected crowd. Ms. Bruder stated there will also be live music, Cabanorama, playing trop rock; covering artists such as Jimmy Buffet, Kenny Chesney, Bob Marley, Zac Brown Band and more.

**Park:** Parks and Rec Superintendent Mark Schreiber reminded everyone we are within two weeks of Lakefest and all the events can be found on [laportelakefest.com](http://laportelakefest.com). Mr. Schreiber stated they are still currently looking for volunteers. If you would like to volunteer, there is a volunteer tab on the website where you can send in all your information. Mr. Schreiber reminded the public that the aqua cross will take place at Stone Lake and therefore the lake will be closed both Saturday and Sunday from 9 A.M. to 5 P.M. If you would like to take your boat out of the Marina or launch at Stone Lake, you must do so before 9 A.M. and keep in mind you will not be able to get back on the lake until after 5 P.M. Mr. Schreiber stated Saturday night is a big night at Fox Park. Everclear is the headlining band as well as the fireworks show. Mr. Schreiber asks that individuals do not illegally park on any of the roads to try and attend these events. Ms. Romine questioned how the Civic is coming along. Mr. Schreiber replied by stating it is on schedule, and they are currently in the process of putting the seats in and they are on track to open the last week of August. The AC will not be completely done until later in the year due to delays and issues getting the equipment.

**TransPorte:** TransPorte Director Beth West reported they had 24 riders taken to the fair and eight riders picked up from the fair. Ms. West expressed the excitement of the drivers at being able to use the North entrance to drop off and pick up because it makes pickups and drop offs much quicker than in past years. Ms. West reported they are currently at approximately 23,000 riders for the year. Ms. West reminded the public that they are still taking the orange summer passes but they do expire the Saturday of Labor Day weekend.

**Police:** Chief Brettin announced the Law Enforcement Memorial Bike Ride is coming to La Porte County. They will be at Scipio Township Fire Department at approximately 11 A.M. and then they will ride up I street to 18<sup>th</sup> and they will be led to 35 to Boyd where they will continue to travel eastbound. The riders are from all over the state, they started in Southern Indiana.

**New Business:**

**Settlement Agreement**

Cit Attorney Nick Otis presented a \$500 settlement agreement for 107 E Street. A tree limb fell and caused damage to the home. The City submitted this claim to insurance and the claim was denied. Attorney Otis stated they went back and forth with the homeowners, and they agreed to accept the \$500 settlement. Attorney Otis stated he will prepare the settlement agreement and is requesting permission for the Mayor to sign it.

**Motion/Vote – Approval of Settlement Agreement**

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

**Engagement Letter**

City Attorney Nick Otis presented Engagement Letter with Denton's Law Firm; working specifically with David McGimsy, a utility regulatory expert. His expertise is required for a few utility matters. Attorney Otis stated this is a highly specialized area of law that his firm is not capable of handling. This agreement is for an as needed basis at an hourly rate.

**Motion/Vote – Approval of Engagement Letter**

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

**Basement Backup Grant: 807 Adams St**

Wastewater Director Jerry Jackson stated that he did not receive the estimate for this job so he will bring it back to the next meeting.

**Letters and Numbers Contract 1 Pay Request #2**

Wastewater Director Jerry Jackson presented Letters and Numbers Contract 1 Pay Request #2 in the amount of \$48,930.58. This is for the improvements to the Torino Pond. This payment brings the project to 19% completion. Mr. Jackson stated D&M is doing an excellent job and recommends payment.

**Motion/Vote – Approval of Letters and Numbers Pay Request #2**

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

**Letters and Numbers Pay Request #3: Contract 2A**

Wastewater Director Jerry Jackson presented Letters and Numbers Pay Request #3: Contract 2A in the amount of \$465,134.25. This brings the job to 29% completion. Mr. Jackson stated he recommends approval of payment.

**Motion/Vote – Approval of Letters and Numbers Pay Request #3**

Mr. Kosior made a motion to approve Letters and Numbers Pay Request #3 as presented; motion seconded by Ms. Romine and unanimously carried.

**Letters and Numbers Pay Request #3: Contract 2B**

Wastewater Director Jerry Jackson presented Letters and Numbers Pay Request #3: Contract 2B in the amount of \$3,325. This is for the street portion because there is a grant for this portion as well. This brings the job to 8% completion.

**Motion/Vote – Letters and Numbers Pay Request #3: Contract 2B**

Mr. Kosior made a motion to approve Letters and Numbers Pay Request #3: Contract 2B as presented; motion seconded by Ms. Romine and unanimously carried.

**Vector Bids**

Wastewater Director Jerry Jackson presented Vector Bids. Mr. Jackson stated the vendor for the Vector truck came back and stated he accidentally ordered the lower grade boom, which is different than what was demoed to the department. Mr. Jackson stated the boom is what is used to clear the debris from manholes and catch basins. Currently, additional pieces must be added to the boom in order to make it long enough to reach, which takes a lot of additional time and labor to do versus the boom that was demoed which was much longer and would pretty much eliminate this process. Mr. Jackson stated the bid is from Sourcewell. The additional cost of the boom is \$11,500. Mr. Jackson stated this is a feature that will save time and money in the future. Mr. Kosior asked for confirmation that this was not included in the original bid. Mr. Jackson stated there was a line item in the bid for the boom, but the wrong boom was listed. City Attorney Nick Otis stated this bid is still through Sourcewell, therefore it is still the lowest most responsive bidder and stated his recommendation was to bring it to the board for the additional cost of \$11,500.

**Motion/Vote – Approval of Vector Bids**

Mr. Kosior made a motion to approve the originally specified boom and the difference as presented; motion seconded by Ms. Romine and unanimously carried.

Wastewater Director Jerry Jackson stated he had remarks he failed to bring up during the department head portion. Mr. Jackson stated he has tried in the past to purchase the property at 407 Marquette but has been unsuccessful. Mr. Jackson stated when the basin gets high, it floods a large portion of this lot, and it would be advantageous to the City to just own this property. Mr. Jackson stated the home has been condemned and he will try again to see if it can be purchased. Mr. Jackson stated he wanted the board members to look at it and be aware that he will come back in the future to request permission for the purchase.

**Contract Amendment – United Consulting Emergency Vehicle Preemption**

City Engineer Nick Minich stated they did not end up amending the contract but rather did an extension of the current contract with United Consulting. Mr. Minich stated this is a Federal Aid project, but they are doing a lot of the engineering and procurement for earlier stage with local dollars. This is for the actual inspection and helping with the INDOT contract associated with this work. This is for an hourly not to exceed \$38,800. Mr. Minich stated they have worked with the contractors and have a pretty good idea of the cost of doing this inspection and this is right in line with what would be expected to be paid.

**Motion/Vote – Approval of Contract Amendment - United Consulting Emergency Vehicle Preemption**

Mr. Kosior made a motion to approve United Consulting Preemption Agreement pending Legal and Engineering review; motion seconded by Ms. Romine and unanimously carried.

**LP HealthLinc MOU 2024**

Chief Brettin presented LP HealthLinc MOU 2024. This is an agreement for the MRT, Mobile Response Team. This is the same contract that has been signed in years past and is just a renewal. City Attorney Nick Otis clarified that no monies are expended by the city for this program, this is paid through HealthLinc. Chief Brettin stated his request is for permission to sign the contract with HealthLinc.

**Motion/Vote – Approval of HealthLinc MOU 2024**

Mr. Kosior made a motion to approve the memorandum of understanding with HealthLinc as presented; motion seconded by Ms. Romine and unanimously carried.

**LP MOU Social Worker**

Chief Brettin presented LP MOU Social Worker. This is for renewal of the current MOU for the city's Mental Health Professional that ends in September 2023. This will allow the grant to be extended until September 2024.

**Motion/Vote – Approval of LP MOU Social Worker**

Mr. Kosior made a motion to approve LP MOU Social Worker as presented; motion seconded by Ms. Romine and unanimously carried.

**2307 Andrew Ave: Waive System Development Fee**

Water Superintendent Tim Werner stated the homeowner is currently paying for sewage but has been on well water. Water utility was not available to this residence until the expansion to the airport was done. The homeowner at that time was approached and was not interested in connecting. The residence has since been sold and the well is failing. Mr. Werner stated there is an Ordinance that states permits will not be issued for work where utilities are provided. Mr. Werner stated when the expansion to the airport was done, they included this property because they knew eventually, they would need to hook up. Mr. Werner stated the homeowner will still pay the tap fee and material fee but is requesting the system development fee be waived because the utilities were not available to him until now. This is an \$850 fee that will be charged. Mr. Kosior questioned how soon the homeowner will be able to begin utilizing city water. Mr. Werner stated it is up to the homeowner's plumber, the city's work is done and as soon as he pays the tap fees he will be able to begin service. Mr. Werner stated he believes the current resident would have hooked up at the original time had he owned the property.

**Motion/Vote – Approval of 2307 Andre Ave: Waive System Development Fee**

Mr. Kosior made a motion to waive the system development fee for 2307 Andrew Ave; motion seconded by Ms. Romine and unanimously carried.

**Unfinished Business**

**Other Business:**

Next regularly scheduled meeting: Tuesday August 8, 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: August 8, 2023**