

April 2, 2024

The Board of Public Works and Safety met in regular session in the Council Chambers on Tuesday, April 2, 2024, at 9:00 A.M.

Present: Mayor Dermody, Jessica Romine

Absent: Mark Kosior

Mike Pavey 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 Mayor Dermody and unanimously carried.

Public Comment

None

Claims Approval

Clerk-Treasurer Parthun presented First Quarter Quarterly Payroll in the amount of \$1926.88.

Motion/Vote – Approval of First Quarter Quarterly Payroll

Ms. Romine made a motion to approve First Quarter Quarterly payroll as presented; motion seconded by Mayor Dermody and unanimously carried.

Clerk-Treasurer Parthun presented Civil City Claims in the amount of \$138,065.68.

Motion/Vote – Approval of Civil City Claims

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

Clerk-Treasurer Parthun presented Payroll from March 29, 2024 in the amount of \$519,571.02.

Motion/Vote – Approval of March 29, 2024 Payroll

Ms. Romine made a motion to approve the March 29, 2024 Payroll as presented; motion seconded by Mayor Dermody and unanimously carried.

Clerk-Treasurer Parthun presented Sewage Claims in the amount of \$331,044.61.

Motion/Vote – Approval of Sewage Claims

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

Clerk-Treasurer Parthun presented Water Claims in the amount of \$227,149.91.

Motion/Vote – Approval of Water Claims

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

Department Reports

Park: Parks and Rec Superintendent Mark Schreiber reported that individuals should stay off the bike trails during inclement weather. If the ground is not firm, the trails get torn up. These trails are mainly maintained by volunteers. Mr. Schreiber also reminded all residents that horses are not allowed in the park and asked that people respect the trails.

Water: Water Superintendent Tim Werner reported the department will begin the Spring flushing on April 14, 2024; this is a Sunday. Crews will be out from 8 P.M. until 5 A.M. and will last approximately five weeks. Mr. Werner advises if anyone sees rusty water first thing in the morning, they should run their cold water until it clears up. Mr. Werner stated if for some reason residents are doing laundry and they get rust in their items, they can reach out to the water department for some rust out.

Engineering: City Engineer Nick Minich reported they have had meetings with NIPSCO on the Truesdell project and NIPSCO will start their gas relocation. Mr. Minich stated this is their final stage and everything is on track for completion this spring or early summer. Mayor Dermody announced he had a conversation regarding the State's project on Indiana Ave and they will be following local ordinances and will be starting work around 7 A.M. during this project. Mr. Minich stated during the final stages of their project, the State will create a contract prep document that will include all the ordinances and things to adhere to and the State will do their best to adhere to our local ordinances.

Code: Code Director Jeff Batchelor reported they are working on political signs and boarded up windows throughout the whole city. Mayor Dermody stated we have been flexible regarding homes with plywood covering windows. Mr. Batchelor stated homeowners are notified they need to get plywood over windows taken care of and are given a reasonable amount of time to do so. Attorney Otis stated there have been some concerns regarding the political signs and when they are allowed to be placed out. There currently is not anything stating when signs can be placed out, just a deadline as to when they should be removed after the election; he will investigate any state laws that may dictate this.

Fire: Chief Snyder reported the application for employment deadline was last Wednesday and they will now be moving onto the mental aptitude portion of the test on the 13th. Chief Snyder stated he believes they have a good pool to choose from.

Street: Street Superintendent Mike Frazee reported they are working on cleaning drains and street sweeping. In addition, they are continuously working on patching and the tree crew is working on stumps. Mayor Dermody asked Mr. Frazee to work with Mr. Phillips in coordinating the moving of the welcome sign to the appropriate spot on 39 N.

Communications: Communications Director Jess Bruder reported the Travel Indiana Magazine Spring edition is out.

Human Resources: Human Resources Director Andrea Smith reported we are currently on day two of the OSHA 10 class and 17 employees are currently signed up and attending this class. Ms. Smith stated this safety course helps them identify and avoid on-the-job hazards. In addition, Ms. Smith reported City Attorney Nick Otis has received his copy of the revised employee handbook for his review.

New Business:

Request for Use: O'Reilly Car Show

Executive Assistant Annette Loeffler presented Request for Use: O'Reilly Car Show. Ms. Loeffler stated they had this car show last year and it was their first annual car show. This year they will be partnering with Rusted Knuckles and will be hosting on the same day as the official downtown cruise night. Ms. Loeffler stated they are requesting to close a one block area.

Motion/Vote – Approval of Request for Use: O'Reilly Car Show

Ms. Romine made a motion to approve Request for Use: O'Reilly Car Show as presented; motion seconded by Mayor Dermody and unanimously carried.

Request for Signature: Flyover for the Fourth of July

Executive Assistant Annette Loeffler presented Request for Signature: Flyover for the Fourth. Ms. Loeffler stated there is a federal form that must be filled out and submitted each year for the flyover and is requesting permission for Mayor Dermody to sign.

Motion/Vote – Approval of Request for Signature: Flyover for the Fourth of July

Ms. Romine made a motion to approve Request for Signature: Flyover for the Fourth of July as presented; motion seconded by Mayor Dermody and unanimously carried.

KDM Settlement Agreement

City Attorney Nick Otis presented KDM Settlement Agreement. Attorney Otis stated KDM was the general contractor on some significant upgrades on the phosphorus removal and improvement project. Attorney Otis stated there were issues with KDM and an arbitration was filed instead of litigation and the City of La Porte filed counter claims which ultimately resulted in the settlement agreement drafted by Attorney Otis. The settlement agreement

resolved all the issues but does not include waiver of claims if there are warranty provisions or if faulty work is found. Attorney Otis stated we are not currently aware of any of these types of issues. The settlement agreement calls for the City of La Porte to pay \$195,000 to KDM. Attorney Otis stated this settlement agreement was worked on by himself, Mayor Dermody, and Jerry Jackson. In addition, Attorney Otis stated this settlement agreement requires KDM's lawyer to pay the subcontractors within 30 days of receipt.

Motion/Vote – Approval KDM Settlement Agreement

Ms. Romine made a motion to approve KDM Settlement Agreement as presented; motion seconded by Mayor Dermody and unanimously carried.

Spectrum Recycling – Permission to Pursue Eminent Domain

City Attorney Nick Otis presented Spectrum Recycling – Permission to Pursue Eminent Domain. Attorney Otis stated he has had good conversation with Spectrum Recycling but is currently being pushed by INDOT and there is requesting permission for the authority to initiate eminent domain to resolve this issue quickly.

Motion/Vote – Approval of Spectrum Recycling – Permission to Pursue Eminent Domain

Ms. Romine made a motion to approve Spectrum Recycling – Permission to Pursue Eminent Domain as presented; motion seconded by Mayor Dermody and unanimously carried.

Open Bids: PY2023 CDBG Sidewalk Replacement Program

CDBG Manager Mary Ann Richards presented Open Bids: PY2023 Sidewalk Replacement Program. Clerk-Treasurer Parthun stated two bids were received for the plan year 2023 CDBG Sidewalk Replacement Program. Affidavit of publication: this was published in the Herold Dispatch on March 19, 2024 and March 26, 2024. The following bids were received:

Reith-Riley in the amount of \$823,832.00.

Pavey Excavating in the amount of \$1,183,270.00.

Mayor Dermody stated these quotes are higher than what was budgeted. Ms. Richards agreed and stated they will have to reduce the scope and the Engineering and CDP departments will review the quotes and see where work scopes can be reduced. Mayor Dermody questioned if this would require a rebid. Attorney Otis stated a rebid would not be required; it would come before the Board of Works for approval. City Engineer Nick Minch stated there is a component in the bid that allows for a reduction in scope. Ms. Richards stated her request is for permission to accept these bids to be taken under advisement and will bring a recommendation back to the board.

Motion/Vote – Approval PY2023 CDBG Sidewalk Replacement Bids

Ms. Romine made a motion to approve PY2023 CDBG Sidewalk Replacement Bids presented; motion seconded by Mayor Dermody and unanimously carried.

Contract Execution/Notice to Proceed – CDBG 2024-28 Consolidated Plan and Analysis of Impediments

CDBG Manager Mary Ann Richards presented Contract Execution/Notice to Proceed – CDBG 2024-28 Consolidated Plan and Analysis of Impediments. Ms. Richards stated it is the time within the HUD Cycle that the city is required to complete a consolidated five-year plan and analysis of impediments. Ms. Richards stated she solicited quotes and received three quotes. One quote was disallowed by the screening committee because it was received past the deadline. The Screening Committee consisted of Nick Minich, Craig Phillips, and Mary Ann. Ms. Richards stated the other two proposals came from The Ash Group and Wade Trim. Ms. Richards stated after reviewing the proposals and scoring the points, the recommendation is to award the contract in the amount of \$49,780. Ms. Richards stated this consolidated plan addresses a needs assessment for the city over the next five years and invites the public to the citizen participation plan to help identify priorities. In addition, it will set up an annual action plan for 2025 and will include an analysis of impediments to fair housing. Mayor Dermody questioned what the difference is between this plan and the comprehensive plan that is being done by CDP Director Craig Phillips. Ms. Richards stated this plan is to satisfy a federal requirement to draw down HUD funds and the one Mr. Phillips is working on is to satisfy a local need. Mayor Dermody questioned if it would be similar information. Ms. Richards stated it would not be similar information. City Engineer Nick Minich stated they did look at the consultants that submitted plans for the Comprehensive Plan for the city and very few, if any, had done any programs like the CDBG program and the Arsh Group and Wade Trim have done these types of plans for a CDBG program over and over again and therefore very qualified in this specific type of work. CDP Director Craig Phillis reiterated that you do not see communities or cities combining consolidated plans with comprehensive plans as the comprehensive plan is very broad and covers more areas toward the city's future growth and development and the consolidated plan is a very specific federal requirement for low to moderate census tracts.

Motion/Vote – Approval Contract Execution/Notice to Proceed – CDBG 2024-28 Consolidated Plan and Analysis of Impediments

Ms. Romine made a motion to approve Contract Execution/Notice to Proceed – CDBG 2024-28 Consolidated Plan and Analysis of Impediments as presented; motion seconded by Mayor Dermody and unanimously carried.

Fire Sprinkler Inspection Agreement

TransPorte Director Beth West presented Fire Sprinkler Inspection Agreement. Ms. West stated this is for their annual sprinkler inspection of the building and is required due to the housing of the busses in the garage.

Motion/Vote – Approval of Fire Sprinkler Inspection Agreement

Ms. Romine made a motion to approve Fire Sprinkler Inspection Agreement as presented; motion seconded by Mayor Dermody and unanimously carried.

Permit Renewal – Howmet Castings and Services

MS4 Coordinator Melissa Mischke presented Permit Renewal – Howmet Castings services. Ms. Mischke stated Howmet was not previously in compliance with their permit and will now be compliant with a new permit.

Motion/Vote – Approval of Permit Renewal – Howmet Castings Services

Ms. Romine made a motion to approve Permit Renewal – Howmet Castings Services as presented; motion seconded by Mayor Dermody and unanimously carried.

Letters and Numbers Pay Request #10 Contract 2A and 2B

MS4 Coordinator Melissa Mischke presented Letters and Numbers Pay Request #10 Contract 2A in the amount of \$185,500.32 and Contract 2B in the amount of \$104,498.39. This brings the project to approximately 80% completion.

Motion/Vote – Approval of Letters and Numbers Pay Request #10 Contract 2A and 2B

Ms. Romine made a motion to approve Letters and Numbers Pay Request #10 Contract 2A as presented; motion seconded by Mayor Dermody and unanimously carried.

NewPorte Landing Landscaping Maintenance Contract

City Planner Craig Phillips presented NewPorte Landing Landscaping Maintenance Contract. Mr. Phillips stated because these are services provided, we are not required to seek quotes for these services. Mr. Phillips stated they reached out to the same company we have used in prior years. Mr. Phillips stated there are no changes to the scope of the services that are being provided and does include trash pickup. The contract is in the amount of \$28,268. This is a slight increase from last year, approximately \$26,900.

Motion/Vote – Approval of NewPorte Landing Maintenance Contract

Ms. Romine made a motion to approve NewPorte Landing Maintenance Contract as presented; motion seconded by Mayor Dermody and unanimously carried.

Plaza 618 Landscaping Maintenance Contract

City Planner Craig Phillips presented Plaza 618 Landscaping Maintenance Contract. Mr. Phillips stated Mofield Properties has done an excellent job of maintaining over the years. There are no changes to the contract other than an increase in cost. The cost will increase from \$85 per week to \$90 per week. Mr. Phillips stated this is the first increase in a few years.

Motion/Vote – Approval Plaza 618 Landscaping Maintenance Contract

Ms. Romine made a motion to approve Plaza 618 Landscaping Maintenance Contract as presented; motion seconded by Mayor Dermody and unanimously carried.

Beechwood Lakes Landscaping Maintenance Contract

City Planner Craig Phillips presented Beechwood Lakes Landscaping Maintenance Contract. Mr. Phillips stated he did receive two proposals for Beechwood Lakes. Mr. Phillips did not solicit the quotes directly, however, one of the companies that we currently work with

submitted an additional proposal for these services. Mr. Phillips presented the following proposals:

K&K Outdoor Services: \$750 per mowing and an hourly rate for additional services.

Mofield Property Services: \$900 per mowing and an hourly rate for additional services. Spring cleanup included.

Mr. Phillips stated mowing happens approximately every other week, depending on the weather, and additional services include a Spring cleanup and leaf pickup in the fall. Mr. Phillips stated previously we have used K&K Outdoor Services and have had some minor issues. Mr. Phillips' recommendation is to utilize the services of Mofield Property Services, despite the higher cost. He believes the quality of service we already receive is enough to justify the price and it does fall within the budget. Mayor Dermody stated we have high standards, and we need to keep that property in excellent condition when it comes to developing the area.

Motion/Vote – Approval of Beechwood Lakes Landscaping Maintenance Contract

Ms. Romine made a motion to approve Beechwood Lakes Landscaping Maintenance Contract as presented; motion seconded by Mayor Dermody and unanimously carried.

Unfinished Business

Mayor Dermody reminded the public that the focus going forward will be the plywood on the windows.

Other Business:

Next regularly scheduled meeting: Tuesday April 16, 2024 at 9 A.M.

Adjourn

There being no further business, Ms. Romine made a motion to adjourn; motion seconded by Mayor Dermody and unanimously carried.

Approve: _____
Thomas P. Dermody, Mayor

Attest: _____
Courtney Parthun, Clerk-Treasurer

Approved: April 16, 2024