

**May 21, 2024**

The Board of Public Works and Safety met in regular session in the Council Chambers on Tuesday, May 21, 2024, at 9:00 A.M.

**Present:** Mayor Dermody, Jessica Romine, Mark Kosior

**Absent:**

Jessica Spoljaric 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 10, 2024 in the amount of \$535,348.89.

**Motion/Vote – Approval of May 10, 2024 Payroll**

Mr. Kosior made a motion to approve the May 10, 2024 Payroll as presented; motion seconded by Ms. Romine and unanimously carried.

Clerk-Treasurer Parthun presented Civil City Claims in the amount of \$288,756.89.

**Motion/Vote – Approval of Civil City Claims**

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

Clerk-Treasurer Parthun presented Sewage Claims in the amount of \$108,596.70.

**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 \$427,813.55.

### **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.

### **Department Head Reports**

**City Planner:** Director of Community Development Planning Craig Phillips reported work continues on several fronts with regard to various housing projects and seeking grants and other incentives. In addition, Mr. Phillips reported work has begun on the City's Comprehensive and Transportation Plan.

**Park:** Parks and Rec Superintendent Mark Schreiber introduced the new Recreation Director, Cole Smith, who started on Thursday. Mr. Smith spoke briefly about himself and expressed his appreciation for the warm welcome he has received thus far and his excitement for all the things going on within the City of La Porte.

**Water:** Water Superintendent Tim Werner reported they will begin drilling for the Soldier Memorial well field on June 3, 2024. There will be a drill rig and water truck out there for now as they will be punching the well to determine the equipment required, once it is determined what the well will produce. In addition, Mr. Werner reported that this same week they will begin a water main project on 18<sup>th</sup> Street.

**Wastewater:** Wastewater Superintendent Jerry Jackson reported about a half and inch of rain fell last night,  $\frac{3}{4}$  inch in some areas, in an approximate 25 minutes timespan and overall he was disappointed on J Street that all the grass and little sticks plugged some of the catch basin inlets. Once the debris was cleared, the water went down just fine. Mr. Jackson stated he was disappointed because this is the area where sewers were just separated, however, he was grateful it was stormwater and nothing more. In addition, Mr. Jackson reported they did receive several calls regarding basement backups and anticipates bringing those to the next meeting. Mr. Kosior questioned what the water in the lakes is at. Mr. Jackson stated before the storm they were at 798.1 and tend to take water out starting at 798. We have been taking water out for approximately three months. Mr. Jackson stated they have not been running the system at full capacity because they have been running at approximately 798 and now is the time of year, they would stop taking water out but with the rain received last night, they will probably continue taking water out for a little while longer. Attorney Otis questioned what the lakes get down to during the Summer. Mr. Jackson stated it isn't uncommon to lose 6-8 inches in the summer.

**Engineering:** Assistant Engineering Director Tucker King reported construction season has begun so they have been getting a lot of requests for building permits and processing those applications.

**Code:** Mayor Dermody stated Code Director Jeff Batchelor was unable to attend the meeting. The Code Department has received a tremendous number of calls regarding tall grass, issues regarding RVs, among other issues. Mayor Dermody stated that because there are so many

issues, the city is behind in locating and following up on these issues and encouraged the public to volunteer and help get the tall grass down. Mayor Dermody reminded the public that the medians are the State's responsibility and they have decided they will only cut three times per year, which he considers unacceptable.

**Police:** Chief Buell reported they have made a conditional offer of employment to Ryan Dulin. He will start as a probationary officer and will attend the academy at some point in the future.

**Street:** Street Superintendent Mike Frazee reported they are out patching, removing a tree at the golf course that came down during last night's storm, cleaning up sidewalks, and trimming and mowing. Mayor Dermody thanked Mr. Frazee for his team's hard work in getting things cleaned up after the storm. In addition, Mayor Dermody stated Jeff Batchelor is working with the Sheriff's office to get inmates in the program to come help clean sidewalks.

Mayor Dermody recognized Phil Gushrowski for the years of service he has provided to the City of La Porte and wished him well in his next endeavor.

**New Business:**

**Request for Use: Blue Sky Music Tunes at Noon on 618 Plaza**

Executive Assistant Annette Loeffler presented Request for Use: Blue Sky Music Tunes at Noon on 618 Plaza. Ms. Loeffler stated Blue Sky would like to use the plaza to do an early afternoon concert on Friday afternoon and again on the Saturday afternoon of the cruise night. Blue Sky will be accepting donations during their performances that will benefit the Arts in the Park. They are not requesting any closures; they are just asking for permission to use the plaza and electricity. Ms. Loeffler stated she does have their insurance on file.

**Motion/Vote – Approval of Request for Use: Blue Sky Music at Noon on 618 Plaza**

Ms. Romine made a motion to approve Request for Use: Blue Sky Music at Noon on 618 Plaza as presented; motion seconded by Mr. Kosior and unanimously carried.

**Motion to Proceed with Eminent Domain on Parcels Owned by DHS, LLC**

City Attorney Nick Otis presented Motion to Proceed with Eminent Domain on Parcels Owned by DHS, LLC. Attorney Otis stated he is looking for a motion to proceed with eminent domain on parcels owned by DHS LLC, Spectrum Recycling, and relates to the Tipton Street overpass. The Address for this location is 101 Park Street and there are three separate parcels. Attorney Otis stated this will not be a surprise to the property owner as they have been in negotiations with them, however, they have not been able to come to an agreement. Attorney Otis stated the complexity of these negotiations come from having a business with very large equipment and putting a value on that can be difficult, making it difficult to come to an agreement. Attorney Otis stated the State has already acquired parcels in this area and the State has asked the city to proceed with this eminent domain. The acquisition of these parcels is necessary for the overpass. Attorney Otis stated an offer required by statute was sent at the end of last year and this motion will allow the city to be able to file this in court to begin this process. Mr. Kosior questioned if the parcels that were already acquired by the state were through

eminent domain. Attorney Otis stated they were not. Because they were buildings, they were easier to acquire. Ms. Romine questioned if an evaluation has been done on the business. Attorney Otis stated two evaluations have been done, as required by statute. Mayor Dermody stated that if there is anyone that needs to be held accountable, it is him. Mayor Dermody stated he worked with Spectrum Recycling directly and thought they would be able to come to an agreement as he does not like the process of eminent domain, but we are at a point where this process has to move forward as further delay will become a problem. Attorney Otis stated there are relocation specialists with the State that can help with Spectrum's relocation costs. Ms. Romine questioned how long this process will take. Attorney Otis stated it can be quick, however, it can also take months. Attorney Otis stated the owner of Spectrum has been fine to deal with, this has just been a disagreement on value.

**Motion/Vote – Approval of Motion to Proceed with Eminent Domain on Parcels Owned by DHS, LLC**

Mr. Kosior made a motion to approve to Proceed with Eminent Domain on Parcels Owned by DHS, LLC as presented; motion seconded by Ms. Romine and unanimously carried.

**Fund Conveyance Amendment #2 – City of La Porte Operating Assistance**

Clerk-Treasurer Parthun presented Fund Conveyance Amendment #2 - City of La Porte Operating Assistance. Clerk-Treasurer Parthun stated Darren Sherman from NIRPC requested this be brought before the Board of Works. This is an amendment to the period of performance for the Transit Grant through NIRPC. This is Federal operating assistance funds, grant number IN2020014. The dates are what is being amended to extend the period for operating assistance.

**Motion/Vote – Approval of Fund Conveyance Amendment #2 – City of La Porte Operating Assistance**

Ms. Romine made a motion to approve Fund Conveyance Amendment #2 – City of La Porte Operating Assistance as presented; motion seconded by Mr. Kosior and unanimously carried.

Mayor Dermody congratulated former TransPorte Director Beth West on her new position, outside of the city. In addition, Mayor Dermody expressed his excitement for some changes they will be making with TransPorte and the excellent staff and reiterated his intention to keep TransPorte running for the long term.

**CVB Civic Director Agreement**

Parks and Rec Superintendent Mark Schreiber presented CVB Civic Director Agreement. Mr. Schreiber stated this agreement has been ongoing for approximately nine years and the CVB pays approximately 30% of the Civic Director's salary. Mr. Schreiber stated this agreement is not only beneficial to the City of La Porte but the CVB as well. The Civic Director is also very active in the CVB, attends their meetings, and stays engaged with what is going on with the CVB. Mayor Dermody questioned what the property tax reliance has been reduced to since there have been more events taking place at the Civic. Mr. Schreiber stated they have cut the property tax reliance down to approximately a quarter of what it was a few years ago. A few

years ago, it was approximately \$290,000 in tax dollars and now is at an estimated \$70,000. Mr. Schreiber stated this is not only due to the increased number of events bringing in revenue, but the promotions and advertisements coming from in-house rather than outside vendors.

#### **Motion/Vote – Approval CVB Civic Director Agreement**

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

#### **La Porte Artwork MOU**

Executive Director of La Porte Economic Advancement Partnership Bert Cook presented La Porte Artwork MOU. Mr. Cook stated Mayor Dermody pulled together a group of individuals and asked they consider some art related initiatives in the downtown area for this Summer. This MOU is for a sculpture in Plaza 618. The MOU was drafted by Attorney Anthony Novak and is similar to ones that the City of Michigan City has used. Mr. Cook expressed his excitement that the Urban Enterprise Association agreed to fund not only this initiative but also the other two art-related initiatives for later in the summer. Mr. Cook stated the request is for the Board of Works to approve this and to allow City Planner Craig Phillips to help coordinate the installation of the statue. Mr. Cook stated the statue to be installed is valued at \$10,000 and would be installed on the foundation that currently exists. The installation and removal will be the responsibility of the artist, however, during the two-year placement, the City of La Porte will be responsible for moving the statue for Christmas tree placement.

#### **Motion/Vote – Approval of La Porte Artwork MOU**

Ms. Romine made a motion to approve La Porte Artwork MOU as presented; motion seconded by Mr. Kosior and unanimously carried.

#### **Pay Application for Sidewalks**

Assistant Director of Engineering Tucker King presented Pay Application for Sidewalks. Mr. King stated this is for the 2023 sidewalk program, ADA and 50/50. The pay application is in the amount of \$175,000. This covers approximately 95% of the total cost. Mayor Dermody questioned if there was a list for the 50/50 sidewalk program. Mr. King stated there is a contact list of individuals that have called in about the 50/50 program and he will be reaching out to them when the next round of the 50/50 program opens. The next round of the 50/50 program is anticipated to open at the end of July to middle of August. Mayor Dermody questioned if we were caught up on sidewalks in the 50/50 program. Mr. King stated we are currently caught up with all individuals that have paid into the program.

#### **Motion/Vote – Approval of Pay Application for Sidewalks**

Mr. Kosior made a motion to approve Pay Application for Sidewalks as presented; motion seconded by Ms. Romine and unanimously carried.

**Letters and Numbers- Change Order #1**

Assistant Director of Engineering Tucker King presented Pay Application for Letters-Numbers/CCMG Close Out. Mr. King stated this is for the construction project. Wastewater Superintendent Jerry Jackson stated there are three items in the pay application. The first item is a change order number one, which is a unit quantity contract. This allows us to make adjustments to what was actually built versus what was on the initial plan. Mr. Jackson stated there were 17 quantities where we overran and eight where we were less, so the overall value of the contract was lessened. Mr. Jackson stated change order number one is in the amount of \$80,099.20. This is a 3% overall increase in the contract price, which is well within contingency and Mr. Jackson recommends approval for change order number one for the Letters and Numbers Project.

**Motion/Vote – Approval of Change Order #1: Letters and Numbers Project**

Ms. Romine made a motion to approve Change Order #1: Letters and Numbers Project as presented; motion seconded by Mr. Kosior and unanimously carried.

**Letters and Numbers Pay Application #12**

Wastewater Director Jerry Jackson presented Letters and Numbers Pay Application #12 in the amount of \$660,671.56. This brings the project to 100%. Mr. Jackson recommends approval.

**Motion/Vote – Letters and Numbers Pay Application #12**

Ms. Romine made a motion to approve Letters and Numbers Pay Application #12 as presented; motion seconded by Mr. Kosior and unanimously carried.

**Letters and Numbers Pay Application #13**

Wastewater Director Jerry Jackson presented Letters and Numbers Pay Application #13 in the amount of \$138,649.49. This pay application is retainage and closes out the contract. Mayor Dermody recognized all the departments that have been working together to make these infrastructure improvements as they are necessary with 100-year-old infrastructure.

**Motion/Vote – Letters and Numbers Pay Application #13**

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

**Permission to Accept Letter of Resignation**

Chief Buell presented Permission to Accept Letter of Resignation from Kyle Poracky.

**Motion/Vote – Approval Permission to Accept Letter of Resignation**

Mr. Kosior made a motion to approve Permission to Accept Letter of Resignation as presented; motion seconded by Ms. Romine and unanimously carried.

**Organized Crime Drug Enforcement Task Forces Agreement**

Chief Buell presented Organized Crime Drug Enforcement Task Forces Agreement. Chief Buell stated his request is to approve a \$4,000 grant from the Feds that will go to the Drug Task

Force. This grant will help pay overtime for two offices that are currently working on specific cases.

**Motion/Vote – Approval of Organized Crime Drug Enforcement Task Forces Agreement**

Ms. Romine made a motion to approve Organized Crime Drug Enforcement Task Forces as presented; motion seconded by Mr. Kosior and unanimously carried.

**Independent Contract Agreement**

Communications Director Jessica Spoljaric presented Independent Contract Agreement. Ms. Spoljaric stated this is a contract for Lindsay Kneifel from LEAP. Ms. Spoljaric stated this contract is to provide coverage in the communications department during her absence at the end of the summer.

**Motion/Vote – Approval of Independent Contract Agreement**

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

**Permission to Apply for Zoning Approvals for the Scott Field Property**

Director of Community Development and Planning Craig Phillips presented Permission to Apply for Zoning Approvals for the Scott Field Property. Mr. Phillips stated this is for a housing project and will need to apply for some developmental standards variances to allow for the construction of homes that will focus on the low to moderate income housing needs. Mr. Phillips stated they will be working with a not-for-profit developer, Advantix Corporation, on these projects and are looking to provide 45 affordable housing units in three different locations within the city. Mr. Phillips stated the request is to grant him permission to be able to go before the board of zoning appeals to request the variances needed. Mr. Phillips stated they will be putting up single family homes, as opposed to townhomes, as they felt single family homes fit the neighborhood better. In addition, they will be leaving the playground portion already located in the area. Mr. Phillips stated this was approved by the Park Board last week. Parks and Rec Superintendent Mark Schreiber spoke briefly about the development of this area and confirmed the retainage of the playground area and the support of the Park Board for this property. Ms. Romine questioned if these units will be built according to the renters or buyers' choice. Mr. Phillips stated he believes there are some options that can be chosen as far as some of the finishes but they will mostly be chosen by Advantix. Mr. Phillips stated Advantix would like to partner with veteran organizations and market these homes to veterans. Mr. Kosior questioned what the timeframe would look like for these homes. Mr. Phillips stated they are working with Advantix to apply for low-income tax credits by July 31<sup>st</sup>, and they will find out if they have received those credits in November 2024, ultimately pushing this construction to 2025. Ms. Romine questioned what the price range will be. Mr. Phillips stated he did not have the exact figures, but they will be for low to moderate income homes. The subsidies that are received will help offset the cost of the homes. These homes will be for lease purchase.

**Motion/Vote – Approval of Permission to Apply for Zoning Approvals for the Scott Field Property**

Mr. Kosior made a motion to approve Permission to Apply for Zoning Approvals for the Scott Field Property as presented; motion seconded by Ms. Romine and unanimously carried.

**Zoning Board Recommendations: Hunter Woods Preliminary Plat**

Director of Community Development and Planning Craig Phillips presented Zoning Board Recommendations: Hunter Woods Preliminary Plat. Mr. Phillips stated the Hunter Woods project will introduce new housing units in the form of single-family homes, townhomes, and apartment units in the Park Street triangle that was annexed into the city last year. Mr. Phillips stated a development agreement was previously signed with the developer and the preliminary plat has been reviewed by staff in the Community Development and Planning and Engineering Departments. This will allow the developer to move forward with the site preparations and they will come back to the board in the future with the final plat. Mr. Phillips stated himself, members of the water and wastewater department, and Engineering department were able to travel to Michigan and view homes that were built by the developer. Mr. Phillips stated they were able to see the style of homes that will be built in Hunter Woods in addition to other products they offer for the potential future development in the city. These homes will be market rate homes and not focused on low to moderate income necessarily. Ms. Romine questioned how many houses there would be built in total. Mr. Phillips stated there would be approximately 156 units of various types.

**Motion/Vote – Approval of Zoning Board Recommendations: Hunter Woods Preliminary Plat**

Ms. Romine made a motion to approve Zoning Board Recommendations: Hunter Woods Preliminary as presented; motion seconded by Mr. Kosior and unanimously carried.

**Christos Acres Preliminary and Final Plat**

Director of Community Development and Planning Craig Phillips presented Christos Acres Preliminary and Final Plat. Mr. Phillips stated it is customary to request both preliminary and final plat in the same meeting when there are no utilities, roadways, or public improvements involved. Mr. Phillips stated the Plan Commission approved both the preliminary and final plat at their last meeting. The property is at the corner of Rumley and Chestnut Streets and butts up against the cemetery. There is currently one home on the property and plans to provide an additional home and an easement that will allow access through a shared drive. Mr. Phillips stated this is pretty straight forward, splitting one large parcel into two parcels. Bill Nelson, with Braje Nelson & Janes LLP, stated he was present to represent Volada Properties. Attorney Nelson spoke briefly about the project on behalf of property owner John Christodoulakis and expressed his appreciation and support from the various commissions and boards at the City of La Porte.

**Motion/Vote – Approval of Christos Acres Preliminary and Final Plat**

Ms. Romine made a motion to approve Christos Acres Preliminary and Final Plat as presented; motion seconded by Mr. Kosior and unanimously carried.



### **Whispering Meadows – Phase VIII**

Executive Director of the La Porte Economic Advancement Partnership Bert Cook presented Whispering Meadows – Phase VIII. Mr. Cook stated this is a development agreement with Whispering Meadows. Mr. Cook stated the City of La Porte is not a signer of this agreement, rather this is a matter of protocol. Mr. Cook stated that because they are using ARP funds, they present to both the City Council and Board of Works in an effort to keep the city aware and up to date on existing agreements. Mr. Cook stated this agreement is with Mitch Feikes Builders. Mr. Cook summarized the agreement and highlighted the following points: Mitch Feikes intends to build 38 new homes in this development, a minimum investment of \$7.6 million. To help offset some of those costs and facilitate the development, the city has agreed to pay the tap fees and system development charges for those 38 new homes, as well as the building permit fees, and potentially \$59,000 to purchase new infrastructure supplies and materials. The incentives will not exceed \$200,000 in total.

### **Motion/Vote – Approval of Whispering Meadows – Phase VIII**

Mayor Dermody made a motion to approve Whispering Meadows – Phase VIII as presented; motion seconded by Mr. Kosior and unanimously carried. Member Romine abstained from the vote.

### **Whispering Meadows – Phase VIII Final Plat**

City Planner Craig Phillips requested approval of the final plat for Whispering Meadows Phase VIII contingent on receipt of a letter of credit or some other commitment on the part of the developer for a guarantee of the installation of the improvements that are included. Mr. Phillips stated there is a provision in the Zoning Ordinance that allows those improvements to be made within one year. Mr. Phillips stated some of these improvements have already been started and the Plan Commission did approve the final plat at their meeting last week. Mr. Phillips clarified that the Board of Works is not approving the improvements but rather approving this so the improvements can continue to be made. This will allow Mitch Feikes Builders to continue to sell lots in the neighborhood.

### **Motion/Vote – Approval Whispering Meadows – Phase VIII Final Plat**

Mr. Kosior made a motion approve Whispering Meadows – Phase VIII Final Plat as presented; motion seconded by Mayor Dermody and unanimously carried. Member Romine abstained from the vote.

### **Unfinished Business**

Mayor Dermody reminded the community that we need everyone's help to reach a spotless community. In addition, Mayor Dermody reminded everyone that Farmed and Forged will open on Sunday and encouraged everyone to attend.

### **Other Business:**

Next regularly scheduled meeting: Tuesday June 4, 2024 at 9 A.M.

**Adjourn**

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

**Approve:** \_\_\_\_\_  
Thomas P. Dermody, Mayor

**Attest:** \_\_\_\_\_  
Courtney Parthun, Clerk-Treasurer

**Approved: June 4, 2024**