

**June 18, 2024**

The Board of Public Works and Safety met in regular session in the Council Chambers on Tuesday, June 18, 2024, at 9:00 A.M.

**Present:** Mayor Dermody, Jessica Romine

**Absent:** Mark Kosior

Mike Riley 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**

Deputy Clerk-Treasurer Layman presented Payroll from June 7, 2024 in the amount of \$548,765.78.

**Motion/Vote – Approval of June 7, 2024 Payroll**

Ms. Romine made a motion to approve the June 7, 2024 Payroll as presented; motion seconded by Mayor Dermody and unanimously carried.

Deputy Clerk-Treasurer Layman presented Civil City Claims in the amount of \$498,075.88.

**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.

Deputy Clerk-Treasurer Layman presented Sewage Claims in the amount of \$456,235.34.

**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.

Deputy Clerk-Treasurer Layman presented Water Claims in the amount of \$273,920.73.

### **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**

**City Planner:** Director of Community Development and Planning Craig Phillips reported they are continuing work on various grant applications for housing and infrastructure with some deadlines due this week. In addition, Mr. Phillips reported they are working with the consultants to begin the first step of the comprehensive and transportation plan. Mr. Phillips stated they are also ready to put Beechwood Lakes out for bid again.

**Park:** Assistant Park Director Emily Archambault presented a certificate from the Indiana Bass Federation thanking the City of La Porte for hosting their 2024 Region Championship at Pine and Stone Lake on April 27<sup>th</sup> and 28<sup>th</sup>. In addition, Ms. Archambault reported there will be a night bike ride on the 21<sup>st</sup> starting at 9 P.M. and the cost is \$20. The ride will be 13 miles. The Civic Auditorium will be playing the Wish movie on the 28<sup>th</sup> starting around 8:30 P.M. This is a free event for everyone.

**Water:** Water Superintendent Tim Werner reported all the testing being done at the new well field is coming back favorable for the amount of water and number of wells we will be able to put out there. Mr. Werner recognized there has been a lot of water sitting out there, however this is just a temporary problem to a long-term solution.

**Wastewater:** Wastewater Superintendent Jerry Jackson reported the intense rain we had last week helped to recognize some issues with the sewer system. Mr. Jackson stated we have hit many of the worst areas with sewer separation, however there are still areas that need work. Mayor Dermody stated now is the time to apply for grants for basement backups while things are dry, rather than waiting until it rains and then applying. To apply, reach out to the Wastewater Department for an application.

Mayor Dermody stated the necessary infrastructure upgrades that are happening are paid for by the water and sewer rates and to continue to make these necessary upgrades, those rates will need to increase. Mayor Dermody stated we can either continue to have the lowest rates or we can pay for these upgrades. Mayor Dermody stated he is open to any suggestions from the public if anyone has any ideas on how to pay for these infrastructure improvements.

**Engineering:** City Engineer Nick Minich reported Truesdell is moving along. It has only been approximately two weeks since we have had full control of the site with utilities but are making good progress. The road is anticipated to be open just before July 4<sup>th</sup>. In addition, Mr. Minich reported they will be hosting the grant managers for the US Forest Service Grant on Friday. This will provide the opportunity to highlight what the grant dollars will be used for and provide an idea for the tree needs within the city.

**Code:** Director of Code Jeff Batchelor introduced Danny Dipert, the newest Code Enforcement employee. Mr. Dipert expressed his excitement for the opportunity to be a part of the team.

**Police:** Chief Buell reported that last week the department swore in two new officers: Isaias Rivera and Aiden Yettaw. They will be attending the 40-hour pre-basic class this week, alongside Devon Hammons. Chief Buell stated they have hired another officer but are waiting on PERF. There are still two openings available and there will be a one day hiring process on August 3, 2024. In addition, Chief Buell reported yesterday they had a traffic blitz on Pine Lake, Lincolnway, and Indiana Ave and approximately 70 vehicles were stopped.

**Fire:** Chief Snyder reported the Merit Commission certified the new hiring list at their last meeting and the first individual on that list was called to hopefully get the one position filled.

**Street:** Street Superintendent Mike Frazee reported they are out cutting brush and trees, patching potholes, and getting everything ready for the Fourth of July.

**IT:** IT Director Roscoe Hoffman reported the cameras have been set up at the Street Department to help monitor traffic for vehicles trying to dump after hours. In addition, Mr. Hoffman reported the Water Department got hit last week with a power surge and they are trying to work at the switches but there is a possibility they may need to be replaced.

#### **New Business:**

##### **Interlocal Agreement for the ARP Funds**

City Attorney Nick Otis presented Interlocal Agreement for the ARP Funds. This is an agreement between La Porte County and the City of La Porte for use of ARP funds for residential development. Attorney Otis stated this is a good development between the County and the City on residential development and asked Mayor Dermody to briefly speak on this. Mayor Dermody thanked the County Commissioners and County Council for their support and partnership. Mayor Dermody stated this agreement just lays out a plan for those \$500,000 dollars. Attorney Otis stated one of the additions the County added to this agreement is that the city agrees it will not establish a housing Tiff for these developments.

##### **Motion/Vote – Approval Interlocal Agreement for the ARP Funds**

Ms. Romine made a motion to approve Interlocal Agreement for the ARP Funds as presented; motion seconded by Mayor Dermody and unanimously carried.

##### **Barnes & Thornburg LLP Engagement Letters: Water and Sewer**

City Attorney Nick Otis presented Barnes & Thornburg LLP Engagement Letters: Water and Sewer. Attorney Otis stated these are two separate agreements on the same form. Attorney Otis stated the city will eventually do two types of bonds and bond anticipation notes: one for the water department and one for stormwater and sewer. This is part of 39 North, in addition to other projects. This agreement is to retain Barnes & Thornburg, particularly Attorney Tom Pittman, for these bonds and anticipation notes. Attorney Pittman has worked with the city on various items for many years and has always provided excellent service.

### **Motion/Vote – Approval of Barnes & Thornburg LLP Engagement Letters: Water and Sewer**

Ms. Romine made a motion to approve Barnes & Thornburg LLP Engagement Letters: Water and Sewer as presented; motion seconded by Mayor Dermody and unanimously carried.

### **Utility Billing Policies Updates**

Utility Billing Office Manager Emmanouel Fokianos presented Utility Billing Policies Updates. Mr. Fokianos stated the policies have not been updated for quite some time. Currently residents are charged \$20 for startup and \$35 for a meter deposit and there is not currently a sewer deposit collected. Mr. Fokianos stated they can file liens on houses for the sewer portion of an unpaid bill, and this can be a very tedious process and can take 60 to 90 days. Collecting a sewer deposit in addition to a water deposit can help offset balances when individuals either sell their home or move out. In addition to the increase in connection fees, Mr. Fokianos is recommending an increase in disconnect and reconnect fees as well. The cost per year for sending out disconnect notices is approximately \$12,000 to \$13,000 each year. Currently, for reconnection residents are charged a \$20 reconnection fee and must pay any past due amount. The recommended change will be a reconnect fee of \$75 and a balance paid in full before reconnection takes place. Mr. Werner stated what they see happening is residents who are being shut off but still have an outstanding balance are then found in a revolving monthly cycle of being shut off, paying the past due and then being shut off again the following month. Mr. Werner stated the department utilizes a lot of manpower on shut offs and it also causes leaks when you're messing with a curb stop to shut off someone's water every month. It costs the city between \$3-\$5,000 to dig up and replace a curb stop when it wears out. Mr. Werner recognized Mr. Fokianos for all his hard work in updating these policies. Mr. Werner stated they reached out to several other municipalities and inquired about their fees and ours were significantly less in comparison. The fees associated with disconnects/reconnects are to help recoup the cost of materials and manpower. Mr. Fokianos stated the majority of the shut offs are for rental properties and the hopes with these policy changes are they will force residents to keep up on their water bills and lessen the amount of shut offs. Mr. Werner stated the wastewater department can put a lien on these properties for the sewer portion, however, the state prohibits liens from the water department. Therefore, if someone skips out on their water bill, that money is gone forever and there is no way to recover it. Mayor Dermody questioned if we could require the owner, rather than the tenant, to be the one on the bill. Mr. Fokianos stated they did investigate this; however, it is not allowed by state law. Mr. Werner stated another policy listed stated that if a resident gets their water shut off more than three times in one year, we can require them to put in a remote meter. A remote meter can be controlled in the Utility Billing Office, and they would have the ability to shut the water off remotely, alleviating the time and manpower to do it by hand. Mr. Werner stated the additional cost for an allied remote meter versus a traditional meter is \$329. The property owner will be responsible for that additional cost. The billing for irrigation meters will also be changed with the policy updates. Currently, irrigation meters are billed from May through September because this is generally when they water. The change will be if there is usage, there will be a bill. Typically, the first bill for these individuals is very large because it includes any usage after September or before May and this will alleviate a

large first bill. Mayor Dermody questioned if residents would be notified of these changes. Mr. Werner stated he believes the best way to address notification to residents is to put the billing policy changes in the flyers that are included in the monthly billing to ensure everyone receives notice of the changes. Ms. Romine questioned if the unpaid bills provided from the past year will be left on and then will be part of the collection process. Mr. Fokianos stated those will all be in collections. Mr. Fokianos clarified that any rental properties, where a tenant leaves a bill, the property owner is required to pay the sewer balance before new services are set up for a new tenant. This will help alleviate manpower and costs of going through the lien process and expedite payment of sewer services rather than wait out the lien process. Mr. Fokianos clarified that the tenant is still responsible for the whole balance, and the property owner will be reimbursed for the sewer portion when that is collected from the tenant. Mr. Fokianos stated they will also begin including the shut off date on the bills to hopefully alleviate the need to send out shut off notices to as many residents. Deputy Clerk-Treasurer Layman questioned City Attorney Otis if this must be advertised because we are changing fees. Attorney Otis stated he does not believe it must be advertised because it is not part of the rates and therefore not part of the Ordinance. Deputy Clerk-Treasurer Layman questioned if these updated policies should include an effective date allowing ample time to notify residents of the changes. Mr. Fokianos stated August 1, would be the effect date because the information will be provided in the July bills.

**Motion/Vote – Approval of Utility Billing Policies Updates**

Ms. Romine made a motion to approve Utility Billing Policies Updates as presented; motion seconded by Mayor Dermody and unanimously carried.

**Amend Motion/Vote – Approval of Utility Billing Policies Updates**

Ms. Romine made a motion to amend Utility Billing Policies Updates to include an effective date of August 1, 2024; motion seconded by Mayor Dermody and unanimously carried.

**Schneider Pay Application – Civic Improvements**

City Engineer Nick Minich presented Schneider Pay Application #10 in the amount of \$213,203.47. Mr. Minich stated this brings the project to completion but does not pay out retainage. Mr. Minich stated there are still a few items that they are working out but does recommend approval.

**Motion/Vote – Approval of Schneider Pay Application**

Ms. Romine made a motion to approve Schneider Pay Application as presented; motion seconded by Mayor Dermody and unanimously carried.

**Change Order – Lochmueller – Construction Inspection**

City Engineer Nick Minich presented Change Order – Lochmueller - Construction Inspection. Mr. Minich stated this is for the Truesdell project and is the third amendment. This amendment should take the project through completion. Mr. Minich stated due to the utility delays and a completion date that has been exceeded, we do still need people out there to coordinate and manage. The amendment is in the amount of \$55,000, bringing the total

contract to \$360,000. This is right around 5% of construction costs, which is extremely reasonable. Mr. Mincih stated typically most INDOT contracts are around 8% of construction costs. Ms. Romine questioned if this still fell within the budget. Mr. Minich stated it does still fall within the budget.

**Motion/Vote – Approval of Change Order - Lochmueller - Construction Inspection**

Ms. Romine made a motion to approve Change Order – Lochmueller – Construction Inspection as presented; motion seconded by Mayor Dermody and unanimously carried.

**Whispering Meadows Phase VIII Acceptance**

City Engineer Nick Minich presented Whispering Meadows Phase VIII Acceptance. Mr. Minich stated he was unable to verify and check everything before the meeting, so he asks that phase VIII be accepted pending verification from himself that everything is correct.

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

Ms. Romine made a motion to approve Whispering Meadows Phase VIII Acceptance as presented; motion seconded by Mayor Dermody and unanimously carried.

**2024 ADA Sidewalk Program Bid Request**

Mr. Minich requested permission to bid for the 2024 ADA Sidewalk Program with the hopes of awarding bid by the second meeting in July. This will allow for more sidewalk work to be started before the end of July. Mayor Dermody questioned where this work would be located. Mr. Minich stated the ADA sidewalks are based on ADA complaints and priority areas. Priority area one has essentially been complete, and the focus is now on priority area two. Mr. Minich stated they are working with INDOT to make sure ADA deficiencies along Indiana Avenue side streets are addressed to allow them to use Michigan Ave as the pedestrian detour for Indiana Avenue.

**Motion/Vote – Approval of 2024 ADA Sidewalk Program Bid Request**

Ms. Romine made a motion to approve 2024 ADA Sidewalk Program Bid Request as presented; motion seconded by Mayor Dermody and unanimously carried.

**Letter to BOW re: Two New Tax Increment Finance Areas**

Director of Community Development and Planning Craig Phillips presented Letter to BOW re: Two New Tax Increment Finance Areas. Mr. Phillips stated there is nothing to be approved here, this is just notification to the Board of Works that is required by State Statute making the board aware that they are establishing two new Tiff Districts.

**McClung Road Agreement**

Wastewater Superintendent Jerry Jackson presented McClung Road Agreement in the amount of \$509,256. Mr. Jackson stated the bid was previously approved by the Board of Works. This project goes from Kabeline to East Shore Parkway and then up the rail right-of-way up Sievers Road. Mr. Jackson made a recommendation for the Board of Works to sign the contract with TGB Unlimited. Mayor Dermody questioned how close we are to having sewer

all the way along McClung Road. Mr. Jackson stated there are a few houses on the north side that are not within city limits but all houses within city limits will have sewer.

**Motion/Vote – Approval of McClung Road Agreement**

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

**Request for Approval – Pace Scheduler Contracts for Fire Department and Police Department**

IT Director Roscoe Hoffman presented Pace Scheduler Contracts for Fire Department and Police Department. Mr. Hoffman stated this is a scheduling program that will hopefully replace the current systems being utilized. Mr. Hoffman stated the police are currently utilizing an antiquated system that uses omni forms and we are trying to completely move away from omni forms. The current system is approximately 10 years outdated; the company closed about 10 years ago. The pace scheduler is a web-based system that will allow access to their schedules online or through an app on their phone or tablet. Currently, the systems for both police and fire require VPN access to view and change the schedules, this new system will alleviate that need. Ms. Romine questioned if there is security in place because it no longer requires VPN access. Mr. Hoffman stated that because it is web based, everyone will have their own login with appropriate access levels granted for individual permissions.

**Motion/Vote – Approval of Pace Scheduler for Fire Department and Police Department**

Ms. Romine made a motion to approve Pace Scheduler for Fire Department and Police Department as presented; motion seconded by Mayor Dermody and unanimously carried.

**Request to Sign Contract – Boyce to Setup Import CSV with Pace Scheduler**

IT Director Roscoe Hoffman presented Request to Sign Contract – Boyce to Setup Import CSV with Pace Scheduler. Mr. Hoffman stated this will be in conjunction with the Pace Scheduler. This will allow a CSV file to be created from the pace scheduler and then uploaded into the payroll system instead of this being done manually, significantly reducing the chances of clerical error.

**Motion/Vote – Approval of Request to Sign Contract – Boyce to Setup Import CSV with Pace Scheduler**

Ms. Romine made a motion to approve Request to Sign Contract – Boyce to Setup Import CSV with Pace Scheduler as presented; motion seconded by Mayor Dermody and unanimously carried.

**Request Authorization to Accept HFL Grant**

Chief Snyder presented Request Authorization to Accept HFL Grant. Chief Snyder stated these funds will be for a fire training facility. The initiative for a training facility was put forth last year but efforts fell short as funds needed to be redirected. The department reached out to HFL and submitted for the following grant: Community First Responder Initiative. The grant will be awarded in the amount of \$500,000 upon acceptance by the Board of Works. Chief

Snyder stated his request is for acceptance of this award to get the process started. Chief Snyder did note that this grant will not cover the entire cost of a training facility, however, he has been speaking with Mayor Dermody and Clerk-Treasurer Parthun and they do believe they can make it work. Ms. Romine questioned what percentage of the project these funds will cover. Chief Snyder stated these funds will cover approximately 50% of the project. Ms. Romine questioned when the project would start. Chief Snyder stated he will have a revised contract to the Board of Works at the next meeting.

**Motion/Vote – Approval of Request Authorization to Accept HFL Grant**

Ms. Romine made a motion to approve Request Authorization to Accept HFL Grant as presented; motion seconded by Mayor Dermody and unanimously carried.

**Unfinished Business**

Mayor Dermody reminded everyone that there are plenty of cooling centers available to those who may need it. In addition, Mayor Dermody encouraged anyone who may be walking in this heat to utilize TransPorte services instead of walking.

**Other Business:**

Next regularly scheduled meeting: Tuesday July 2, 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: July 2, 2024**