

August 6, 2024

The Board of Public Works and Safety met in regular session in the Council Chambers on Tuesday, August 6, 2024, at 9:00 A.M.

Present: Mayor Dermody, Jessica Romine, Mark Kosior

Absent:

June Lenig 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 both the July 16 and July 19 minutes as presented; motion seconded by Mr. Kosior and unanimously carried.

Public Comment

None

Claims Approval

Clerk-Treasurer Parthun presented Payroll from August 2, 2024 in the amount of \$565,373.65.

Motion/Vote – Approval of August 2, 2024 Payroll

Mr. Kosior made a motion to approve the August 2, 2024 Payroll as presented; motion seconded by Ms. Romine and unanimously carried.

Clerk-Treasurer Parthun Presented Payroll from July 19, 2024 in the amount of \$557,614.13.

Motion/Vote – Approval of July 19, 2024 Payroll

Mr. Kosior made a motion to approve the July 19, 2024 payroll as presented; motion seconded by Ms. Romine and unanimously carried.

Clerk-Treasurer Parthun presented Civil City Claims in the amount of \$1,093,697.69.

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 Water Claims in the amount of \$265,651.76.

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.

Clerk-Treasurer Parthun presented Sewage Claims in the amount of \$676,700.28.

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.

Invoice Approval for TransPorte: Auto Parts Ford/Schaffner Tire

Clerk-Treasurer Parthun presented a claim payable to Auto Park Ford in the amount of \$6,864. Clerk-Treasurer Parthun stated this invoice did not make it on the docket and requests approval to get it paid. This will be paid from a restricted donation for the Transit Department. Mayor Dermody expressed his thanks to the Unity Foundation for their commitment and support for the TransPorte department with an almost \$10,000 donation. There were two buses that had rims and tires that were in danger of coming loose.

Motion/Vote – Approval of Invoice Approval for TransPorte: Auto Parts Ford/Schaffner Tire

Ms. Romine made a motion to approve Invoice Approval for TransPorte: Auto Parts Ford/Schaffner Tire as presented; motion seconded by Mr. Kosior and unanimously carried.

Invoice Approval for INDOT Invoice #000083416

Clerk-Treasurer Parthun presented Invoice Approval for INDOT Invoice #000083416 for the local tracks project, DesNo:1801912. Clerk-Treasurer Parthun stated this did not make it on the docket but is requesting approval to be paid. This will come from the local tracks fund: fund number 2444. The invoice is in the amount of \$121,351.55. This is for acquisition of right-of-way.

Mayor Dermody stated there was an agreement between INDOT and private landowners that went through the courts and resulted in the city having to pay this invoice. Mayor Dermody stated he does not agree that this is accurate but for the project to continue to move forward without delay, it must be paid. Mayor Dermody stated when the final agreement comes together, INDOT has assured him that the city will get their funds back. Attorney Otis clarified that this is an imminent domain matter that was initiated earlier this year for Spectrum Recycling. Attorney Otis stated once the process is initiated, appraisers are appointed by the court. Typically, there are two appraisers and one resident of the county, and they calculate what they believe to be a fair number. Attorney Otis stated this is where we are in the process, and they have calculated a number that both the city and the state believe is much higher than it should be. Attorney Otis stated objections have been filed, but to move forward the city is required to pay our portion. Attorney Otis clarified that there is still a process on the back end and if the judge reaches a different conclusion, the city will receive funds back. Mayor Dermody stated this is something that he is approving of, even though he does not agree with it because we cannot delay another year to start the process on the Tipton Street

overpass and he has been assured by INDOT that funds will be returned. Mayor Dermody stated we have a good working relationship with INDOT and we trust them and we expect to have those funds returned. Attorney Otis stated the trial is set for March. City Engineer Nick Minich stated INDOT appraisers have gone through this process and gotten a significantly smaller number, however, he believes due to some misinformation and miscommunication regarding damages, the appraisal value significantly increased. Mr. Minich stated he believes that it can all be worked out and a reasonable number will result. Mayor Dermody stated neither Nick Minich or Nick Otis are to blame for this, he takes full responsibility and understands why the public may be upset that the city is doing this, and he is the one that said we should have the opportunity to negotiate. Mayor Dermody expressed the need for this project to move forward and to not be delayed any longer. Mayor Dermody stated seconds matter when police and fire are stuck at a train on the east end of town. Mr. Kosior questioned if this dollar amount will increase or if this is essentially worst-case scenario as far as funds that we will be required to pay. Attorney Otis stated it would be very unlikely that the amount the city is required to pay would increase and if we choose not to move forward, we risk losing potential funding for the project. Mr. Kosior questioned where this would be paid from. Clerk-Treasurer Parthun stated the local match is coming from major moves. Mr. Minich stated the letting is in March and we will have to pay for our local match approximately one month after the letting and there is a good chance we could just receive credit toward our local match for the construction. This scenario would ultimately save the city money in next year's budget as well as avoid the back-and-forth dollars and ensure those funds are put back into this project. Ms. Romine questioned if there would be an issue getting our money back once it had been paid. Attorney Otis clarified that the funds are being paid to INDOT not to the courts. Mr. Minich stated INDOT has credited us in the past for something toward the same project, so he does not foresee it being an issue.

Motion/Vote – Approval of INDOT Invoice #000083416

Mr. Kosior made a motion to approve INDOT Invoice #000083416 as presented; motion seconded by Ms. Romine and unanimously carried.

Department Head Reports

Park: Parks and Rec Superintendent Mark Schreiber reported summer is winding down and this will be the last week for the summer playground program, tomorrow night is the last city band concert, and Sunday August 11th will be the last day lifeguards will be at Stone Lake Beach. In addition, Mr. Schreiber reminded everyone that the Friday Night Live Event Cheeseburger in Paradise will be this Friday from 6 P.M. to 10 P.M.

Water: Water Superintendent Tim Werner reported crews will be finishing up the infrastructure portion of the 18th Street main project this week, then the pressure test and Bac-T testing will be done with anticipation of the main being live on Wednesday or Thursday of next week.

Engineering: City Engineer Nick Minich reported the community crossings grant went in last week. The grant application has a limit of 50 road segments and 49 were included in the

application. The grant application is for \$3 million worth of paving, the state will pay \$1.5 million of that, and we should hear back within the next two to three months. Mr. Minich stated the program focuses on streets with a lower pacer rating and some of the streets that we have not been able to get done within our asset management system, we are now at the level where we are able to get back to some of the local streets.

Clerk-Treasurer: Clerk-Treasurer Parthun reported the CT office is currently in the middle of a State Board of Accounts audit, in addition to being in the middle of budgets.

Code: Code Director Jeff Batchelor introduced the newest Code Enforcement Officer Alex Pasha. Alex spoke briefly about herself and expressed her excitement to be working with a great team at the City of La Porte.

Police: Chief Buell reported they had a one day hiring event on Saturday and received 11 applications. Of the 11 applications, there are five applicants in the running to fill the three vacant positions.

LEAP: Executive Director of La Porte Economic Advancement Partnership Bert Cook reported at last night's Council meeting a new distribution center on 39 North was announced. The name of the company is IST Distribution, and they will be building an 81,000 square foot distribution center. Mr. Cook stated this is strictly a distribution center and there will be no manufacturing. This is an investment of approximately \$24 million. The company will be looking to hire approximately 12 people making \$34 per hour. Mr. Cook stated this is the second project that has been announced for 39 North in the last 30 days and these projects are only made possible by the new infrastructure that will be put in by the city and ultimately help alleviate those debts. Mayor Dermody asked Mr. Cook to clarify what he means by debt, as the City of La Porte has a structurally balanced budget for the general fund, and this is not property tax dollar debt. Mr. Cook clarified by stating these businesses are within a tiff district and these businesses will ultimately fund these improvements through their property taxes. We are not relying on other sources to service that debt; it is solely related to the property tax that is created by the projects within the individual areas. Mr. Cook further clarified by explaining in the State of Indiana, tiff districts are the tool that is given to finance or encourage the extension of infrastructure and the growth of our communities.

City Planner: City Planner Craig Phillips reported that work continues with various grant opportunities for housing and infrastructure. In addition, Mr. Phillips reported the Beechwood Lakes public offering is out for bid and bids will be opened at the September 4th meeting.

Street: Street Superintendent Mike Frazee reported this week they will be focusing on tree removal, street sweeping, patching, and road painting around the schools and hospital. Mayor Dermody reminded everyone that it is not the city's responsibility to cut the tree lawn, it is the residents responsibility.

New Business:

Request for Use: Pop Warner Football Parade

Executive Assistant Annette Loeffler presented Request for Use: Pop Warner Football Parade. Ms. Loeffler stated there is no request for closure, but the parade will start at Kiwanis and end at Kesling. The request is for August 18th and it starts at 9:30 A.M.

Motion/Vote – Approval of Request for Use: Pop Warner Football Parade

Ms. Romine made a motion to approve Request for Use: Pop Warner Football Parade as presented; motion seconded by Mr. Kosior and unanimously carried.

Request for Road Closure

Executive Assistant Annette Loeffler presented a request from La Porte High School to close the road between the La Porte High school parking lot and Kiwanis during five home football games to allow for a safe walking path.

Motion/Vote – Approval of Request for Road Closure

Mr. Kosior made a motion to approve Request for Road Closure as presented; motion seconded by Ms. Romine and unanimously carried.

Request for Use: June Lenig Paint the Town Purple

June Lenig with Relay for life introduced Becky Novak, leadership team, and team members Karen Irk and Mason Lenig. Ms. Novak stated the Relay for Life event is on August 24th from 10 A.M. until 11 P.M. and invited everyone to join in the fun. The survivor luncheon will begin at 1 P.M. Ms. Novak stated this is the second year they have painted the town purple. Last year, they made a bunch of bows that the street department graciously hung on light posts, in addition to going door-to-door to businesses with purple posters with Relay for Life information.

Mayor Dermody expressed his appreciation to Ms. Novak and the entire team for all their hard work and making a difference in the lives of individuals going through cancer treatment. Member Romine read a proclamation for the American Cancer Society in its entirety, proclaiming Wednesday August 7, 2024 as paint the town purple day.

Motion/Vote – Approval of Request for Use: June Lenig Paint the Town Purple

Mr. Kosior made a motion to approve Request for Use: June Lenig Paint the Town Purple as presented; motion seconded by Ms. Romine and unanimously carried.

Emergency Tree removal Quotes

Street Superintendent Mike Frazee presented Emergency Tree removal Quotes for the removal of two trees at Norris and Webber. The following quotes were presented:

Tree Man in the amount of \$5,285.00.

Ellis Hardwood in the amount of \$5,000.00.

Mr. Frazee stated due to their size, the trees exceed the capabilities of the crew and equipment of the city. Mayor Dermody questioned if these are trees that have fallen or are damaged. Mr. Frazee stated one of the trees has fallen but did not do any damage to the house and they would like to prevent any potential future damage. Mayor Dermody questioned if they were city trees. Mr. Frazee stated they are city trees. Mayor Dermody questioned where the funds would come from to pay for this. Clerk-Treasurer Parthun stated because this is outside of the scope of the tree grant funds, it will be paid from the tree appropriation in Board of Works. Ms. Romine questioned the total cost of the quote from Ellis Hardwood as there was a cost of \$2,500 per tree and an additional \$350 per tree for stump removal but the total quote is only \$5,000. Mr. Frazee stated stump removal is not included as they will be taking care of that themselves.

Motion/Vote – Approval of Emergency Tree Removal Quotes

Mr. Kosior made a motion to approve Tree Removal Quote to Ellis Hardwood in the amount of \$5,000; motion seconded by Ms. Romine and unanimously carried.

Septic Hauler Permit Approval – A Hope OS Systems, LLC and United Rentals North America

GIS Technician Melissa Mischke presented Septic Hauler Permit – A Hope OS Systems, LLC and United Rentals North America. Mr. Kosior questioned if these were renewals or new permits. Ms. Mischke stated one is a renewal and one will be a new permit. Ms. Mischke stated Industrial & Commercial WW Coordinator Matt Amor did not foresee any potential issues with the new permit applicant.

Motion/Vote – Approval of Septic Hauler Permit Approval – A Hope OS Systems, LLC and United Rentals North America

Mr. Kosior made a motion to approve Septic Hauler Permit Approval – A Hope OS Systems LLC and United Rentals North America as presented; motion seconded by Mayor Dermody and unanimously carried. Member Romine abstained from the vote.

Change Order #1 – McClung Road Sewer

GIS Technician Melissa Mischke presented Change Order #1 – McClung Road Sewer in the amount of \$17,423.23. Ms. Mischke stated there are a couple of items on the change order, the first being a manhole that was very deep and would have a steep incline. It was found that if a four-inch line was extended out, it would allow for better access and be more cost effective. The second item is for valves that were quoted as plastic, and they will be replacing them with cast iron valves. Mr. Kosior questioned if these changes fall within the budget. Clerk-Treasurer Parthun stated yes, and it will be funded by the construction bond.

Motion/Vote – Approval of Change Order #1 – McClung Road Sewer

Ms. Romine made a motion to approve Change Order #1 – McClung Road Sewer as presented; motion seconded by Mr. Kosior and unanimously carried.

Bid Recommendation for Water Main Materials

Assistant City Engineer Tucker King presented Bid Recommendation for Water Main Materials. Mr. King stated this is the final approval for the Hunter Woods water main project. The water department will do the installation for what is essentially two projects in the area. Mr. King stated the Thomas Rose extension portion is paid for by the RDC and is getting us ready to extend water out to the 39 North Tiff District. The Hunter Woods and Park Street development portion is the portion needed to serve the addresses within the new housing development. Mr. King stated the first division has already been approved by the RDC for Ferguson Waterworks and his request is for approval of the second division. Mr. King states his recommendation is to go with Ferguson Waterworks as they are \$99 cheaper.

Motion/Vote – Approval of Bid Recommendation for Water Main Materials

Mr. Kosior made a motion to approve Bid Recommendation for Water Main Materials as presented; motion seconded by Ms. Romine and unanimously carried.

Request to Approve FEMA Assistance to Firefighter Grant

Chief Snyder presented Request to Approve FEMA Assistance to Firefighter Grant. Chief Snyder stated he forwarded an email to the Board of Works that he received from the Department of Homeland Security notifying him that the department has been awarded a grant they submitted for under the assistant to firefighter grant program. This grant program is a program that will replace, or install where they do not currently exist, diesel exhaust systems into the three fire stations. Chief Snyder stated the ones that they have had installed over the years are either inoperable or irreparable. Chief Snyder stated this is a 90/10 grant. The Federal portion is \$128,315.45 and the city's portion is \$12,831.55 for a total of \$141,147.00. Chief Snyder expressed his excitement for this funding opportunity as he was unsure of where they could make it fit within the budget and it is a necessity. Chief Snyder stated his request is for approval to accept the grant funds.

Motion/Vote – Approval FEMA Assistance to Firefighter Grant

Ms. Romine made a motion to approve FEMA Assistance to Firefighter Grant as presented; motion seconded by Mr. Kosior and unanimously carried.

Request to add Grant DC# for OCDETF Grant Award

Chief Buell stated his request is to add an additional number to the existing grant for the DEA that works with the drug task force. The additional number would identify the specific operation that is going on. Chief Buell stated there are multiple operations with different people working them. This is the same grant but will now identify the different operations.

Motion/Vote – Approval of Request to add Grant DC# for OCDETF Grant Award

Mr. Kosior made a motion to approve Request to add Grant DC# for OCDETF Grant Award as presented; motion seconded by Ms. Romine and unanimously carried.

FTA Drug Testing Policy Update

Director of Human Resources Andrea Smith presented FTA Drug Testing Policy Update. Ms. Smith stated with the Federal Transit Administration audit on the horizon, she reviewed our current policy and have made changes to stay compliant. Ms. Smith stated Attorney Otis has reviewed the policy changes. The following changes were noted:

- Page one - Copies of this policy are available in Human Resources and on the FTA drug and alcohol website.
- 2.0 - Volunteers that are FTA licensed are subject to being drug and alcohol tested if they are driving.
- 4.0 – Prohibited substances and prescription drug use was added.
- 5.4 – Observed Collections: Direct observation of a transgender collection was added.
- 7.0 – Added language to clarify consequences for violations and kept in corrective action.
- 8.1 – Added voluntary self-referral. If an employee is notified of a reasonable suspicion test by a department head, said employee can refer himself. This allows any problems to be brought forth, instead of hiding them, and allowing the employee to get the help they may need.
- Exhibit A – Because positions have changed at TransPorte to include superintendent, part-time driver, part-time dispatch, and part-time mechanic those are all in the random pool.
- Contact persons and representatives were updated because Northwest Health is no longer with us. In addition, the MRO's that would contact the employees if there were a positive test are listed under the two medical review officers.

Mayor Dermody stated we are expecting a federal audit with NIRPC, who represents us, in September and will be sending out initial information regarding this within the next day. Mr. Kosior questioned what the purpose of adding prescription drugs to the prohibited substances. Ms. Smith stated it is specifically to disclose a prescription drug that may impair their driving, and all these changes are recommendations of the FTA. Mayor Dermody reiterated that TransPorte is here for the long-term, to help those that need reliable and affordable transportation. Ms. Smith stated TransPorte was audited 10 times in 2023 for random drug screens with zero incidents reported.

Motion/Vote – Approval of FTA Drug Testing Policy Update

Mr. Kosior made a motion to approve FTA Drug Testing Policy Update as presented; motion seconded by Ms. Romine and unanimously carried.

Unfinished Business

Mayor Dermody reiterated they are currently working through budgets for 2025. The 2024 budgets are the first budgets that created a structurally sound and balanced budget for the general fund, and they plan to continue those efforts in 2025. Mayor Dermody expressed the

importance of keeping a balanced budget when considering raises for employees and clarified that property taxes are what help pay for our city's police and fire and therefore lowering property taxes, although it sounds great, is not necessarily the best course of action.

Other Business:

Next regularly scheduled meeting: Tuesday August 20, 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: August 20, 2024