

August 20, 2024

The Board of Public Works and Safety met in regular session in the Council Chambers on Tuesday, August 20, 2024, at 9:00 A.M.

Present: Mayor Dermody, Jessica Romine, Mark Kosior

Absent:

Craig Phillips 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 August 16, 2024 in the amount of \$553,974.29.

Motion/Vote – Approval of August 16, 2024 Payroll

Mr. Kosior made a motion to approve the August 16, 2024 Payroll as presented; motion seconded by Ms. Romine and unanimously carried.

Clerk-Treasurer Parthun presented Civil City Claims in the amount of \$633,178.21. This does include one of the agenda items that is already paid: The invoice for the train depot survey in the amount of \$2,100.

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 \$825,008.09.

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 \$103,418.50.

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.

La Porte RA Lease Engagement Letter

Clerk-Treasurer Parthun presented a La Porte RA Lease Engagement Letter. This is for assistance with Bond Council with the 2024 Redevelopment Authority lease rental revenue bonds. This engagement letter will also be presented to the RDC.

Motion/Vote – Approval of La Porte RA Lease Engagement Letter

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

Department Head Reports

Water: Water Superintendent Tim Werner reported the crew has finished installing the main on 18th Street and they will be doing the pressure test and bac-t testing this week. This main will hopefully be live by the end of the week. In addition, Mr. Werner reported the Park Street development project will begin the Tuesday after Labor Day. There are 63 working days scheduled to get the water main in for this project and there will be a short time during this process when Seivers Road will be closed from 100 W to Genesis. Mr. Werner reported the department's annual flow test was conducted. This report will determine what wells require cleaning and the cleaning will take place in the fall when demand is down.

Wastewater: Wastewater Superintendent Jerry Jackson reported work continues on McClung Road sanitary sewer installation. Mr. Jackson stated they are working with homeowners to bring grinder pump stations onto the easements. In addition, Mr. Jackson reported there is a clarifier down at the treatment plant and they are working on replacing the sewage collectors.

Fire Training Facility Foundation Quote Opening

City Engineer Nick Minich stated a formal quote process was followed for quotes for the fire training facility foundation. Mr. Minich stated his request is for permission to open the quotes now and his expectation is to review the quotes during the remainder of the meeting and make a recommendation.

Motion/Vote - Approval of Opening of Fire Training Facility Foundation Quotes

Ms. Romine made a motion to approve opening the Fire Training Facility Foundation Quotes; motion seconded by Mr. Kosior and Unanimously carried.

Fire Training Facility Quotes

Mr. Minich stated quotes were solicited from four qualified contractors for the construction of the foundation. Clerk-Treasurer Parthun presented proof of solicitation. Three quotes were received. The following quotes were received for the Fire Training Facility Foundation:

Larson Danielson - \$150,000
M5 Construction - \$60,300
Ton and Blank Construction, LLC - \$221,854

Mr. Minich stated he will ensure all documentation has been submitted with the quotes and will make a recommendation at the agenda item.

Code: Code Director Jeff Batchelor reported they have been working on making a few of the properties in town chronic nuisances. Mr. Batchelor reported there have been a few dog bites recently and Paula has been working on those and trying to get it under control. Mayor Dermody stated if anyone has any issues, they should come to him and not Jeff Batchelor as Mr. Batchelor takes orders from Mayor Dermody. Mr. Kosior recognized Mr. Batchelor and his team for the improvements that he has been seeing.

Police: Chief Buell stated there are two applicants currently going through the hiring process. In addition, Chief Buell recognized the great work done by the department with the homicide that happened yesterday.

Fire: Chief Snyder reported there was a pension board meeting this morning, which is one step closer to being fully staffed. Chief Snyder stated they should be fully staffed within the next four to six weeks.

Park: Parks and Rec Superintendent Mark Schreiber reminded everyone that today is the next to last of the foodie Tuesdays for the summer from 10:30-2:30 at Unity Park. This weekend is the Tour De La Porte for the La Porte Family YMCA and registration is still open. Mr. Schreiber reminded everyone that running events for Saturday will begin at 8 A.M. and there will be road closures all through Soldiers Memorial Park. The annual inaugural Park Foundation golf outing will be held at Beechwood on September 6th. The Park Foundation helps the Park Department with improvements, maintenance, and promotion of the parks.

Street: Street Superintendent Mike Frazee reported they are out cutting trees, street sweeping, painting, and patching potholes. Pothole free! Mayor Dermody stated if you see a pothole, please report it. The city is trying to fill all potholes within 48 hours. Mr. Kosior thanked Mr. Frazee and his team for the services they provide with branch pick up throughout the city.

New Business:

Accept and Sign Donation Agreement with Norfolk Southern Railway

City Attorney Nick Otis presented Accept and Sign Donation Agreement with Norfolk Southern Railway. Attorney Otis stated the train depot is being donated to the City of La Porte. Attorney Otis credited this donation to Mayor Dermody for being relentless. A few years ago, Norfolk Southern wanted full market value plus some for the train depot. Attorney Otis stated the city will be responsible for paying for the survey, which was already approved this morning by the

board, and the title work. Ms. Romine questioned if we have plans for this area. Mayor Dermody stated they will be having some announcements regarding this coming soon, but the hopes are to have the plans be mental health related.

Motion/Vote – Approval of Accept and Sign Donation Agreement with Norfolk Southern Railway

Ms. Romine made a motion to approve Accept and Sign Donation Agreement with Norfolk Southern Railway as presented; motion seconded by Mr. Kosior and unanimously carried.

Approval of Development Agreement with Full Tilt

City Attorney Nick Otis stated this was presented last night at the City Council and has already been through the Redevelopment Commission. Attorney Otis requested Bert Cook to speak on this matter. Executive Director of the La Porte Economic Advancement Partnership Bert Cook stated this has been presented to all three bodies to make sure that everyone is in line and understands the project and the expectations moving forward. The development agreement is for the Full Tilt Family Fun Center which will be occurring on the Dietrich Steel property, the property behind the Kroger complex, adjacent to the Dunes Event Center. Local developers, Ben Konowitz, Ryan Hart, and Ashley Hart, intend to build a 33,750 square foot family fun center. This will be an approximate capital investment of \$10.6 million and will include the following features:

- 12 bowling lanes
- Laser tag course
- 18-hole outdoor miniature golf course
- 9-hole indoor miniature golf course
- 2 lane virtual darts
- 2 golf/sports simulators
- 100-game arcade
- 40 pinball machines
- A 2-lane ninja warrior course
- Restaurant/bar serving fast casual food

Mr. Cook said these are the amenities proposed today, but those may change as the project progresses. Mr. Cook stated the investors have hired one of the foremost consultants in the United States, to help with the market study and decision for the final plans for this facility. Mr. Cook stated they are taking this process one step at a time, and they are still in the early steps of this. The agreement does require construction to begin by August 2025. In addition, Mr. Cook reported there are a series of contingencies written into the agreement that are standard, however there are three specifically that he would like to note. One major component of this agreement is the Redevelopment Commission building a large public parking lot that will serve Full tilt and the Dunes Event Center overflow parking, and clear lake improvements in that area. Additionally, the developers intend to apply for the investment deduction in an allocation area that does have to be approved by the City Council. Mr. Cook said it is not something requested today but wanted to make the Board of Works aware that they will pursue this. Also, the riverfront liquor license is something that the developers would

intend to utilize as well. Mr. Cook stated City Councilman Roger Galloway questioned at last night's meeting, what happens if the cleanup or the remediation that is necessary is greater than what the city is willing to commit. Mr. Cook said this is part of the contingencies and they will request a site letter through the Brownfield Program, and the city will have outs within the agreement to walk away. Mr. Cook stated they do not believe this will happen, but that contingency is in place for the protection of the city. Mr. Kosior questioned exactly where the parking lot would end up being built. Mr. Cook stated it would end of between the Dunes Event Center and Full Tilt but will be on the same side as Full Tilt. Mr. Kosior questioned what the environmental condition of the property currently is. City Engineer Nick Minich stated it is not as bad as other areas of Newporte. This area was specifically under a building for most of its existence and did not have the same processes as other areas and we are not looking at a high environmental cost for this specific area. Ms. Romine questioned how many parking spaces they expect to have. Mr. Cook stated they are currently looking at a couple hundred spaces.

Motion/Vote – Approval of Development Agreement with Full Tilt

Mr. Kosior made a motion to approve Development Agreement with Full Tilt as presented; motion seconded by Mayor Dermody and unanimously carried. Member Romine abstained.

Resolution of the City of La Porte Concerning Transfer of Real Estate from the City of La Porte to the La Porte Community School Corporation

City Attorney Nick Otis presented Transfer of Real Estate. Attorney Otis stated this is for a rental property that was located across from Lincoln school and caught fire. Code Director Jeff Batchelor worked with the landlord to get the home demolished, and it is now a vacant piece of land. The developer issued a quick claim deed to the city and the city will turn the property over to the school corporation with this resolution. The school corporation will utilize the property for the building trades to build a house on.

Motion/Vote – Approval of Transfer of Real Estate

Ms. Romine made a motion to approve Transfer of Real Estate as presented; motion seconded by Mr. Kosior and unanimously carried.

Bid Award: Hunter Woods Sanitary Sewer Extension Project

Dan Byam with JPR presented Bid Award: Hunter Woods Sanitary Sewer Extension Project. A total of five bids were received: HRP Construction, Reith-Riley, Dyer Construction, Woodruff and Sons, and H&G Underground Utilites. Bid prices ranged from \$469,000 to \$887,000 and the engineers' estimate was at \$1.065 million. Mr. Byam stated they reached out to HRP Construction to inquire why their bid was so much lower. All of their items were in line with other builds, except their piping prices were much lower. HRP Construction stated they decided to take a couple risks when submitting their bids, including taking into consideration that there would be no dewatering necessary and the fact that they would be able to reuse existing backfill as structure backfill, both items would have been included in the piping line-item cost. Mr. Byam stated because this is built into the bid price, they would not be eligible to come back for extras in the instance they need to bring in additional structural fill. In

addition, HRP Construction stated they did have an opening in their fall schedule and therefore chose to bid very aggressively. Mr. Byam stated they have worked with HRP Construction many times as well as the city has worked with them on several occasions as well and they do good work. Ms. Romine asked for confirmation of her understanding that HRP Construction would not be able to ask for a change order if they do not have enough material and need to bring in more. Mr. Byam confirmed that to be accurate. Mr. Byam's recommendation is to award the bid to HRP Construction as the lowest bidder.

Motion/Vote - Approval of Bid Award: Hunter Woods Sanitary Sewer Extension Project

Mr. Kosior made a motion to award bid to HRP Construction for Hunter Woods Sanitary Sewer Extension Project as presented; motion seconded by Ms. Romine and unanimously carried.

Pay Application-Civic-Schneider

City Engineer Nick Minich presented Pay Application-Civic-Schneider in the amount of \$457,294.90, leaving a remaining balance on the invoice of \$44,100. Mr. Minich stated he is still working with Schneider on one item, the condensate recirculation pump. Mr. Minich said as part of the project, they kept one of the old boilers as a backup and assumed the pump was in good condition and it was not. Mr. Minich stated this pump does need to be replaced and they do not necessarily want to do a change order for the project and will continue to work with Schneider to ensure we are not paying above and beyond to get the turnkey project they were supposed to provide. Mr. Minich stated Schneider did help them get quotes from qualified contractors and Circle R Mechanical was the lowest quote at \$44,100. Mr. Minich stated he removed this amount from the pay application until he could come to a resolution with Schneider or get a new pump installed for this price.

Motion/Vote – Approval of Pay Application-Civic-Schneider

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

Pay Application-Truesdell Ave-Reith-Riley

City Engineer Nick Minich presented Pay Application-Truesdell Ave-Reith-Riley in the amount of \$1,534,740.55. Mr. Minich stated this is the second to last pay application for this project and noted the initial cost of this project was \$7 million and now it is closer to \$7.8 million as other projects that had been bid in the past and were not able to fit in were included in this project. The other projects include the Newporte Landing trail head, cap on the west pond, the connector trail, and the Marquette alley are all included in the total cost. Mr. Minich stated because these other projects are tied into this payment, his recommendation is for approval pending the funds being available in the various accounts that the payments will be coming from. Mr. Kosior expressed his appreciation for the work that has been done with all the trails and having a safe place for people to walk, run, and ride their bikes.

Motion/Vote – Approval of Pay Application-Truesdell Ave-Reith-Riley

Ms. Romine made a motion to approve Pay Application-Truesdell Ave-Reith-Riley as presented; motion seconded by Mr. Kosior and unanimously carried.

Tree Order Request

Assistant City Engineer Tucker King presented a request to order approximately 85 trees for a total cost of approximately \$40,000. Mr. King stated the trees will be planted this fall and the funds will come from the \$1 million tree grant that was received. Mr. King stated there are six planting cycles planned over the next three years for a total cost of \$240,000. Mayor Dermody requested Mr. King to briefly cover the process for tree removal requests from residents. Mr. King replied by saying once a request is received, it is determined if that tree is a city tree and then goes to the contracted arborist who assesses the health of the tree and determines the necessity for removal. If the arborist determines it does require removal, the tree is added to the tree removal list. The trees from that list are ranked by priority based on risk and quality and the most dangerous ones are removed first. Mr. King stated there are currently approximately 500 trees on the high priority list.

Motion/Vote- Approval Tree Order Request

Mr. Kosior made a motion to approve Tree Order Request as presented; motion seconded by Mr. Romine and unanimously carried.

Quotes for Fire Training Facility Foundation

City Engineer Nick Minich stated he was able to review the three quotes that were presented and the quote from M5 Construction for \$60,300 was significantly less than the next lowest bid. Mr. Minich stated he is making a recommendation to award the bid to M5 Construction pending verification that the sitework was included in this price. Mr. Minich stated that is one item that could have potentially been missing. Mr. Minich stated if sitework was not included in the quote, he will bring this matter back to the Board of Works at the next meeting.

Motion/Vote – Approval of Quotes for Fire Training Facility Foundation

Ms. Romine made a motion to approve for M5 Construction pending verification of sitework being included in the quote price; motion seconded by Ms. Romine and unanimously carried.

McClung Road Pay Request

Wastewater Superintendent Jerry Jackson presented a pay request for the McClung Road project in the amount of \$160,951.85. Mr. Jackson stated the overall contract amount is \$526,679.23 and they have completed \$210,068 to date bringing them to 40%. The pay amount is less retainage. Mr. Jackson stated the request has been reviewed by Dan Byam and recommends approval.

Motion/Vote - Approval of McClung Road Pay Request

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

Unfinished Business

Public Comment

Joan O'Brien, 207 Beldon, expressed her concerns regarding the water and sewage rates not being affordable. In addition, Ms. O'Brien requested the hours the dumpsters are available to be posted on the fence and or on the City's website so people will know when they are available. Mayor Dermody stated there are signs that will be posted to show the hours. Mr. Batchelor stated the dumpsters are available on the first and third Saturdays of the month.

Michelle Jelinski, 402 Truesdell, recognized the work that has been done and is being done on the trails and bike paths as she frequently utilizes them. Ms. Jelinski recommended placing a bench or two along Clear Lake Boulevard as that is a long stretch with no benches or resting places.

Other Business:

Next regularly scheduled meeting: Wednesday September 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: September 4, 2024