

September 20, 2022

The Board of Public Works and Safety met in regular session in the Council Chambers on Wednesday, September 7, 2022, at 9:03 A.M.

Present: Mayor Dermody, Jessica Romine, Mark Kosior

Absent: None

Pledge of Allegiance

Cary Kirkham 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 moved to approve the minutes as presented; motion seconded by Mark Kosior and unanimously carried.

Public Comment

Cary Kirkham, 1530 Michigan Avenue. Mr. Kirkham stated in May 2019 he requested his trash removal be changed from multi-family to single family. Mr. Kirkham stated he is retired and on a fixed income and was paying for trash pickup on empty apartments. Mr. Kirkham is requesting the trash service be moved back to multi-family so he can rent the apartments for additional income to help with expenses.

City Planner David Heinold responded by stating on September 19, 2011 there was an amendment and the zoning map was changed. City Planner Craig Phillips stated the 2011 amendment made significant changes that no longer allows multi-family units in specific areas of the City. Mr. Phillips stated the legal non-conforming that existed when the Zoning Ordinance was changed in 2011 no longer applies because the property has not been used as a multi-family dwelling for more than a year and additional approvals would have to be sought for that to be established as legal use. Mayor Dermody questioned where the approvals would need to come from. Mr. Phillips responded by stating a use variance would need to be requested in front of the Horizon Appeals. Mr. Phillips stated the likelihood of the zoning to be changed is not good as this would be considered spot zoning; an individual property that is within a field of other zoning that's lesser intensity. Mr. Phillips stated the legal non-conformity because of the discontinuance of use is the key issue. Mayor Dermody stated that the police and code enforcement would have a say with the zoning board. Chief Brettin stated the issues they see within the department with these homes is the close proximity of the residents; arguments between neighbors, issues with visitors, and parking is often an issue. Jeff Batchelor stated that issues that are seen on the code enforcement end are individuals renting these units for the income and then not maintaining and taking care of the property. Mr. Phillips stated the Board of Works is not the appropriate body to seek approval from and

Mr. Kirkham should approval from the Board of Zoning Appeals. Mayor Dermody responded by stating he believes it is important that Mr. Kirkham understands his and the other departments heads stance on this Zoning Ordinance. City Engineer Nick Minich stated the conversion of a single-family home into a multi-tenant building is not a simple thing and once you reach three or more units it requires state design. Mr. Minich stated in the past there was a lot of oversight, but we do need to make sure safety is protected and there is proper fire rating between units among other things. Mayor Dermody stated they have had neighbors in this community come forward and question if they have a say in what is happening. Craig Phillips responded by stating they have a right to speak for or against, in person or writing, in front of the Board of Zone Appeals. Mr. Kosior questioned if a home that currently falls un the legal non-conforming goes up for sale still maintains the legal non-conforming of if that is lost in the transfer of the property. Mr. Phillips stated that it would stay as long as the property is continued to be used as multi-family and there is no discontinuance of use for more than one year. Mr. Phillips stated Mr. Kirkham would need to get an application from their office, located downstairs in the Engineering Department, or online and submit that to use by the deadline that is in the package.

Mr. Kirkham stated he had only converted to single family for trash pickup because he could not find qualified renters did not want to pay for trash service on empty apartments. In addition, Mr. Kirkham also stated the home is currently listed as a multi-family home with the county accessor and there is plenty of off-street parking. Mr. Kirkham stated there is already separate utility meters in addition to a separate entrance to the apartment, so it isn't something he is changing he is only requesting the trash service be moved back to multi-family. Mayor Dermody stated that Mr. Kirkham stated in an email that he would like it converted to a single-family unit. Mr. Kirkham stated he did that for trash purposes because he is on a fixed income and was paying for trash on empty apartments.

David Heinold stated the Board of Zoning meets on the second Tuesday of the month and the deadline for the October 11th meeting is today and to get on the agenda Mr. Kirkham would have to have his application submitted before the end of the day. Mayor Dermody requested that Mr. Kirkham be provided with a packet of everything he needs before he leaves.

Claims Approval

Clerk-Treasurer Parthun presented Payroll from September 16, 2022 in the amount of \$472,566.92.

Motion/Vote – Approval of 9/16 Payroll

Mr. Kosior moved to approve the August 16, 2022 Payroll as presented; motion seconded by Ms. Romine and unanimously carried.

Clerk-Treasurer Parthun presented Civil City Claims in the amount of \$662,332.49.

Motion/Vote – Approval of Civil City Claims

Mr. Kosior moved 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 \$264,733.36.

Motion/Vote – Approval of Water Claims

Mr. Kosior moved to approve the Water Claims as presented; motion seconded by Ms. Romine and unanimously carried.

Clerk-Treasurer Parthun presented Sewage Claims in the amount of \$931,249.82

Motion/Vote – Approval of Sewage Claims

Mr. Kosior moved to approve the Sewage Claims as presented; motion seconded by Ms. Romine and unanimously carried.

Department Head Reports

Planning: City Planner Craig Philips reported the downtown parking study continues and the draft plan has been circulated to various departments and individuals for review and comment. Mr. Philips stated they will be finalizing and presenting that information soon. In addition, Mr. Phillips stated public offering for the 18th Street properties between A and I street, went out; the information and advertisement went out last week. Mr. Phillips stated proposals for that will be submitted by the first Board of Works in November. Mr. Phillips stated the Monroe Streetscape and Monroe Landing projects continue for development of public space in conjunction with working with the Park Department on the Trails, Greenways, and Blueways masterplan.

Wastewater: Wastewater Director Jerry Jackson reported sewer crews are out working on Indiana Ave; they are tracing lateral sewers in preparation for the Indiana Avenue construction project. Mr. Jackson stated Lawson-Fisher is working on designing the sewer separation project for the North part of the letters and numbers. In addition, Mr. Jackson stated he has a meeting with the Presbyterian Church to discuss their drainage issues. Mr. Jackson stated they have met with Engineers for the headworks rehab, and they have some preliminary designs and are hoping to bid that this winter for construction next year.

Mayor Dermody reminded residents that live in these areas to review their insurance policies to make sure there is coverage if these unfortunate situations arise.

Engineering: City Engineer Nick Minich reported the ADA and 50/50 sidewalk bid package is available and there are hopes of some sidewalks being build this year. In addition, Mr. Minich stated LET through INDOT should be complete by the end of November for Boyd Boulevard. Part of that project is also 6th Street and F Street but because it involves sidewalks right next to a school, the contract is set up so work will be done during Spring break next year.

Code/Street: Jeff Batchelor reported code is at approximately 2800 violations for the year. Mr. Batchelor stated they are still receiving calls from residents that are having issues with landlords not fixing things. Mr. Batchelor stated they are addressing these issues and getting on the landlords to make sure they are following through. Mr. Batchelor stated the Street Department will be on Michigan Avenue cutting down a large tree and a large tree on Weber. In addition, Mr. Batchelor reported the Street Crew is out patching.

Police: Chief Brettin reported they have interviews beginning this evening for the open position; one applicant is currently in the Police Academy and wants to come work with the City.

Mayor Dermody states yesterday's event with a bomb threat is a perfect example of a life safety issue. Mayor Dermody stated the Porter County Bomb Squad was called and could not enter the home until the owner of the rental property was identified and therefore it is important to know who the owners of these properties are. Jeff Batchelor responded by stating he is meeting with property owners and landlords to be able to create a registry with this information so they will have to register with Code. Mr. Kosior asked how much resistance is being received from this. Mr. Batchelor stated there is a 50/50 resistance. Mr. Batchelor stated this is not a money maker, it is free unless you do not register then there are fines up to \$2500.

Mayor Dermody reminded everyone for the next 75 days you will be hearing from candidates at all levels of government talk about their support for progress and then do nothing. Mayor Dermody stated change is not easy, it is difficult, but it is the right thing to do and we should continue doing the right thing for residents. Mr. Kosior noted that in situations where our law enforcement is occupied by a situation, such as the bomb threat, there is no other law enforcement or whoever anywhere else except at that situation. Chief Snyder stated there were four less urgent calls pending when they were finally able to leave the scene. Chief Snyder stated he has seen the registry proposed several times before and it has always hit a brick wall but is hopeful for its success because of the way Mr. Batchelor is approaching the issue by bringing the parties involved to the table.

Fire: Chief Snyder reported they have their open house to kick off for fire prevention week scheduled October 8th from 10 A.M. to 2 P.M. and lunch will be served for anyone who would like to attend.

LEAP: Bert Cook stated he has nothing to report but he has been working with Nick Otis on the real estate exchange that will be discussed later on the agenda and would be happy to answer any questions at that point if there are any. Mayor Dermody requested an update from Mr. Cook regarding how many people Eric Nelson has put back to work. Mr. Cook responded by stating there are approximately 80 people for the year that have been employed with local companies. Mr. Cook stated there are other initiatives that are being worked on that are not necessarily resulting in direct employment but are resulting in training

opportunities for adolescents and adults who are interested in upskilling and finding new employment.

Park: Park Director Mark Schreiber reminded the public they are engaged in the next five-year master plan that will go from 2023-2027. There are three public input session opportunities for people to come and give their input. The first input session is tonight at 6 P.M. at the La Porte County Library exchange building at 807 Indiana Ave. The second meeting is Monday September 26th at 11 A.M. at Cummings Lodge in Soldiers Memorial Park. The final meeting will be held on Thursday September 29th at 6 P.M. at the Civic Auditorium. Mr. Schreiber encouraged everyone to attend. Mr. Schreiber stated whether you are able to attend he encourages individuals to take the online survey available at laporteparkandrec.com. Mr. Schreiber stated there is a Kiwanis Club pop-up cookout this Saturday from 11 A.M. to 1 P.M. at Koomler Park. The Fire and Police will be there with their trucks and cars for the kids in addition to other activities.

Mr. Kosier stated he took the survey and although it is a little lengthy, it covers a lot of what people like and do not like.

TransPorte: TransPorte Director Beth West thanked Jess Bruder for her help with the flyers; over 100 were handed out during the Sunflower Fair. Ms. West reminded the public that starting October 3rd they will be open again until 7 P.M. Ms. West reported they are slowly starting to go past the quarter mile cushion out into the county and were able to help someone make it to their appointment at the hospital because their car was broken down. Ms. West stated they are working with NIRPC and going through an FTA audit, and she has recently filed the paperwork for the PMTF grant through INDOT in order to receive another \$72,000 in 2023.

Human Resources: Human Resources Director Andrea Smith stated thanks to the Board of Works approving the dental, vision, and life insurance upgrades in person meetings regarding these benefits will take place in Council Chambers on November 2nd, 3rd, and 4th. Notifications for this will be going out later this week. Ms. Smith reported flu shots for employees and spouses will begin October 3rd at WellPort, no appointment is necessary. In addition, the annual wellness screening for employees and spouses will be held November 15-17; signups will start soon, and that information will also go out via email to employees.

Mayor Dermody questioned if there was any chance of rescheduling the pop-up dental clinic. Ms. Smith responded by stating the event was cancelled the night before due to the provider getting COVID and another provider was not available. Ms. Smith stated the next available clinic is in December and we will most likely not do it, due to our new insurance going into effect in January but she is looking into the possibility of a pop-up vision clinic. Mayor Dermody questioned if it is possible to also get a booster shot when getting your flu shot at the clinic. Ms. Smith responded by stating yes, they will be offering boosters at that time, and it is recommended to get one. Ms. Smith stated the wellness follow-ups will be in January and

the \$5 insurance premium discount for completing your wellness follow-up will still be available.

Communications: Communications Director Jess Bruder reported this coming Monday is the premier of Our Town La Porte on WNIT, our local PBS at 7 P.M. central and again at 8:30 P.M. This is a documentary approximately an hour and a half long. Ms. Bruder stated they will be looking for volunteers to answer phones to take pledges.

New Business:

Habitat for Humanity Update: Sophia Coleman

Sophia Colman stated the City had donated a lot a few ago and they have had a homeowner committed to their project and it is nearing completion. Ms. Smith thanked the Board of Works for their numerous shout outs as it has helped with finding great volunteers. Ms. Smith stated the Holy Family Parish was there this weekend fitting the donated Ikea kitchen and they are anticipating the Whirlpool appliances to arrive soon. Ms. Smith stated they are getting ready for an October 16th dedication, which is when the family and the community get together and dedicate the home to the family. Ms. Coleman stated the homeowner will be buying the house from them but will most likely not own it by the dedication as she is going through the mortgage origination process to get a zero percent mortgage. The family should be moving not the home at the end of October beginning of November.

Ms. Smith reported the Timba Bakery project is currently going through the extensive process of developing partnerships to get it going and to build capacity. Part of the capacity building program is to hire staff. Ms. Coleman stated they are looking to take on a full-time construction manager, homeowner services worker, and a volunteer coordinator. In addition, they have taken on a full-time grant writer who is a consultant and has been working with them to get the finances in place. Ms. Coleman stated they have dozens of people waiting to apply. Ms. Coleman stated they have to hold a community meeting for people to come learn about the program; people who apply could typically do not know what they are applying for, which is not a free house, it is a mortgage, and this is a big message to get out to families that can afford it. The mortgage process is done through a bank. Ms. Coleman stated they have a number of house plans that can be used so they can start the process by self-funding and some of the components of the home can be done through off-site construction. Ms. Coleman stated they have potentially found a partner who will volunteer their company to help with this. Ms. Coleman stated part of their funding is through a \$150,000 donation from the Healthcare Foundation and they are using this as a match for their Federal Funds. The goal is to build 2-3 homes in 2023. Ms. Coleman stated they are doing their best to keep constructions costs down and maintain an affordable home for the homeowner, but it is difficult with the rising costs.

Nick Otis: Agreement for Exchange of Real Estate

City Attorney Nick Otis stated this has been in the process for a while. The Council previously annexed the Rhoda Farms property south of Boyd Boulevard and rezoned it to industrial in hopes of attracting industrial development on the site. Mr. Otis stated this is an agreement

for the exchange of two small parcels between the City of La Porte and a parcel Rhoda Farms owns. The parcel the City owns is .39 acres and its frontage is on Boyd Boulevard which would be the access point for the Rhoda Farms development and in exchange the City will receive a portion of a parcel that Rhoda Farms owns that is in the City's lagoon. Wastewater Director Jerry Jackson confirmed the City is currently using this property that is owned by Rhoda Farms. Mr. Jackson stated this is a piece of property that the City should own and is essential to wastewater operations.

Motion/Vote: Approve Agreement for Exchange of Real Estate

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

Best West: Permission to do a Holiday Pass Program

TransPorte Director Beth West presented a request to offer holiday passes similar to the summer passes that were previously offered. Ms. West stated the riders will be able to use the passes for a certain amount of time and they will begin selling them October 17th through November 5th, which is three weeks. The riders will be able to use the passes anytime during November through the end of December. The pass will sell for \$20; 10 punches with the 11th being a free ride.

Motion/Vote: Approve Holiday Pass Program

Mr. Kosior made a motion to approve Holiday Pass Program as presented; motion seconded by Ms. Romine and unanimously carried.

Andrea Smith: Renewal of the ADA Policy/Transition Plan/Title VI Plan

Human Resources Director Andrea Smith stated the ADA Policy/Transition Plan/Title VI Plan must be reviewed and approved every five years and expires this month. Ms. Smith stated it was also reviewed by City Attorney Nick Otis and there was census update done. Ms. Smith stated the Board of Works should meet with her every January to go over the plan in its entirety and make any changes and determine if it is effective. Ms. Romine questioned if this would need to be a public meeting. City Attorney responded by stating it they are meeting it would be a public meeting.

Motion/Vote to Approve Renewal of the ADA Policy/Transition Plan/Title VI Plan

Ms. Romine made a motion to approve Renewal of the ADA Policy/Transition Plan/Title VI Plan as presented; motion was seconded by Mayor Dermody and unanimously carried.

Jerry Jackson: Phosphorus Pay Request #5

Wastewater Directory Jerry Jackson presented Phosphorus Pay Request number five in the amount of \$127,260 brining the project to \$543,000 out of 1.7 million or 31% completion. Mr. Jackson stated the project is going well and KDM Servies is doing excellent work and recommends payment.

Motion/Vote – Approve Phosphorus Pay Request #5

Mr. Kosior moved to approve Phosphorus Pay Request #5 as presented; motion seconded by Ms. Romine and unanimously carried.

Nick Minich: Des. No. 1700760 – LPA Consultant Section/Contract

City Engineer Nick Minich presented Des. No. 1700760 – LPA Consultant Section/Contract. Mr. Minich stated this in order to move forward with the Boyd Boulevard project we need to have a construction inspection contractor to oversee the construction that was requested. Mr. Minich stated we received two letters of interest and one letter from a consultant who chose not to put in a letter of interest. Mr. Minich stated the company that is contracted does need to be reviewed by INDOT and recommends USI Consultants pending INDOTs review. Mr. Minich also requested permission to have the contract approved electronically before the next board meeting, if necessary, due to the tight timeline, and then have the contract ratified at the next Board of Works Meeting.

Motion/Vote – Approve Des. No. 1700760 – LPA Consultant Section/Contract

Ms. Romine made a motion to approve Des. No. 1700760 – LPA Consultant Section/Contract as presented; motion seconded by Mr. Kosior and unanimously carried.

Unfinished Business

Mayor Dermody stated as we come into election season and have heard from a few candidates on the radio and when we talk about progress we talk about the corridor. Mayor Dermody stated other candidates' discussion is we should just slow down the lights and allow the trucks to slow down. Mayor Dermody stated we need to continue to educate people to make sure they understand our community, our business owners, deserve a voice and we must continue to support our businesses and our residents that feel the windows in their homes shake. In addition, Mayor Dermody recognized Brett Binversie, Liz Kaminsky, Becky Pressel and everyone for a fantastic Sunflower Fest. Mr. Kosior stated he was surprised and impressed by the number of people that came out Friday night for the live music. Mayor Dermody also stated the La Porte School system at the High School has the Slicer Champion Program and encourages all employees to find an hour a week to help mentor and individual that may need a little help or support. Mayor Dermody stated he will support no one losing time to mentor someone. It is a very rewarding and fantastic program.

Adjourn

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

Approve: _____
Thomas P. Dermody, Mayor

Attest: _____
Courtney Parthun, Clerk-Treasurer

Approved: October 4, 2022