

**June 21, 2023**

The Board of Public Works and Safety met in regular session in the Council Chambers on Wednesday, June 21, 2023, at 9:00 A.M.

**Present:** Mayor Dermody, Jessica Romine

**Absent:** Mark Kosior

Drum Osborn 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**

Clerk-Treasurer Parthun presented Payroll from June 9, 2023 in the amount of \$502,003.04.

**Motion/Vote – Approval June 9, 2023 Payroll**

Ms. Romine made a motion to approve the June 9, 2023 Payroll as presented; motion seconded by Mayor Dermody and unanimously carried.

Clerk-Treasurer Parthun presented Civil City Claims in the amount of \$432,162.09

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

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

Clerk-Treasurer Parthun presented Sewage Claims in the amount of \$1,000,133.70.

**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.

Clerk-Treasurer Parthun presented Water Claims in the amount of \$459,349.42.

**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.

**La Porte Fund Conveyance Agreement**

TransPorte Director Beth West reported they have received their next installment from the FTA Group in the amount of \$259,296 and NIRPC needs a conveyance agreement signed by the Board of Works. Ms. West stated this will help cover 50% of their operational costs.

**Motion/Vote – Approval of La Porte Fund Conveyance Agreement**

Ms. Romine made a motion to approve La Porte Fund Conveyance Agreement as presented; motion seconded by Mayor Dermody and unanimously carried.

Mayor Dermody expressed his excitement for the City of La Porte being the capital for the day every year on the Fourth of July. Mayor Dermody thanked Kiwanis for continuing to put on the parade. Mayor Dermody asked the members of Kawanis to come forward. They thanked the City of La Porte for the opportunity for Kiwanis to bring the Fourth of July parade to town and all the activities that come along with that. Mayor Dermody read the State of Indiana Proclamation

**Public Comment:**

Attorney Nathan Viss spoke on behalf of his client, KDM Services. Attorney Viss stated KDM Services was hired last year to manage the improvements being made at the wastewater treatment plant. Attorney Viss stated the project is very near completion and Wastewater Director Jerry Jackson has expressed his happiness with the work that has been done. He stated he is there to request payment of the outstanding monies owed for change orders as well as retainage. Mayor Dermody questioned what the amount is that is still owed. Attorney Viss stated there is approximately over \$90,000 in change orders and over \$70,000 in retainage. Mayor Dermody stated the City of La Porte has every intention of paying monies owed, however, it is his understanding that the detailed information regarding these change orders, that is required of all vendors, have been very limited. Attorney Viss stated of the many change orders, a significant amount has been issued. Attorney Viss provided an example from April 11 where two change orders were remitted, one of which was in excess of \$25,000. This specific change order was for work that was done in August, 2022 where the project had to be completely changed and modifications were made to the type of tubing that was now needed in addition to boxes that were needed for this to sit in. Mr. Viss stated his client made the recommendations for these changes in September via email and did not receive a response until February. KDM then had to hire union labor to have excavators dig extra wide trenches and in addition to the significant amount of time that it took to research and order the junction boxes. Attorney Viss stated his client submitted a three-page change order in April for just over \$26,000 that outlined the time of the union labor, the time for excavators, the junction boxes and how they came to that dollar amount. Attorney Viss stated that the response that his client received to this change order from the gentleman on the ground, not Jerry Jackson, was that they do not believe that KDM did not take that amount of time for

installation. Attorney Viss stated the gentleman that they had been working with from the Engineering firm is a surveyor and not an Engineer and therefore by law does not have the capacity to make the decisions that he was making. Attorney Viss stated his client made recommendations for deficiencies in the original plan that was presented and had requested payment for the time it took him to research and put together these recommendations and has yet to be compensated. Mayor Dermody stated that the frustration from this vendor has come from him and welcomed Attorney Viss to continue the discussion after the Board of Works meeting ended. Mayor Dermody stated Member Romine would not be comfortable voting on any of this today. Attorney Viss thanked Mayor Dermody and agreed to meet with him after the meeting to continue their discussion.

### **Department Head Reports**

**Park:** Parks and Rec Superintendent Mark Schreiber reported they have made significant progress at the Dennis F. Smith Amphitheater at Fox Park since the last meeting and have been updating the public weekly on the progress that is being made. Mr. Schreiber stated the alternate parking lots in the back, the lot behind Ron Reed Field, and the large lot that was constructed off the third base of Ron Reed Field have all been paved. There are now a lot more off-street parking options for people attending events at Fox Park. Mr. Schreiber reported there will be a John Mellencamp tribute band coming out for Arts in the Park and all parking options off McClung Road will be open and available to those attending. Mr. Schreiber stated Lakefest is just over a month away and those events happening at Lakefest can be found at [laportelakefest.com](http://laportelakefest.com). Mayor Dermody stated Red Wine and Brew will have fireworks for three nights the weekend of the Fourth of July as well as Michigan City is also having fireworks. Mr. Schreiber confirmed there will be no fireworks in La Porte on the Fourth of July but they hope to continue to collaborate with the Fair Grounds and hopefully the county to ensure fireworks in La Porte in the future. Mr. Schreiber stated they will have fireworks over the lake during Lakefest.

**TransPorte:** TransPorte Director Beth West reminded the public that they will not be running buses next Tuesday, June 27, 2023, due to an all-day training for TransPorte drivers. Ms. West stated they will be closed on July 3-4 in observance of the Fourth of July.

**Police:** Chief Brettin reported that there will hopefully be a swear in at the next Board of Works. In addition, Chief Brettin stated at the next meeting Officer Gonzalez and K-9 Officer Allen will be there to speak about a new program for proactive crime prevention that they pitched to him. Mayor Dermody thanked Chief Brettin and the entire Police Department for all the hard work they put in and the extra hours they put in for events throughout La Porte. Chief Brettin stated they received compliments for the Official Cruise Night happening without any issues.

**Code/Street:** Director of Central Services Jeff Batchelor reported the Street Department is trimming trees, filling potholes, total patching, and taking trees down. In addition, Mr. Batchelor reported Code Enforcement has a little over 1,700 violations for the year.

**Engineering:** City Engineer Nick Minich reported that the work on Truesdell is only the first phase and there will be another phase. The road will be available during Lakefest and will close again later for an intersection improvement.

**Wastewater:** Wastewater Director Jerry Jackson reported work is continuous on the Letters and Numbers Project. Mayor Dermody thanked I Street Meats and JJ's Pizza for working with the city during this time. In addition, Mr. Jackson thanked I Street Church of Christ because they gave them an easement through their parking lot to fix a storm problem.

**Water:** Water Superintendent Tim Werner reported the new water main line on I Street project has been installed from 18<sup>th</sup> to 14<sup>th</sup> and once the rest of the storm and sewer pipes are installed the crew will begin moving North on I street from 14<sup>th</sup> to 10<sup>th</sup>. There will be all new water services from the main to the curb stop in that area. In addition, Mr. Werner reported crews are still out painting hydrants and hopes to have the main roads complete by the Fourth of July but service leaks keep happening and those remove maintenance crews from painting the hydrants. Mr. Werner reported they are currently working on making some of the storage tanks double-wall to meet new IDEM requirements. Mr. Werner stated they are getting ready for the installation of their bulk water filling station to go in across the street from the Water Department. This should be up within approximately a month to month and a half.

**Planning:** City Planner Craig Phillips reported they are working with the Bid District on finalizing the downtown streetscape project. Mr. Phillips stated work has begun on getting the request for proposals out and posted for the City's comprehensive plan update. Mr. Phillips also reported they are wrapping up the work on the Trails, Greenways, and Pathways Master Plan in addition to continued work on various development agreements.

**Human Resources:** Human Resources Director Andrea Smith reported they are currently looking at the 2024 benefit package for medical, dental, and vision and will provide updates as they become available.

**New Business:**

**Request for Use: O'Reilly Car Show**

Executive Assistant Annette Loeffler presented Request for Use: O'Reilly Car Show. Ms. Loeffler stated this is their second car show. The request is to close Holcomb Street from Lincolnway to the next cross street. There are no homes in the area to be closed. There is another car parts store there, but they do work together in order to put on a nice car show. Mayor Dermody asked Police and Fire if they had any concerns with closing the street. Chief Snyder and Chief Brettin both stated they had no concerns.

**Motion/Vote – Approval of Request for Use: O'Reilly Car Show**

Ms. Romine made a motion to approve Request for Use: O'Reilly Car Show as presented; motion seconded by Mayor Dermody and unanimously carried.

**Request for Use: Graduation Celebration**

Executive Assistant Annette Loeffler presented Request for Use: Graduation Celebration. Ms. Loeffler stated this is for a special needs high school student and the request is to close 3<sup>rd</sup> Street between B and C. Ms. Loeffler stated there is a letter attached from the neighbors stating they are okay with the closure and their proof of insurance. Mayor Dermody asked Police and Fire if they had any issues with the closure. Chief Brettin and Chief Snyder stated they had no concerns.

**Motion/Vote – Approval of Request for Use: Graduation Celebration**

Ms. Romine made a motion to approve Request for Use: Graduation Celebration as presented; motion seconded by Mayor Dermody and unanimously carried.

**La Porte City BTMA Scope P 2023 LIT Bonds: Fire Truck**

Clerk-Treasurer Parthun presented La Porte City BTMA Scope P 2023 LIT Bonds: Fire Truck. Clerk-Treasurer Parthun stated she is requesting Board approval for a contract with Baker Tilly not to exceed \$10,000 for assistance with the bond for the new fire truck. Mayor Dermody questioned if this is to make sure it is being financed at the best rate. Clerk-Treasurer Parthun stated yes, and to ensure that they will remain in compliance.

**Motion/Vote – Approval of La Porte City BTMA Scope P 2023 Lit Bonds: Fire Truck**

Ms. Romine made a motion to approve La Porte City BTMA Scope P 2023 Lit Bonds: Fire Truck as presented; motion seconded by Mayor Dermody and unanimously carried.

**Real Estate Purchase: 910 State Street**

City Attorney Anthony Novak presented Real Estate Purchase: 910 State Street. Attorney Novak stated Mr. Byler is present if there are any questions. Attorney Novak stated a bid submitted by Mr. Byler's entity to purchase this property for the average of the two appraisals was just \$200,500. The agreement then requires development within a specified timeframe. This development is for a modern office and entertainment venue, with hospitality on the first floor and offices on the second floor. Attorney Novak stated it is a real estate sale of over \$50,000 and therefore must be approved by the Board. Attorney Novak stated it was presented and approved before the City Council at last night's meeting. Mr. Byler thanked the city for the opportunity and support from the city. Mayor Dermody asked Mr. Byler if there was a potential start date. Mr. Byler stated he has been working with contractors and architects parallel to working with the city and stated work should begin shortly after the execution of the agreement.

**Motion/Vote – Approval of Real Estate Purchase: 910 State Street**

Ms. Romine made a motion to approve Real Estate Purchase: 910 State Street as presented; motion seconded by Mayor Dermody and unanimously carried.

**LPPD Durango vs Charger**

Chief Brettin presented LPPD Durango vs Charger. Chief Brettin stated the agreement is for a Durango that the motor went bad in and will be traded in for a Charger. The lease for the Charger will be covered for all three years by the trade-in.

**Motion/Vote – Approval of LPPD Durango vs Charger**

Ms. Romine made a motion to approve LPPD Durango vs Charger as presented; motion seconded by Mayor Dermody and unanimously carried.

**Lease Agreement**

Chief Brettin presented three lease agreements. These are to replace three Durango's that are currently being used for K9s and will be replaced with pickup trucks which are better suited for K9 usage. Chief Brettin stated the value of the trade-ins will pay for the first two years of the lease. In addition, Chief Brettin stated he did remove one vehicle from the list because they are giving it to Code Enforcement. Ms. Romine clarified that the city is trading in five vehicles and getting three trucks. Chief Brettin confirmed that is what is happening. Clerk-Treasurer Parthun stated this will not need to be budgeted until 2026. The police department is trying to lease their vehicles instead of owning them so they can stay updated and repair costs can stay low.

**Bid Open: State Street Parking Lot**

City Planner Craig Phillips presented Bid Open: State Street Parking Lot. Mayor Dermody asked Mr. Phillips to clarify what this is. Mr. Phillips stated this is for the parking lot that is across the street from 910 State Street. Mr. Phillips stated they advertised for bids and one bid was received. Mr. Phillips opened the following bid:

LPFH LLC, agent Dudley Byler, in the amount of \$25,000.

The bid stated the intention of the parcel is to be used for the redevelopment of 910 State Street. Mr. Phillips stated this bid does meet the minimum bid in terms of the appraised value of the property. Mr. Phillips stated the minimum bid is the value assessed from one appraisal and not two as the value of the property is less than required for two appraisals. Mr. Phillips asked the board for approval to take the bid under advisement and bring it back to the board with a bid award. Ms. Romine asked Attorney Novak if this needed a motion and Attorney Novak stated it does not. Mayor Dermody questioned if this could be approved today or if it had to wait until the next meeting. Mr. Phillips stated it could be approved today contingent on legal review. Attorney Novak confirmed it could be approved contingent on legal review.

**Motion/Vote – Approval of State Street Parking Lot Bid**

Ms. Romine made a motion to approve State Street Parking Lot Bid contingent on Legal and Engineering review and approval; motion seconded by Mayor Dermody and unanimously carried.

### **Request to Approve Signature: Rezone/Special Exception 205 Rumley St**

City Planner Craig Phillips presented Request to Approve Signature: Rezone/Special Exception 205 Rumley St. Mr. Phillips stated the city has been in negotiations with La Porte Community Schools on the swap of several properties between the two entities and one of these properties is the coke plant building at 205 Rumley Street. Mr. Phillips stated the Mayor, Planning Department, and Engineering Department have been having discussions regarding that property. The proposal is for 18 apartments and wraparound Social Services related to those apartments that will be focused on low-income and special needs. Mr. Phillips stated they are requesting today that upon approval from the schools in the transferring of the property, permission to sign a petition for rezoning of the property to 3A multi-family and a special exception to allow philanthropic and eleemosynary institutions. In addition, Mr. Phillips is requesting to allow the housing opportunities to be the petitioner on the city's behalf for those applications. Mr. Phillips stated the deadline for those applications is next Tuesday.

### **Motion/Vote – Approval of Request to Approve Signature: Rezone/Special Exception 205 Rumley St**

Ms. Romine made a motion to approve Request to Approve Signature: Rezone/Special Exception 205 Rumley St as presented; motion seconded by Mayor Dermody and unanimously carried.

### **Pay Application #1 Truesdell Ave Improvements**

City Engineer Nick Minich Presented Pay Application #1 Truesdell Ave Improvements in the amount of \$1,141,457.62. Mr. Minich stated this takes the project to approximately 17 percent. Mr. Minich stated they have been doing good work and recommends approval. Mr. Minich stated this does not include the paving for Truesdell but does include up to the curb which is a big-ticket item. Mayor Dermody asked Mr. Minich why having curbs is important. Mr. Minich stated there are several reasons why the curbs are important. Mr. Minich stated we want the quality of the lake to be the best that it can and if people are pulling off the road and parking in close proximity to the lake, you risk greases, oils, metals, and different things getting into the lake. Mr. Minich stated they are working to improve the overall quality of the park from a water quality standpoint but also from a maintenance standpoint. In addition, it will help protect the trail around the lake from motorists and bicyclists.

### **Motion/Vote – Approval of Pay Application #1 Truesdell Ave Improvements**

Ms. Romine made a motion to approve Pay Application #1 Truesdell Ave Improvements as presented; motion seconded by Mayor Dermody and unanimously carried.

### **Unfinished Business**

Mayor Dermody expressed his disappointment in the 39 North Conservancy Board when they asked their attorney for a public records request of all the names of the citizens that supported the annexation; within hours, those names appeared on social media. Mayor Dermody stated it is likely that we are the only entity that cares about the future, safety, and well-being of those residents. It appears the Conservancy Board President's only goal was to

shame those that are in favor of improvements. Mayor Dermody stated if the Conservancy Board does not sign by next Friday, June 30, it is a decision that will force them to live with regret like other opportunities that have been missed in the past. Mayor Dermody stated we are offering Homestead Owners lower water bills, lower wastewater bills and lower property taxes. We are buying an infrastructure that is worth nothing to show good faith and then we will improve the infrastructure system not only for now but for the future.

**Other Business:**

Next regularly scheduled meeting: Thursday, July 6, 2023 at 9 A.M.

**Adjourn**

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

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

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

**Approved: July 6, 2023**