

The Michigan City Park and Recreation Board met in regular session on Thursday, October 2, 2008 at the hour of 5:00 P.M. in the Michigan City Parks and Recreation Office, City of Michigan City, Indiana.

The Pledge of Allegiance was recited.

On the call of the roll, the following Board Members were found to be present or absent:

Present: Messrs. Latchford, Freese, and Mr. Milcarek (3)

Absent: Mr. Dabney (1)

Also present were: Shannon Eason, Director of Administrative Services; Jeremy Kienitz, Recreation Director; Patrick Donoghue, Park Department Attorney; Joe Doyle, City Council Liaison; James Baldwin, Michigan City Port Authority Board; Barb Malewicki; Juanita Kreidler; and Andre Steele, ALCO TV.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the minutes of the September 18, 2008 Park Board meeting.

Mrs. Eason gave the Board an update on the Phase III of the Water Department Intake Project. Mrs. Eason spoke with Todd Bell of Woodruff's yesterday and that project is well ahead of schedule and they plan to have the entire project, including the pump house building, completed prior to year end. Mrs. Eason stated Tom Offerle sent the final change orders for the Washington Park Electrical Projects to Marquiss Electric today and they will be finishing odds and ends next week and by Friday those projects should be completely wrapped up. Mrs. Eason reported there are two pay requests from from Marquiss Electric on the agenda tonight. Mrs. Eason reported when the two buildings were demolished in the land trade with the Water Department there was a gas line underneath that needed to be taken care of. Haas and Associates came out with some drawings and our Maintenance crew went out today and dug up the line and capped it so the gas was turned on again providing heat to two exhibits.

Mr. Latchford asked which two exhibits were those.

Mrs. Eason responded the bird holding area and the old Bobcat Exhibit. Mrs. Eason stated Pat Donoghue will have a report on the Splash Park bids.

Mrs. Eason reported Resolution No. 660 was passed at the last Board meeting. However, there were no signature copies so that is before the Board tonight for signature. Mrs. Eason reported she and Debbie Studtman reorganized some of the items on the agenda and put all of the financial items in one place. Mrs. Studtman has also created a one page financial that includes all of these items with the exception of payroll and claims that have to be separate documents. This cleans this section up and wastes less paper, it is easier to read and more efficient. Item 11 on the agenda is now called Department Finances and items C. through G. will now be on a one-page report for the Board Secretary to read; those items used to be separate pages and it is now condensed to one page per meeting. Mrs. Eason reported on September 20, 2008 the Park Department hosted our first beach clean-up; it was very successful. We had 79 volunteers that cleaned up 304 pounds of trash in a three hour time period. The Latchford family was down here and Mrs. Eason thanked Mr. Latchford for coming out. The Donoghues were here and Mrs. Eason thanked St. Anthony's Hospital who recruited 60 of the volunteers. Mrs. Eason reported Mr. Lesniewski was instrumental in getting them involved so thanks to Mark. Mrs. Eason thanked Park Secretary Michelle Glidden and her husband Kim who came down and volunteered all morning and as well as her Mother, Flossy McNally. Mrs. Eason publicly thanked Tom Offerle of SCO Engineering and Ed Skwiat of Marquiss Electric who provided a continental breakfast for all of the volunteers which was a very nice touch.

Mrs. Eason reported since the last Board meeting we have experienced over \$400.00 of vandalism to Gardena Park and Ridgeland Park. Mrs. Eason provided the Board with a copy of a letter that was sent to Chief Swistek with some pictures and some details of the vandalism at each park. Mrs. Eason stated she spoke with Chief Swistek today and they have stepped up patrols to our outlying parks and they are reviewing the video from Gardena. If they do find anything on the video they will continue to investigate that incident and Mrs. Eason would update the Board.

Mr. Latchford asked all of the neighborhood groups to keep an eye out because they are probably our best resource.

Mr. Milcarek commented we started a project at Gardena Park about two years ago removing the fence and installing the bollards were trimmed uniformly and attractively. We had so many things going we didn't seem to have time, but the job has been done and Gardena Park looks very good.

Mr. Donoghue reported, as Mrs. Eason mentioned, he would like to give a report on the Splash Park bid opening which took place on Monday, September 29, 2008. Mr. Donoghue mentioned the Architect Jerry Fedorchak cannot be here tonight because of a family illness that he is taking care of. Mr. Donoghue stated we have passed out the bid summary from the public opening which indicated there were five bids; we've shown the requirements of the bid and of the law and as you will note from the bid summary actually there were only two of the bidders who complied with all requirements. The primary problem with the others was the bid bond and as you know the bid bond is required by Statute whenever the purchase is over \$150,000 which in this case it is expected to be over \$150,000. Mr. Donoghue stated we sent out bid packets to about ten prospective bidders; most of these bidders are companies that showed interest during

the first bidding cycle. If you remember when the contractor was providing a packet for the entire installation and within those we knew of about ten different companies. Mr. Donoghue stated these were sent out; Mrs. Eason took care of that interest. Mr. Donoghue stated we only got five of those back and we don't know why there are only five. Mr. Donoghue stated normally Jerry Fedorchak, as the Architect, would be contacting some of the others and Mr. Donoghue believes he really only had time to contact one other of them but he will contact the others as to maybe why they didn't respond. Mr. Donoghue stated the bids were reviewed by himself for legal compliance and where you see the "no" statements that meant they were not legally qualified to be considered and that relates primarily to the bid bond, although, two of them did not provide the non-collusion affidavit which is also required. Mr. Donoghue stated two of them were ok as far as the bid requirements go and those two were then examined by Jerry Fedorchak as the architect and he reported tonight that only one of those bids, and that would be the bid from Rec Source of Yoder, Indiana, which is showing \$177,800, that only one of them would be qualified by the specifications and in particular, the one that he regards as qualified from Rec Source, does comply with the requirement that the material in the fixtures that we will have in the Splash Park, was specified as stainless steel. Stainless steel carries a twenty year warranty. The bid that Mr. Fedorchak did not find to be qualified was the Raindrop Products bid and the reason for that is the materials in that bid are fiberglass and that only contains a five year warranty. Mr. Donoghue stated there is a difference between a twenty year material and a five year material warranty so in Mr. Fedorchak's opinion, only one of the bids would be qualified under the specifications. Mr. Fedorchak's recommendation is that, and it is common sense, but you really can't get a good comparison when you only have one bid to consider and it is his recommendation that the Board would reject all the bids that have been received and that it would re-advertise again. Mr. Fedorchak thinks, with the interest that was previously expressed in the project that we will get more bids. Mr. Donoghue stated we don't know why we only got five. Mr. Donoghue stated the one he talked with, someone internally dropped the ball in getting the bid to us. Mr. Donoghue stated it is Mr. Fedorchak's recommendation that all the bids be rejected and that we advertise again figuring that in doing so we will have more than just one bid for comparison purposes. Mr. Donoghue stated there is a concern here about the financing and about the funding because during that first cycle in bidding the bids came in way higher than the amount of money that is available to spend on this project and so the Board has decided it would approach this like the Memorial Hall project where so much of the work was done in-house by your Maintenance Department and they did such a wonderful job. That is the intention of how this project can be done at a reasonable amount of money. Mr. Donoghue stated time wise, he spoke with Mrs. Eason and contacted Darrell Garbacik and we are not under the gun in terms of getting these figures right now; we can go through another cycle and the purpose is to have identified what equipment you are going to have because that determines how you will specify your contracts for those trades and contractors that we can't do in-house and we are unable to do that until we know which kinds of specific equipment is actually going to be put in there. Mr. Donoghue stated that is the report he was asked to give by Jerry Fedorchak and Mr. Donoghue agrees with him from the legal standpoint that it would be best for the project to reject the current bids and advertise and re-bid it.

Mr. Freese asked when we would re-advertise.

Mr. Donoghue answered, if you give approval tonight, it would be very simple to get this in the newspaper very quickly on October 7, 2008 and October 14, 2008 and hold the bid opening on Friday, October 24, 2008 at 4 p.m. Mr. Donoghue stated that is our schedule; we could get this done certainly before the end of October.

Mr. Milcarek stated even though we are going to reject the bids, he noticed one of the bids was very much out of line with the others.

Mr. Donoghue stated Mrs. Eason followed up on that for us and asked her to chime in on what that bidder told you at the \$95,000 level.

Mrs. Eason stated the bidder called to check on the bid summary and during their conversation told her there was an error on the purchase price because they had not carried a figure forward. When reviewing their bid there is no figure to carry forward so Mrs. Eason isn't quite sure what they were talking about and after being told their bid was disqualified, they didn't explain it any further.

Mr. Donoghue stated we feel there is some major mathematical error in that bid.

Mr. Milcarek stated usually there is some type of problem when one is so far out of line.

Mr. Latchford stated, in regard to the project itself, we'll continue our demolition, our in-house work, and then re-bid and assuming it is approved by the Board the project will still continue with the same schedule of hopefully being completed in spring of 2009.

Mr. Donoghue stated yes.

Mrs. Eason stated the Maintenance Department is ready to begin the demolition work. Mrs. Eason reported Mr. Westphal called Woodruff and Sons who agreed to accept all of the asphalt that is being taken out, free of charge, which is going to save us a lot of money. Woodruff's will grind and recycle it to be used for other projects.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to reject all bids for the Washington Park Splash Park equipment opened publicly on September 29, 2008 at 4:00 p.m.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board agreed to re-bid the Washington Park Splash Park Equipment.

Mr. Donoghue asked Mrs. Eason to please notify the current bidders and return their certified checks that we received tomorrow.

Mr. Milcarek asked if Mrs. Eason can tell them the project will be re-bid.

Mr. Donoghue stated yes and he is planning on putting together a system or program where we can contact them off of our list by email or by telephone. Mr. Donoghue stated sometimes the ads in the paper, even though they should be carefully read, sometimes they miss something so maybe we will do some bullet points in an email format.

Mr. Latchford stated he can't help but think that the two professionals that are spending extra time on this project, Mr. Donoghue and Mr. Fedorchak, have volunteered to drastically reduce their fees for professional fees for this project and we thank them for that.

Mr. Donoghue reported regarding the baseball program and the coach and the assistant coach who were suspended because of unacceptable behavior by Darrell Garbacik when he was Superintendent and who have appealed to the Board for a consideration of those suspensions. Mr. Donoghue stated the Board will recall that we rescheduled these hearings for tonight, October 2, 2008, and Mr. Donoghue thought at that time, and he still thinks now, that it is necessary to clear these issues up as soon as possible and Mr. Donoghue knows the Board felt the same way and that is why we put them on the schedule for tonight. Mr. Donoghue reported on September 29, 2008, which was Monday, the coaches notified us through their attorney's, both coaches have retained the same legal counsel, and that is Mr. Christopher Willoughby, notified us, and he did notify us on a timely basis, if you remember the rules that have been adopted provide for ten days after the hearing has been set and appeal parties notified, so he notified us he would be representing the two coaches and they indicated they needed additional prep time so they asked the Park Board to reschedule the hearing from tonight. Mr. Donoghue spoke with Phil Latchford immediately and it was Mr. Donoghue's advice under this circumstance that it would be appropriate to grant that request. It would be somewhat reckless to deny that request; normally in a situation like this those kinds of requests are granted. Mr. Donoghue stated in speaking with Mr. Latchford, and Mr. Donoghue is sure the rest of the Board agrees, it is in everyone's best interest to get this matter over with as soon as possible. Mr. Donoghue stated he knows we have talked to the Board about convenience, and so that we don't inconvenience the Board, we try to schedule these things on a regularly scheduled meeting date. However, in our discussion Mr. Latchford and Mr. Donoghue are hoping the Board would overlook that particular policy and that we could choose a date that might not be a Thursday. For instance, we could schedule this for an evening to start at 6 p.m. for the hearing to start and then we could have an executive session at 5:30 p.m. for preparation for the Board. Mr. Donoghue reported we did receive a request from Attorney Willoughby that we not look at the week of October 6th because of the absence of one of the coaches, but that we focus on the week of October 13th and October 20th. Looking at our calendars, we notice that October 13, 2008 is a National holiday that is Columbus Day. Mr. Donoghue stated there is a regular Park Board meeting scheduled for October 16, 2008 and we already have the hearing for Mr. McCormick scheduled for that particular evening. Mr. Donoghue stated Fridays would normally not be chosen for a date like this. Mr. Donoghue stated that particular week October 14th and 15th would be available. The following week appears to have any date available. Mr. Donoghue asked the Board to tell us if anyone of those particular dates would be unavailable for you and also, tomorrow, if you would look at your calendars and let us know so we can clear these other calendars; we have to check, now that we have attorneys involved, we have to check there. Mr. Donoghue stated he understands there is a very strong intention on the part of the appeals parties

here, the coach and the assistant coach to get this done as soon as possible. Mr. Donoghue asked the Board if they are not available on any of those dates.

Mr. Freese stated he is not available on October 15th or October 20th.

Mr. Milcarek stated it would be nice if we could have three dates in one particular week if possible.

Mr. Donoghue stated it looks like we could look at October 14, October 20th and October 21st, 2008. Mr. Donoghue stated he will run those dates by everyone tomorrow and then Mrs. Eason will send a notice to the Board, the media and so forth as to that date. Mr. Donoghue thanked the Board for considering days other than your regular Board meeting; he knows this is an imposition but at the same time there is a lot of community discussion about this so it is best that we get this done.

Mr. Milcarek asked what happens, if in this case, the three days we have set aside do not fit the other calendars.

Mr. Donoghue stated he would want to make them fit; it all depends on if someone is going to be out of town for something. Mr. Donoghue may have to come back to the Board for other dates and he would do that individually by telephone.

Mr. Milcarek stated we have already postponed this twice and he would like to suggest that we put in our rules that you cannot postpone more than three times; three strikes and you're out because we are willing to have hearings and give people a fair hearing but we're doing that at their convenience, where it should be at our convenience. If they really want a hearing, in which case maybe it was too short of a notice or something because the attorneys couldn't make it, but we should get that on record that you have three refusals and then you are out or this could be carried on, and on and on. Mr. Milcarek asked if that is possible.

Mr. Donoghue stated we could add to the policy the Board has approved that an appeal hearing would have a first date and then it could only be rescheduled twice. If it is rescheduled to a second date and then rescheduled to a third date, which would be the final date. Mr. Donoghue stated if the Board would direct us to do that we can add that to the policy that an appeal hearing can only be rescheduled twice. Mr. Donoghue stated if you would like to do that it would be appropriate for a motion.

Mr. Milcarek stated he believes if we act in the manner that we give three dates and they choose a date, that is certainly fair, and if they can't make it then, and we give them three more dates, if we give them three dates each time, that is nine chances they have to make a hearing and if they can't make a hearing for nine dates Mr. Milcarek thinks they are wasting our time.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to amend the Instructions and Rules and Appeal to restrict appeal parties to rescheduling hearings twice, or for a maximum of three hearing dates.

Mr. Kienitz handed out the 2008 lifeguard report and the triathlon report for the event we hosted September 6 and 7, 2008 in Washington Park, Beverly Shores and Long Beach to the Board. Mr. Kienitz reported 2008 was a very good season for us on the beach. Our season began on Friday, May 23, 2008 with the Beach and Water Safety Expo. Mr. Kienitz stated participants included the U.S. Coast Guard, Michigan City Fire Department, D.N.R., Emergency Management, American Red Cross, LaPorte County E.M.S and our lifeguards who were here as educators for the many students from the Michigan City school system that came out for this experience. Mr. Kienitz stated there were approximately 275 students that attended. The Edith House from the Michigan City Fire Department was here. Our lifeguards spoke about beach safety and how to survive rip currents and different ways to protect yourself when you are visiting our lakefront. Mr. Kienitz stated throughout the year there were multiple training exercises with the lifeguards including deep water line searches and basic assistance and rescue procedures. A mock rescue was held as well. Mr. Kienitz stated this year it was handled a little differently. Mr. Kienitz stated every time we schedule a mock rescue it has rained and there hasn't been anyone on the beach and they see it coming so it is not as spontaneous as Mr. Kienitz would like it to be. Mr. Kienitz stated in the stop 2 area they had lifeguard Stephanie Gregory's Father as a diver. He and one of his friends had a boat out on the water and he dropped off of the boat and then we made a call and our guards came. They were probably in the water for about 20 minutes. There was a nice current that day so he ended up 50 yards from where he was dropped from. We tried to direct them to certain spots and they were way off course. It was a tough day; very choppy but they did an outstanding job of eventually finding him and bringing him in the proper way. After that, we came back to the lifeguard tower and met to discuss how it went and some things we would do differently next time. At that time we had an active rescue down here; they had two rescues, the second rescue about ten minutes after completing the first. They dropped everything and proceeded with the active rescue. We definitely kept them on their toes and they were ready for whatever would come their way throughout the season. Mr. Kienitz stated the lifeguards did an outstanding job this year. Mr. Kienitz stated they did three presentations this summer for the High School Summer Physical Education Class, Eastport Early Childhood Learning Center and our City Kids Day Camp. Candy Feare, who also assisted in putting this report together, does a great job of spreading the word through the community about beach safety. Mr. Kienitz stated the 2008 statistical data summary breaks down the days we were on duty, how many days we had red or white flags, how many days we were closed for bacteria or rip current. Mr. Kienitz stated we had white flag days 74% of the season which was very good. There were only 23 days out of 101 that we were closed for high bacteria, weather or rip currents or a combination of those. Mr. Kienitz stated the lifeguards had multiple assists this year, mostly minor assistance. Mr. Kienitz reported they had two missing person who were found on the beach as opposed to the water. Mr. Kienitz stated he is happy to report again, for the fourth year in a row, that we had zero fatalities while our lifeguards were on duty guarding our beach. Mr. Kienitz stated he wanted to pass this information along to the Board and stated if the Board has any questions he would be happy to answer those.

Mr. Freese commented when he was teaching summer school they brought their kids down here and the lifeguards did an excellent job educating them about everything you mentioned here and he thinks it is really a great program, speaking from the High School standpoint.

Mr. Latchford told Mr. Kienitz it is a great report and a nice summary. Mr. Latchford stated he doesn't think it is any coincidence and there is a huge payoff from the amount of education you do at the start of the summer and the efficiency of the lifeguards. Mr. Latchford stated he thinks it is a luxury we are able to have here in Michigan City that other communities have abandoned; if you save one life it pays huge dividends.

Mr. Donoghue stated, while we are on the subject of lifeguards, he would like to report on the recent passing of John Pcsion. Mr. Pcsion was one of the premier contributors to lifeguarding and safety on our beaches in Michigan City and for many years was the manager of the lifeguards here in Washington Park. He was a fine gentleman and lived to a long age; he was in his 80's. Mr. Donoghue stated this was the passing of a wonderful member of the lifeguard community here in Michigan City.

Mr. Kienitz reported TriAmerica Triathlon, the National Series Tour that was brought in here September 6 and 7, 2008, went very well. Mr. Kienitz he was very pleased. The numbers we generated for the event was a little less than we had anticipated or hoped for but overall, the event went very well. Mr. Kienitz stated he and Jason Sands from South Shore Sports Promotion in Lake County got together with a vision of having this here because we have the beautiful scenery and it seemed like the perfect place for this event. We talked about it and made a few phone calls and there we were in the middle of planning it all. Mr. Kienitz stated it was very fulfilling, from a Park Department standpoint, that we were able to bring an event of this nature here and we are looking to enhance it as far as numbers and getting more participants out here in years to come. Mr. Kienitz stated Fred Sommer from Sommer Sports and the TriAmerica series out of Claremont came in and brought his series, his tour, here to Michigan City. They came out for four site visits prior to the event. The planning started in October of last year. We went through multiple course routes driving the roads in Beverly Shores and along the highways to figure out which way was the best way to take everyone and which way would be the safest. Mr. Kienitz stated on Mr. Sommer's first visit, when this was still an idea, he asked what we have to do to have this event. He was very active in helping us promote our area to his National database of people all over the country. Mr. Kienitz listed a lot of things in the report that went into the planning of the event. The race weekend included a super sprint triathlon with adults and a kid's triathlon on Saturday. A total of 92 participants were in the super sprint, 47 male and 45 female, from seven different states; Indiana, Illinois, Ohio, Kentucky, Wisconsin, Georgia and Florida. People traveled quite a ways to come and participate in our event. The kid's triathlon was an awesome sight. Mr. Latchford's kids participated and Mr. Kienitz hopes they had as good a time participating as he did watching. There were 50 kids in the kid's tri, 24 male and 26 female, all from Indiana and Illinois. Mr. Kienitz stated Sunday was a whole different animal; they had a total of 203 individuals that participated in Sunday's event and six relay team. Participants could do the short course or the long course; the short course was a little more bearable but you would still need to train quite a bit to finish it; it was a .65 mile swim, 18 mile bike and 4.5 mile run. The long course was a 1.25 mile swim, 36 mile bike and a 9.3 mile run. This is actually greater than the Olympic distance. This is in between Iron Man and Olympic. Mr. Kienitz stated there were 113 participants in the short course and 83 in the long course. There were 154 males and 56 females. Mr. Kienitz stated there were a wide range of States that were represented; Indiana, Michigan, Illinois, Ohio, Arkansas, Florida, Iowa, Kansas and New York. Mr. Kienitz stated he

was very pleased. He has been on the message boards reading feedback of the race, the route, how we handled everything and the show we put on. Mr. Kienitz is very confident we will grow in numbers. Mr. Kienitz reported Mr. Latchford finished 2nd in his age division for the Triathlon. He did an outstanding job and Mr. Kienitz appreciated his participation. Mr. Kienitz stated many people stayed in hotels in Michigan City and the surrounding area. Mr. Kienitz stated we definitely brought people to this area which is another positive for an event of this nature. Mr. Kienitz stated he really had a good time promoting, planning and hosting this event and was very pleased with how everything went from our staff at the Park Department to the volunteers that came out; we had over 200 volunteers that came out for the weekend from different community groups. Mr. Kienitz thanked the Park Board for supporting this event and Mr. Donoghue for all the help with the contract and getting all that straightened out, Mr. Doyle for help and advice as far as having a festival type of event down here in Washington Park, his insight was greatly appreciated. Mr. Kienitz stated we couldn't have done this without the Michigan City Police Department, so thanks to them, they went way above and beyond the call of duty to help us out and assist us. Mr. Kienitz stated he really looks forward to 2009 and the planning process is starting next week. Mr. Kienitz will keep the Board posted. Mr. Kienitz stated at the end of the report is a letter from Jason Sands, the Director of Sports Development at South Shore Sports, who sent a very nice letter to Mayor Oberlie giving his congratulations and thanks to the Park Department and the City for allowing them to come in and host this with us.

Mr. Freese stated Jason Sands and Jeremy Kienitz did a great job and with a year to plan, next year will be bigger and better so congratulations, you guys did a great job in a short period of time.

Mr. Latchford thanked Mr. Kienitz noting it was a huge effort on his part to pull this thing off and he did a great job. Mr. Latchford asked if we have an exclusive time period now to negotiate for next year.

Mr. Kienitz stated we will negotiate in the next few weeks; we'll get their feedback and they will hear our feedback and some things we would like to see changed and see if this is something we want to pursue with the same outfit.

Mr. Donoghue complimented Mr. Kienitz on his negotiation and organization with the Town of Beverly Shores and the Town of Long Beach. Mr. Donoghue stated he has had to do that sort of work in the past and he knows how difficult it can be and he appreciates Mr. Kienitz's success; it is not easy and he did a fine job.

Mr. Latchford stated coordination between the communities, participants, spectators and police was fantastic; these things just don't happen; it is obvious you did quite a bit of work to pull it off so thanks again.

Mr. Kienitz stated he received a phone call from the Purdue North Central Softball Coach and they use Patriot Park as a home field for their softball games for the University. They have a double-header coming up on October 11, 2008 and they are interested in putting on a cancer walk fundraiser using the walking path at Patriot Park to give back to the American Cancer

Society. They are asking for use of the walking path only. Mr. Kienitz has had a conversation with Mr. Donoghue and they are covered at Patriot Park through their liability insurance they have on file with us for using the fields for softball. They just wanted the Board's approval for this event. Mr. Kienitz recommended the Board approve the request.

Mr. Milcarek stated that would be fine but Streibel Pond also has a walking path if they want to do that in the future.

Mrs. Eason stated they are trying to do the walk with their double-header.

Mr. Kienitz stated the walk would be simultaneous with their games; people would be walking while the game is going on. They will also be providing fruit and water to the participants. They want to make a day of it, making some money for the program as well as raising money for the fight against cancer.

Mr. Latchford asked if there is any need for a special event lease.

Mr. Donoghue stated no, they aren't asking for any accommodations other than the use of the walking path and they have liability insurance to cover them for any problems or injuries that might occur. This is just a simple matter of your approval.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the request from Purdue North Central to host a fundraising walk for the American Cancer Society at Patriot Park on Saturday, October 11, 2008.

Mr. Donoghue reported there are three properties he is working on right at the moment to get finished and he is embarrassed to say he does not have the leases for two of them who have promised to get them to us and those are for the properties at 1426 Lake Shore Drive and 1802 Lake Shore Drive. Mr. Donoghue stated these two property owners are represented by Attorney Hale; he has indicated they have the documents but they haven't turned them back in yet. It has been at least two meetings ago that Mr. Donoghue mentioned them, or possibly three. Mr. Donoghue stated it is his intention to issue a letter to Mr. Hale telling him that by October 16, 2008, the Board's next meeting, we will either have the lease and check in hand for both of those properties or Mr. Donoghue will present a resolution to this Board to file lawsuits against those two property owners. Mr. Donoghue stated the third property owner at 1214 Lake Shore Drive, is in the hands of Mr. Greci and Mr. Donoghue believes he will have that wrapped up or he will be recommending that a lawsuit be filed on that property unfortunately. That is the property where Mr. Donoghue has reported Mr. Greci has tried to be in contact with the property owner and he is not getting any response.

Mr. Latchford asked Mr. Donoghue if he anticipates a resolution on the October 16, 2008 date for the 1214 Lake Shore Drive property.

Mr. Donoghue stated yes he does. Mr. Donoghue stated he is sorry he doesn't have the leases on the 1214 and 1802 Lake Shore Drive properties because he understood we would have them.

Mr. Milcarek stated he knows we are going to get these all under lease one way or another and the longer they put it off, the larger the bill is, it just keeps compounding.

Mr. Donoghue stated yes, there is no advantage for them to not do this. Mr. Donoghue stated one property owner at 1426 Lake Shore Drive, had a baby at the end of July or the first part of August and Mr. Donoghue knows that changed things, but here we are at the first part of October so he thinks we could get that one squared away. The one at 1802 Lake Shore Drive is the one we discussed and the one he received authority to handle that and have done that but we don't have that lease back yet. Mr. Donoghue will send a letter to Attorney Hale about those two properties that we will have those in hand or he will be presenting a written resolution to this Board on October 16, 2008 to file a lawsuit.

Mr. Milcarek asked how we look on the remaining ones.

Mr. Donoghue stated he thinks there are three of them that Mr. Donoghue needs to follow up on and he is trying to do these in stages.

Mr. Latchford stated the encroachment report is much better as far as the detail and the status.

Mr. Donoghue stated that is thanks to Mrs. Eason, she's very good at that.

Mr. Donoghue stated he has contacted Baker and Daniels, regarding the Michigan City Area Schools contract, and they are in the process, as we have requested at the last meeting, to proceed with drafting of the legal papers to file a lawsuit; they haven't completed that yet but Mr. Donoghue is anticipating that will not go any further than our next meeting. Mr. Donoghue stated, as he indicated, what we would like to do is present those drafts to the Board to review and comment on and we can do that without being at a public meeting or we can do it at a public meeting. Mr. Donoghue stated he would like to get those into the Board's hands and then have them individually call him with comments or questions.

Mrs. Eason stated Marquiss Electric has submitted pay request no. 2 for the Washington Park Electric Project-Phase I; it has been certified by the Architect Tom Offerle and it is before the Board for approval.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached pay request no. 2 for the Washington Park Electric Project-Phase I submitted by Marquiss Electric.

Mrs. Eason stated Marquiss Electric has submitted pay request no. 2 for the Washington Park Electric Project-Phase II; it has been certified by the Architect Tom Offerle and it is before the Board for approval.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached pay request no. 2 for the Washington Park Electric Project-Phase II submitted by Marquiss Electric.

Mr. Latchford introduced Resolution No. 657 setting the salaries for 2009 Park Department employees; this was tabled from the last meeting.

Mr. Donoghue stated it would be well to mention that, as we know, there is a vacancy in the Superintendent position. Mr. Donoghue asked Mrs. Eason if the figure listed on our budget for next year the figure the old Superintendent was being paid.

Mrs. Eason stated it is.

Mr. Donoghue stated it is very likely that figure will not be the actual salary because we could expect that a newer Superintendent would not be paid at that high level.

Mrs. Eason stated that is correct; that figure is a cap. Mrs. Eason mentioned, upon the advice of City Controller John Schaefer, all of the salaries and hourly wages are the same as 2008; we are not expecting raises for 2009 so we did not reflect raises on this salary order.

Mr. Latchford reported in regard to the Superintendent's position we are going to advertise a range and make all candidates fully aware that there is a salary range involved.

Mr. Donoghue stated, as we are speaking of that, he hopes the Board will be planning to send out ads for the various magazines that we have at Parks and Recreation to try and indicate the position open for person who might want to move to Michigan City that have good park and recreation experience.

Mr. Latchford stated Mrs. Eason has already done that and we have gotten some responses.

Mrs. Eason reported we have received four responses from the National Recreation and Park Association. Mrs. Eason reported we are also advertising on the Indiana Park and Recreation website which is a free service because we are members.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached Resolution No. 657 Setting Salaries for 2009.

Mrs. Eason stated an addendum to the Personnel Policy Handbook was submitted to the Park Board. This is a change in language to clarify how our non-seasonal part-time employees would accrue sick days. Mrs. Eason stated apparently the City is doing it differently than we have done it in the past. Kim Petrick is our new payroll clerk and she has come across a few things that didn't quite make sense to her. We have encouraged her to not to just do things the way they have been done in the past but, rather, take a look at things and if there is a discrepancy, discuss that with Mrs. Eason and Mrs. Dunleavy and work it out. Mrs. Eason stated the policy Mrs. Petrick came up with is fair to our part-time employees and it is the way City Hall is paying their

employees so it is consistent. Mrs. Eason highly recommended the Board pass the policy on sick benefits giving part-time employees 4 hours of sick time per month instead of 2 hours. Mrs. Eason stated she believes this came about because our Senior Center Aides work 4 hours days and half of that is 2 hours. Our part-time people in the Park Office work 8 hour days, 3 days per week so their half day would be 4 hours. To clean it up, the policy stated they would get ½ the time of a full time employee, which is 4 hours so Mrs. Eason suggested the Board approve that policy.

Mr. Latchford asked Mrs. Eason if this just gets us to conform to the rest of the City in regard to the sick pay policy.

Mrs. Eason answered that is correct.

Mr. Latchford asked Mrs. Eason to define part-time.

Mrs. Eason answered non-seasonal part-time work between 20 and 24 hours year round. Mrs. Eason stated she believes if you work 45 weeks or less you are considered seasonal part-time and over 45 weeks you are a non-seasonal part time employee.

Mr. Latchford asked if someone worked 19 hours per week if they would not qualify for sick pay.

Mrs. Eason stated that is correct.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached addendum to the Personnel Policy Handbook.

Mr. Latchford stated he liked the administrative edict to challenge and question existing policies, he thinks that is great.

Mr. Kienitz stated he would like to start advertising, promoting and taking registrations for the youth basketball league for January through March of 2009. Mr. Kienitz stated all fees are standard and the same as they were in 2008; \$50 per participant; \$75 for two; \$80 for three; and \$90 for four or more additional family members residing in the same household. Mr. Kienitz reported \$20 per game will be paid for game officials and \$8 per game will be paid to the scorekeepers. The fee is \$250 for team sponsorship. Mr. Kienitz recommended approval of the youth basketball league fees and rules.

Mr. Freese asked Mr. Kienitz when a participant signs up the parents or guardians sign the Code of Ethics and do we keep that on record.

Mr. Kienitz stated that is correct; once they sign up we retain that and they get a copy of the Code of Ethics to keep with them.

Mr. Freese stated so they know the Code of Ethics the program is run by so if there is a breach or a violation of that they have already signed that they have read that, whether they did or not.

Mr. Kienitz stated correct.

Mr. Freese asked if we have anything similar to that for the participant. Mr. Freese stated he sees we have The Fundamentals of Sportsmanship but is there anything that the kids sign.

Mr. Kienitz stated in the youth league they don't sign but in the adult league they sign a waiver that states that as such. Mr. Kienitz stated he would be willing to do that for the youth league if the Board recommends it.

Mr. Freese stated some of the young kids couldn't even read it all.

Mr. Kienitz stated this league is for 6 to 15 years old.

Mr. Freese stated the parent has to sign then because they are a minor.

Mr. Latchford stated what may be appropriate is to have another bullet point that says the parent will review the Code of Ethics with their child.

Mr. Latchford stated we discussed the standards for youth sports with Resolution 660 we had in front of us and this is what we are talking about; getting everyone on the same page and establishing principles that everyone can abide by.

- **On a motion** made by Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached fees, rules and Code of Ethics for the 2009 youth basketball league with the additional point that the parent will cover this with the participant.

Mr. Latchford stated we have the Coaches Code of Ethics and Mr. Latchford assumes they sign a similar document and we keep a copy and they get a copy, is that correct.

Mr. Kienitz stated that is correct.

Mrs. Eason presented Resolution No. 661, transferring money in the Zoo Concession Fund, to the Board for approval.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached Resolution No. 661 transferring money in the Zoo Concession Fund.

Mrs. Eason presented Resolution No. 662, transferring money in the Maintenance Fund, to the Board for approval.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached Resolution No. 662.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved city claims filed on account of appropriations for the Parks and Recreation Department in the amount of \$39,172.07.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved Payroll #20, 09/07/08 through 09/20/08, in the amount of \$60,328.83.

Mr. Milcarek read the following minor transfer into the minutes:

PARK MAINTENANCE DECREASE

1301-0805-01-411.001	Salaries and Wages	\$2,000.00
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PARK MAINTENANCE INCREASE

1301-0805-01-411.016	Overtime	\$2,000.00
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- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved payment out of the Zoo Endowment Fund in the amount of \$228.20.

Mr. Milcarek reported invoices totaling \$67,177.50 were paid through the October 6, 2008 Board of Works meeting.

Mr. Milcarek reported charges totaling \$1,554.55 were charged to the Park Department credit card.

Mr. Freese commented his is glad Mr. Donoghue brought up John Pcsion. Mr. Freese knew Mr. Pcsion for a long time; he did a great job and was very reliable; he was Mr. Lifeguard and the physical fitness nut around here.

Mr. Latchford mentioned at the last meeting we thought Mrs. Eason would do a good job in her role with the team up here and we have not been disappointed whatsoever and everything up in the office has continued to run smoothly so thank you very much.

Mr. Donoghue stated he agrees with Mr. Latchford and also looking at the calendar, the Oktoberfest is coming up on October 11 and 12, 2008 and Mr. Doyle is finally going to get a break from all of the things that he does which are amazing for the City and for the wonderful fun times we have, especially here in Washington Park and Mr. Donoghue hopes everyone has a chance to enjoy the Oktoberfest.

Mr. Donoghue reported on Hispanic Heritage Day which was last Saturday. This was a first year event and they had a really nice set up. Mr. Doyle commented on the Park Department and

stated he doesn't know of any department that works as hard as they do to do the right thing and still make work fun; it is nice to see people such as Mr. Kienitz getting involved in some of these things and working together to make it happen. Mr. Doyle stated when people say there is not much to do it's because they really don't want to do anything. Mr. Doyle told Mr. Kienitz to keep up the good work and one of these days Mr. Doyle will be looking for him when he gets ready to retire.

Ms. Barb Malewicki thanked Mrs. Eason and Mr. Kienitz stating they do a terrific job.

- **On a motion** made by Mr. Freese, supported by all members of the Board, there being no further business, the meeting was adjourned at 6:11 p.m.

Shannon L. Eason, Acting Superintendent
Michigan City Park Department

Tom Milcarek, Secretary
Michigan City Park Board

Attachments to the October 2, 2008 Park Board meeting:

1. Splash Park Equipment Bid Summary Dated September 29, 2008
2. Washington Park Lifeguard End of Season Summary 2008
3. TriAmerica 2008 National Triathlon Series Tour Report
4. Encroachment Status Report Dated October 2, 2008
5. Pay Request No. 2 for Washington Park Electric Project-Phase I Submitted by Marquiss Electric
6. Pay Request No. 2 for Washington Park Electric Project-Phase II Submitted by Marquiss Electric
7. Resolution No. 657 Setting Salaries for 2009
8. 2009 Youth Basketball League Fees and Rules
9. Resolution No. 661 Transferring Money in the Zoo Concession Fund
10. Resolution No. 662 Transferring Money in the Maintenance Fund
11. Claims Docket Allowance for Vouchers Dated October 2, 2008

Minutes prepared by Shannon Eason