

The Michigan City Park and Recreation Board met in regular session on Thursday, February 1, 2007 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. McKee, Latchford, and Mr. Freese (3)

Absent: Mr. Milcarek (0)

Also present were: Darrell Garbacik, Park Superintendent; Patrick Donoghue, Park Department Attorney; Joe Doyle, City Council Liaison; Shannon Eason, I.T. Manager; Dean Price, Haas & Associates; Dick and Ann Schaeffer, Residents; Barb Malewicki, Resident; Darren Westphal, Maintenance Director; Jeremy Kienitz, Recreation Director; Johnny Martinez, Zoo Director; Amanda Haverstick, The News Dispatch; and Andre Steele, ALCO-TV.

- **On a motion** made by Mr. Freese, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved the minutes of the January 11, 2007 Park Board meeting.

Mr. Garbacik reported that Mr. Milcarek had every intention of making it here this evening but he called about a half hour ago and his wife is ill so he won't be here. Mr. Garbacik reported that all City employees including all of our employees participated in some EEOC training. Mr. Garbacik felt the training went very well and he had the pleasure of having in his class Shannon Eason and Tara Miller from our Department and their performance was so outstanding, not just recognized by himself but by their fellow classmates and the instructor, that he felt it was a great idea to name them as co-EEOC officers for our Department. Mr. Garbacik reported that he provided correspondence to the Board in regard to the ongoing zoo building and property line issues with the Water Department. The simplest report he can give is that there doesn't seem to be much progress so we'll consult in the very near future with the Board, Mr. Donoghue and the Mayor on what our next best step might be in regard to that. Mr. Garbacik asked the Board for their preference in regard to concessions for the year 2007. Mr. Garbacik stated that the zoo will be covered because we will run that in house again. Mr. Garbacik thinks that it went relatively well at the zoo and it will be much better next year because some of our up front equipment costs and such will not need to be repeated so he is optimistic that things will go well there. Overall, Mr. Garbacik is pleased with our Washington Park concessionaire Mr. Juan Valdez of

Super “C” Concession. Mr. Garbacik believes that Mr. Valdez was pleased as well with his first year run in Washington Park. At Patriot Park, of course, we had Michiana Resources once again and we have a pretty good partnership with that organization. A minor consideration would be the skate park where we have vending machines. Mr. Garbacik reported that at this point he is not pleased with that operator and the Board will receive more information about that at a future meeting but basically we haven’t seen him yet to turn over his portion so Mr. Donoghue and Mr. Garbacik will pursue that. Mr. Garbacik recommended that we go ahead and request proposals for Washington Park, Patriot Park and the skate park and see what comes in. Certainly Mr. Garbacik said that he could give a bit of a preference if we were entirely happy with any particular vendor that he has mentioned. Mr. Garbacik thinks that would be our best course of action and he thinks that it would be a good idea to get that advertised and start rolling now.

Mr. McKee asked Mr. Garbacik to refresh his memory because as he has talked to different people regarding concessions and the reason that they don’t bid on them is because it is difficult to get up and started not knowing if you will get the contract the following year. In terms of having more than a one year lease, do we run into a problem technically or legally?

Mr. Garbacik stated that the contract that they do sign gives the Board the prerogative to renew their lease year after year if they are happy. They know that when they bid and we explain that to them.

Mr. McKee stated that he understands that but they are looking for a two year lease because we also have the prerogative to not renew the lease and that becomes the problem.

Mr. Garbacik deferred to Mr. Donoghue stating that he doesn’t see a legal problem if that is how we specify it in the request for proposals.

Mr. Donoghue stated that is correct. We would be in what is called the bidding process which if you remember has a little bit of a different requirement to it but it is the same effect, in other words, with the bidding process you could go out two or three years and the bidders could be guaranteed that they would get two or three years. The problem there is that you don’t know, unless you have someone who has a track record to come in from some other location, or some other context, you don’t know how their performance will be and it is a little bit sticky if you have guaranteed them three years and in that first year they really mess it up. You do have the legal right to do it.

Mr. McKee stated that he would like to see us extend it out there and build some parameters where we do have an out for under performance if that is possible.

Mr. Donoghue answered yes, it is.

Mr. Latchford asked if we could allow prospective bidders to propose one, two and three year contracts.

Mr. Garbacik answered sure.

Mr. McKee stated that is what he would like to see, giving them the option and that might just draw some better quality into the system. We won't know unless we try and if we don't like it we don't have to approve the situation anyway.

- **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board allowed Mr. Garbacik to prepare requests for proposals for concession operations for 2007 and to accept proposals for one, two and three year contract terms.

Mr. Garbacik pointed out that we do have a semblance of shelf ice out on the shore and Mr. Kienitz will cover that briefly under Director's reports. Mr. Garbacik reported that last night he and Mr. Kienitz along with members of the Michigan City Soccer Club had our first quarter meeting for 2007 and it went very well and the main highlights are that they are hoping to purchase in 2007 a new fleet of goals. They don't know if they can take care of every single field that they operate, that will be based on funds, but that is good news. The current goals that are out there have been there for a while and some are in disrepair so in anticipation then of the new soccer area opening, hopefully they will have new goals. We also agreed that a building of some sort in that area that could accommodate some storage, restroom facilities and possibly concessions would be the number one priority capital wise for that area in 2007. Mr. Garbacik reported that the Board received the 2006 Annual Report which he is very pleased and proud of, not only because of its contents and what was achieved last year but because of the nice job that each and every respective Director did in assembling their information. Mr. Garbacik stated that it was really interesting to go into rewind and to relive last year and the thing that stands out in his mind the most as well as most of the staff and probably everyone that is in this room who was around for it was the August storm which was quite a doosie. Mr. Garbacik showed a news report that his wife taped that focused on the damage in Washington Park. Mr. Garbacik stated he picked that report to show because obviously it showed our hard working maintenance crews going at it along with prisoners and some other departments as well as County and State help. Mr. Garbacik stated that the storm is well reflected in his report and you will see various references to it by Directors. Mr. Garbacik stated that speaking of the storm, and we have had this observation for some time and he looks for direction from the Board on this issue, and it has to do with the old zoo wagon. A few years ago, Rag Tops Museum wanted to take possession of that to refurbish it and use it as a display and unfortunately the rehab never occurred and in fact it remains as it has been since they took outside getting worse and worse. Mr. Garbacik stated that this ties in with the storm because he heard a story that the wind took the wagon and sent it on its way and one lady shared a story that she was driving down Washington Street and the zoo wagon passed her and apparently the water stopped it and it is alright. Initially the original bell that was on it had been stolen and we had a report on that. Mr. Garbacik stated that in any event he doesn't believe that the spirit of the agreement and certainly the black and white parameters of it are being met and Mr. Garbacik suggested that we get that back and maybe find a way to rehab it and he thinks that it would look really nice in the zoo as part of the nostalgia of the zoo so Mr. Garbacik looks for the Board's guidance on what we should do there. Mr. Garbacik stated that certainly he and Mr. Donoghue could draw up a letter and do whatever needs to be done.

Mr. Freese asked how long Rag Tops has had the wagon.

Mr. Garbacik answered about three years.

Mr. McKee stated that he would just pick up the phone, stop by there, or give them a call and say here is the situation; we would love to have it back to preserve it ourselves and put it back in the zoo. Obviously, maybe they have not had the time or the money to do it so maybe there is a very simple resolution to it.

Mr. Garbacik and Mr. Donoghue agreed that would be fine and that should work.

Mr. Freese asked if we are talking about fixing it up to keep an animal in it.

Mr. Garbacik stated that no, it would be used more as a static display or maybe even used in the parade like it used to be.

Mr. Garbacik reported that the Michigan City Parks and Recreation Department received a very nice honor and was distinguished with an award at the Indiana Park and Recreation Association's State Conference late in January down in Indianapolis at which Jeremy Kienitz and Laura New attended. Mr. Garbacik had planned to attend but some priorities changed for the Department so he stayed here. We won an "Outstanding Park Development" award for the Trails and Greenways Systems. Mr. Garbacik stated that in 2006 we won an "Outstanding Facility" award for the new zoo gift shop and entry plaza. Mr. Garbacik stated that we are very please with the award and that Ms. Miller has prepared a press release that will go out tonight to the media. Mr. Garbacik stated that last weekend he attended the NSA/BPA Zone Conference in St. Louis, Missouri. Mr. Garbacik stated that it was a very good session and he received some more information on our Girls Fast Pitch World Series which is coming up for us, Patriot Park, Michigan City and the tri-county area here in Northern Indiana in July 2007. Mr. Garbacik stated that he is very pleased and even honored to report that we will be hosting the 12 and under age division which history shows is the division to have. That is the division to get and this is a testimony to not only our facility but more importantly our programming, the way we manage events and that sort of thing. Mr. Garbacik stated that at a future meeting he will share with the Board a new and revised version of the Baseball Player's Association rule book and if you look at the code of ethics that are within the BPA rule book you will find a striking resemblance to the Michigan City Parks MCUBO code of ethics for players and coaches. It is an honor to be involved with that organization especially at an administrative and decision making level. Mr. Garbacik stated that Mr. Kienitz was supposed to attend with him but he was ill and had to bow out and Mr. Garbacik tried to get Mr. McKee to attend as well because he is an umpire and unfortunately he wasn't able to make it. However, they are going to get some recognition tonight. Mr. Garbacik reported that Mr. McKee was recognized at our awards banquet at the Zone Conference for the "Baseball Player's Association North Central Zone 110% Award for Umpiring". Mr. Garbacik presented a plaque to Mr. McKee. Mr. Garbacik reported that Mr. Kienitz not only received an award but it is a first for the organization in that he was named the "Baseball Player's Association North Central Zone Director of the Year". This is the first time that someone other than a State Director in the organization has won this award so this is quite

prestigious and a testament to Mr. Kienitz's hard work. Mr. Garbacik congratulated Mr. Kienitz and presented him with a plaque. Mr. Garbacik thanked Mr. McKee and Mr. Kienitz for their hard work when we are in season and stated that he is very proud to have you recognized. Mr. Garbacik stated that he has no vandalism to report but he has some relatively positive vandalism news to report to you in that in a previous meeting we reported that we had some paintball enthusiasts go a little crazy out at the skate park and thanks to the security system and the staff's hard work and the Police Department, those vandalizers were apprehended and arrested. They will not only have to pay financial restitution but he was informed by Darren Westphal that they are also paying part of their debt to society at our zoo and hopefully what they are doing isn't fun.

Mr. Latchford asked Mr. Garbacik to give a status report on the Maintenance Department analysis.

Mr. Garbacik reported that Mr. Kutch has relatively recently needed some more information and Mr. Garbacik believes that he has since received that from maintenance. Mr. Garbacik reported that in the interim, since the Board retained his services, he also took on a new position at Culver so he is juggling a whole bunch right now, but Mr. Garbacik is expecting to get that relatively soon.

Mr. Donoghue reported that he has a couple of items under pending litigation to report to the Board. First, on the Northern Indiana Communications case he thinks the Board will recall that at our last meeting he reported on this litigation which is in the discovery stage and that means the exchanging of documents and information which is related to the issues that are in dispute between the Park Department and Northern Indiana Communications. Mr. Donoghue mentioned the request for admissions that were given to the plaintiff. Those have now been answered. Mr. Donoghue has given copies to Mr. Garbacik and they will be reviewing those as we go forward toward the depositions that are going to occur here in the near future. Mr. Donoghue will keep the Board advised regarding that. Mr. Donoghue reported he has good news regarding the case of Robert Brown vs. The City of Michigan City. If the Board will remember that is the case in which Mr. Brown was banned from any activity and from coming to our park system based on conduct that had been observed and also based on the fact that he had been convicted previously of child molestation. Mr. Donoghue reported that the good news is that the time has expired for the ALCU to seek any further review by the United States Supreme Court and they did not seek to have the Supreme Court review the case and so the American Civil Liberties Union has decided not to take this case any further. Mr. Donoghue stated that believe it or not that means that this case is now at an end; there is nothing further and it now stands as previously decided and this Board and the Park Department are now vindicated officially and legally, as you have been all the way along during the various legal actions and appeals. If you will recall in each stage in this action the law supported the actions that you had taken regarding Mr. Brown and banning him from our parks and playgrounds. Mr. Donoghue stated that a lot of hard work and expert legal representation has been given to us by Attorney Robert Keen and he is of the Fort Wayne firm of Carson Boxberger, LLP and Mr. Donoghue will be sending him a letter on behalf of the Park Department and the Board commending him on his professional excellence and for the victory that he has achieved on our behalf.

Mr. Latchford stated that he remembers on CNN or one of those newscasts that this was given National attention and many of the experts were saying that this was just the grandstanding of a local government and had no chance and no leg to stand on so this is gratifying. Mr. Latchford stated that he is sure that it will never come up again in the National media.

Mr. Donoghue stated that those of us Hoosiers who kind of consider ourselves country lawyers often take a victory at the expense of some of these big city people and it always surprises them every time and that always surprises Mr. Donoghue.

Mr. Garbacik stated that he doesn't know about the lack of anymore National exposure though in that this set precedence now for a lot of other Boards to make a similar decision. Right here in Indiana, Lafayette had a similar situation and Mr. Garbacik stated that over time he has actually received requests for the information, the case renderings and such, from as far away as Los Angeles.

Mr. Donoghue stated that he has as well from Attorneys and that will continue because this is a developing area of the law, as we all know, and there will be the usual call that he gets from an Attorney from Los Angeles or New York who will want to know some of the background and some of the little nitty gritty items that don't get into the published reports of the case and so it is of interest to be able to help them. Mr. Donoghue stated he always gets the calls, of course, from the Attorneys who are representing the towns or cities and he is happy to give them whatever help he can.

Mr. Garbacik introduced Recreation Director Jeremy Kienitz to give a brief safety update about the ice shelf and presented a press release to the media on that topic.

Mr. Kienitz reported that for most of you who are frequent visitors to Washington Park you have noticed now that we have shelf ice starting to form out on our beautiful lakefront. Mr. Kienitz stated that he would like to take a little time to educate everyone stating that it is very dangerous to go out and walk on the shelf ice; as beautiful as it is you might think that it looks like a big sled hill, and eventually it will look that way, it is not a sled hill. It is very dangerous. There are air pockets in there and it can give way at any time and we want to make sure that the public is well informed of the danger of that shelf ice. Mr. Kienitz stated that as Mr. Garbacik had mentioned he has a media release tonight and hopefully that will be printed in the paper to notify the public here in Michigan City and in the surrounding communities as well as any visitors that come here that it is a danger and it presents a very bad situation if anyone were to go out and walk on it.

Mr. Garbacik added that we do have signage posted in the area advising patrons of the danger. Mr. Garbacik stated that if you can imagine, we have enough problems managing beach emergencies or water front emergencies during the summer months when the severe elements aren't involved and with the ice cold temperatures and the temperature of the water if someone were to go through your chance are just nil and the Coast Guard would be the only one that could try to get you but it is just bad news so hopefully common sense will prevail.

Mr. McKee asked Mr. Kienitz if we do any type of communication with the school system on this so that they can get the word out.

Mr. Kienitz stated that he hasn't done that in the past but that is a good idea and he will take that approach.

Mr. McKee stated that he would think and hope that the school system would want to help us with this issue. We would hate to have to look back and say we should have done that.

Mr. Kienitz stated that he would contact the schools tomorrow to see what he can do to get something out to all of the students.

Maintenance Director Darren Westphal reported that they had a pretty rough year at maintenance in 2006. The year started off with a lot of construction with the Lake Shore Drive and Water Department projects and with helping out at the zoo while they got ready for major improvements there. We also had spring cleanup and our day to day operations. From there we went right into the storm. Mr. Westphal stated that he hadn't seen the video that Mr. Garbacik showed and it was very interesting. Mr. Westphal stated that since then we have worked really hard trying to catch up while we set up the Holiday Lights, this was eight weeks of getting the displays out, fixing them, installing them and maintaining them for the five weeks. We had a record time getting them down this year. It took three days to take them down and put them away. The weather helped and our staff teamwork helped most of all. During that time when the Holiday Lights were up and running we winterized all of our buildings and facilities out through the outlying parks. We removed a lot of rocks and gravel at Patriot Park and backfilled with some dirt and started to seed until we ran out of good weather. We went to Gardena Park, Water Tower Park, Oak Hills, and Memorial Park and cleaned up the leaves this year. This is one of the first years that we were able to accomplish that; the Holiday Lights take so much time it is hard to do leaves, but we were able to get that accomplished and this was due to the warm weather as well. At Gardena we are starting some improvements that Mrs. Eason has worked hard on, the new camera system. Maintenance built, in house with Ted Poplawski who just recently retired, a 6' x 6' building that matches the existing restroom building. Mr. Poplawski did a really good job on that. Maintenance has installed 410' of cable to the light poles for the camera system. We ran electric into the new building and installed a 24' 6' x 6' post in concrete to mount the cameras on. We added electricity for extra lighting to light up the basketball courts as well as the other side of the playground equipment so the cameras will work better at night. We started to cut the timbers for the perimeter of the park. There will be three to four hundred 8' x 8' posts installed there. Mr. Westphal reported that they worked on the Senior Center floor which we have always contracted out in the past. We stripped and waxed the 9,000 square foot floor. It took two days using our own staff on regular time, we didn't do it on the weekend, Ms. Miller announced months ahead that we would be closing the Senior Center down for two days, which we did. The last time the floor was cleaned by an outside vendor it cost \$2,700.00 to clean. We bought some equipment to clean the floor and with the equipment, labor, wax and stripper it cost us \$2,248.00 which saved us \$451.00. The next time we clean the floor we won't

have to purchase the equipment so it will cost us \$1,151.00 which is a savings of \$1,549.00. Mr. Westphal noted the \$2,700.00 price was from 2003 so it is probably higher now.

Mr. Garbacik stated that he would like to add to Mr. Westphal's report because the staff also discovered when we did use the outside vendors, although we thought, and they were supposed to strip the previous wax all the way down, we found some areas where that never even occurred so it was actually done properly using our own staff and the Seniors have recognized that as well as the Senior Center Director. Mr. Garbacik put a thank you letter to the Maintenance Staff from the Senior Center Director in the Board's mailboxes tonight. Mr. Garbacik thanked Mr. Westphal for a great job on that project.

Mr. Westphal reported that now that they have the equipment that they purchased, they can do routine maintenance on the floor instead of contracting that out which in 2003 cost us \$250.00 per month. We are trying to juggle our hours to do this since it is rented out on most weekends. Our custodial staff might have to work noon to 8:00 p.m. two days per week to take care of the floor. Mr. Westphal stated that they have been working on the picnic tables that were in the Tennis Shelter. They have been completely sanded down and varnished. They installed (82) 8' x 8' posts at Pullman Park outlining the parking lot. The angles still need to be cut on the posts. Mr. Westphal stated that they worked on the Muntjac Exhibit at the Zoo, rewiring and installing outlets. Maintenance is currently working on getting equipment ready for spring clean up and as you can see there is sand everywhere in the park. They are working on garbage cans; they haven't been painted in three years and they are trying to get up to 400 garbage cans this year to accommodate special events. They are working on another parking lot booth similar to the one that they built for the Amphitheater lot which was built in the winter then hauled to park and set on a concrete pad. The new booth will be similar to that booth but it will have a 10' x 30' awning that goes over the road. The awning will be 14' 9" tall so semi trucks can drive underneath it. It will have really nice lighting so the people taking money at night will be in a well lit area. It will have a lit area for signs and advertisements. The building project is about a third of the way completed. The new Maintenance Handyman is taking the lead on that project and so far he is doing a really good job. Mr. Westphal stated that they got the shop ready for the seasonal people that will be coming in and we have been working with the Patriot Park crew to get things ready for the upcoming season. Mr. Westphal stated that if it weren't for his staff working so hard and the teamwork of the department it wouldn't be possible to complete all of these tasks so hats off to all of his staff.

Mr. McKee commented that it is very evident that Mr. Westphal takes a lot of pride in the Park and it flows right back through all of your workers; you do a great job. Mr. McKee stated that Mr. Westphal mentioned one example, and that is exactly what it was, just one example, of thinking through a problem and saving the City money, and that is the Senior Center floor. Mr. McKee stated that he doesn't think that we can let it pass either that in 2005 the Maintenance budget was cut by \$200,000 so you were able to keep pace with all of the new things that we have put in, the different parks that we have built, the attractions at the parks, as well as keeping the neighborhood parks in great shape and if you carry that number forward just five years that is one million dollars less that you had at your disposal to use in the park system yet you still do a

very good job. Mr. McKee stated that Mr. Westphal and his staff is to be commended for that; great job.

Mr. Freese stated that a lot of the things that Mr. Westphal and his staff does really go unnoticed by the public and a lot of it is taken for granted and the minute that something gets omitted then they jump on your back but you do a great job improvising in many, many ways and without those skills the money would be awfully tight; not that it isn't now. Mr. Freese asked Mr. Westphal to tell his crew congratulations for doing a great job.

Mr. Garbacik commented that Mr. Westphal has not received the final annual report yet but it summarized Mr. Garbacik's thoughts and he read from the report "I cannot stress enough how proud and appreciative I am towards the attitudes and production of our hard working Maintenance Director Darren Westphal and his staff. Whether a major construction project or simply assuring that our restrooms remain clean for our patrons, there is no question that this Department, although never directly generating revenue through it's own budget lines, are the primary reason we are able to generate most of the revenue that we do throughout practically all areas of this Park Department. The Maintenance team flat out works their tails off to maintain our parks while constantly being called on to fix every unanticipated condition that arises and are consistently asked to participate in special major projects, not only throughout the entire park system, but frequently are asked to take on special projects all over the City. 'We can't do it' has no place in the Park Maintenance lingo or philosophy and I would not trade this group in for anything as they are simply the best." Mr. Garbacik thanked Mr. Westphal.

Mr. Donoghue stated that he is working on two encroachments but they aren't ready tonight; they should be ready at the next meeting.

Mr. Garbacik reminded the Board that he gave them a heads up at the last meeting that a Change order on the North American Carnivore Exhibit would be coming. Mr. Garbacik reported that the premise of this Change order is to address a safety concern, not for staff per say, or the animals, but perhaps young visitors to the Zoo in that on the upper level of the new North American Carnivore Exhibit there is an opportunity for an ambitious person that wanted to, to actually climb up on the artificial rock outcroppings and get behind the glass paneled areas and then in the worse case, fall into the exhibit so between Haas & Associates and the Park Staff and Mr. Martinez we have come up with a very good solution that will not only add very much to the aesthetics of the exhibit while at the same time it will remedy this problem and at the same time do it very cost effectively. The Board should have received a rendering of what we are talking about and proposing and with that Mr. Garbacik asked Mr. Price to answer any questions that the Board may have.

Mr. McKee asked Mr. Price to run through the drawings.

Mr. Price showed two drawings; one looking at the exhibit straight from the back and the other shows looking at it down from the top. Mr. Price stated that there are areas where you could climb up the rocks, even though they are the correct height for building railings and stuff, you could climb up them. Those rocks will be built up higher and then there is an area where the

planters are and that is where we show adding fencing so that people can't climb over the planters and get into the exhibit. The fencing will have a gate so that the Zoo staff can attend to the plants and such. The drawings were submitted by the Architect to the Contractor and they have submitted a price of \$16,044.00 to do this work in the same style as the rest of the rock work with a fencing style to match the fencing at the front gate of the new entry of the Zoo. Mr. Price stated that the work would be done by the same Contractor that did the rest of the rock work and he believes that he wants Ideal Railings to mount and put in the gating and fencing.

Mr. McKee asked if this would limit the viewing much from the original plans.

Mr. Martinez answered that no, it does not, in fact it encases the glass viewing areas so you are still able to see into the exhibit and also he wanted to make sure the Board was aware of the fact that the work can be done with the animals inside the exhibit, so this will not hold us back from moving the Bears into the exhibit. This will enhance the exhibit.

Mr. Garbacik stated that he would like to throw out one more simple analogy to get an understanding of what we are trying to accomplish here. Mr. Garbacik stated that Mr. Price mentioned this, and we discussed this even in our meetings with Mr. Donoghue and Tim Larson from Larson-Danielson, and Mr. Garbacik wants to make it clear for the record, that the exhibit and the design and the heights and such all meet the correct specifications of the building industry and that sort of thing. However, we then recognized that that was not good enough because someone could still get up there, in particular an ambitious youngster, and we want to err on the side of preventative maintenance and caution and loss prevention. One of the options that we discussed is just spending a couple of bucks to put a sign up there that says "don't climb on the rocks". The analogy is this; we put signs out on the lakefront all summer long that the lake is closed, it is dangerous, there are rip currents, we fly the red flag, and you could die out there, and although we got lucky last summer and that is thanks to our Lifeguards, and there were no drownings, we still lose life in Lake Michigan regardless of posting the signage. Mr. Garbacik just thought he would add that for the Board's consideration and the public's as well.

Mr. McKee asked if we would wait until spring to do this.

Mr. Price answered yes. They had also submitted a cost of \$3,630 if we told them to go out there and do it now in the winter and they proposed doing this later so that that \$3,630 wouldn't apply.

Mr. Martinez reported that the individual also said that he could possibly have this done within an approximate two week time period.

Mr. McKee asked if that would be done in mid or late March or in April.

Mr. Price stated that it would be completed before the opening day of the Zoo.

Mr. Garbacik stated that the completion date is listed as March 30th or March 31st.

Mr. Martinez stated that they could come in and free form it and then wait for two good days to spray.

Mr. Latchford asked if the costs would fit into the parameters of where we stand.

Mr. Garbacik answered that yes, fortunately this project, although very difficult and complex, has went very well with minimum change orders; this is the fifth one. One of the change orders actually reduced our costs and another of those five change orders had no monetary ramifications, rather it extended time so within the starting dollars that we had we will be able to pay for and accomplish this change order so we will not need additional funding for it.

- **On a motion** made by Mr. Freese, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved the attached Change Order No. 5 for the North American Carnivore Exhibit.

Mr. Garbacik reported that the Board received a Non-Collusion Affidavit for himself. Mr. Garbacik stated that this is done annually by himself and it has to do with him serving as the State Director for Indiana for the Baseball Player's Association. Attached to the affidavit is the layout of what sort of fees are involved and basically Mr. Garbacik serves as a clearing house or a middle man for certain organizational fees where funds are sent to him and he breaks them down; he gets one check and sends three off. Mr. Garbacik stated that as recommended by our Attorney and maybe even required by the respective codes referenced here we annually submit this for the Park Board's approval and then Mr. Donoghue makes sure that it gets filed with the County Clerk and with the State of Indiana State Board of Accounts.

Mr. McKee introduced Resolution No. 630 dealing with the copying of public records.

Mr. Donoghue stated that this policy is recommended for adoption by the State of Indiana to Municipal organizations such as the Park Department. Also, the Mayor has suggested adoption of the policy. It is based on the requirements of the Statute which is cited in the policy and Mr. Donoghue has been able to prepare it and present it to the Board today. Mr. Donoghue recommended that the Board table it to the next meeting so they can take a look at it and if there are any questions on how it will work we can discuss it at that time; this is not an urgent matter for tonight.

Mr. McKee commented that he just briefly looked at it and he wants to know if we are using any other government entity as a benchmark for the price that we are charging for a copy.

Mr. Donoghue explained that that price was actually adopted by this Board about four or five years ago or maybe even longer and at the time it was, in fact, recommended by the City Controller's Office so that is why it is in there.

- **On a motion** made by Mr. Freese, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved the attached Non-Collusion Affidavit for Darrell Garbacik.

Mr. Garbacik presented the 2007 Municipal Band rehearsal and concert schedule and recommended its' approval.

- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached 2007 Municipal Band rehearsal and concert schedule.

The Board agreed to table Resolution No. 630 to the meeting of February 22, 2006.

Mr. McKee reported that we need to correct a couple of resolution numbers because we passed a couple of items that already had resolution numbers out there so he asked for a motion to change Resolution No. 624 approving the 5-year Park Master Plan to Resolution No. 628.

- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to change Resolution No. 624 approving the 5-year Park Master Plan to Resolution No. 628.

Mr. McKee stated that we had the same problem with Resolution No. 625 honoring Ted Poplawski and that Resolution needs to be changed to Resolution No. 629.

- ❑ **On a motion** made by Mr. Latchford 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 \$95,555.49 and in the amount of \$50,114.11.
- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved payment out of the Zoo Endowment Fund in the amount of \$2,694.94 and in the amount of \$16,044.80.

Mr. Latchford reported that invoices totaling \$46,121.98 and \$638.04 were paid through the Board of Works.

- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved Payroll #2, 12/31/06 through 01/13/07, in the amount of \$41,059.89.

Mr. Latchford advised the Board that invoices totaling \$821.10 were charged to the Park Department's credit card.

Mr. Freese congratulated Mr. McKee and Mr. Kienitz on their awards noting that they are very prestigious.

Mr. Latchford congratulated Mr. McKee and Mr. Kienitz on their awards. Mr. Latchford thanked Mr. Westphal for coming tonight stating that the Maintenance Department is almost like an offensive line, they do their job and they go unnoticed and it is nice to come here and hear

everything that gets done; it brings it to the forefront. Mr. Latchford thanked Ms. New and Mr. Kienitz for summarizing their experiences from the conferences that they go to.

Mr. McKee asked Mr. Westphal to carry tonight's comments back to his staff meeting. Mr. McKee stated that the Maintenance Department does a great job with what you are given to work with; you have a lot of property to take care of and you help other City Departments as they help us, but you are kind of always there and as Mr. Freese said when one thing goes wrong you notice but the 125 things that you do right, no one says a thing, so make sure you carry that back to your group, you do a great job.

Mr. Donoghue echoed the comments about Mr. Westphal and his crew and also congratulated Mr. McKee and Mr. Kienitz for their achievements and awards.

Mr. Doyle stated that he can't say any more than what everybody has already said; it is really nice with all of the negative things that you hear to come here and sit at a meeting and listen to all of the positive things and this should be carried out into the community to other areas to let them know that we get a lot done here in a positive way; keep up the good work.

- **On a motion** made by Mr. Latchford, supported by all members of the Board, there being no further business, the meeting was adjourned at 5:58 p.m.

Darrell L. Garbacik, Superintendent
Michigan City Park Board

Tom Milcarek, Secretary
Michigan City Park Board

Attachments to the February 1, 2007 Park Board meeting:

1. Press Release "Outstanding Park Development" Award for Trails and Greenways Master Plan
2. Press Release on Dangers of Shelf Ice
3. Change Order No. 5 for the North American Carnivore Exhibit
4. Non-Collusion Affidavit for Darrell Garbacik
5. 2007 Municipal Band rehearsal and concert schedule

Minutes prepared by Shannon Eason