

**The Michigan City Park and Recreation Board** met in regular session on Thursday, February 21, 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, Milcarek and Mr. Dabney (4)**

**Absent: None (0)**

**Also present were:** Darrell Garbacik, Park Superintendent; Patrick Donoghue, Park Department Attorney; Joe Doyle, City Council Liaison; Shannon Eason, Director of Administrative Services and Special Projects; Jeremy Kienitz, Recreation Director; Jenny Heath, Douglas Pawloske, Jeff Studtman, Chris Willoughby, Jim Webb, and Mike Lamb, Trail Creek Baseball League; Tim Haas, Haas & Associates; Andre Steele, ALCO TV; and Jason Miller, The News Dispatch.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the minutes of the February 14, 2008 Park Board meeting.

Mr. Garbacik reported City Forester Frank Sileheimer was not able to make tonight's meeting. Mr. Sileheimer was going to give the Board an update on trees and a controlled burn program for the Fedder's Alley area. Mr. Sileheimer will come to a meeting in March. Mr. Garbacik reported he received a request pertaining to our baseball tournament fees for Patriot Park. Mr. Garbacik reported this is pretty standard procedure. Mr. Garbacik received a request for a baseball organization that would like to bring every age group they have which is 9, 10, 11, 12 and maybe 13 and 14. This will be at least four teams in each age division and they inquired about a quantity discount which a lot of complexes and tournament directors will grant. Mr. Garbacik asked the Board to entertain the request and approve a team quantity discount for organizations that bring four or more teams to participate in a tournament at Patriot Park. The discount would be \$50.00 per team off of the entry fee.

Mr. Freese asked what the cost would be after the discount.

Mr. Garbacik stated \$350.00 per team is the standard fee so the discounted rate would be \$300.00 per team.

Mr. Latchford asked if the teams would have to be from the same group or association to get the discount.

Mr. Garbacik stated yes, that is exactly correct.

Mr. Latchford asked if many teams would qualify currently.

Mr. Garbacik answered no. This is a rare situation but we have had a program in Illinois that brought several age divisions and now a group from Michigan is requesting the discount.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved a \$50.00 per team discount for organizations bringing more than four teams in an age division to participate in a tournament at Patriot Park.

Mr. Donoghue reported there is one encroachment lease before the Board tonight for approval and that is for the Carey property at 1622 Lake Shore Drive, Michigan City, Indiana. The lease is in proper form and has been submitted to the Board for approval and signature. Mr. Donoghue stated at the last meeting the Board adopted a policy which determined a two tiered effort to complete the lease and that has been put forward and the Board received a copy of the letter sent to the remaining property owners.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approve a the attached Encroachment Lease with Mr. Thomas F. Carey for the property at 1622 Lake Shore Drive, Michigan City, Indiana 46360.

Mr. Latchford reported, regarding the Michigan City Area Schools contract, the negotiations are ongoing and hopefully will be fruitful and we can get beyond this point as soon as possible.

Mr. Donoghue reported the Board will recall the work that was performed in Washington Park by the Water Department has been performed on property under the jurisdiction of the Park Board and that has to do with the water intake pipes. Mr. Donoghue stated as the Board will remember the project requires the Water Department to go outside the traditional area of their boundary of their easement somewhat. Mr. Donoghue reported this easement has been drafted and presented to you tonight for your review. Mr. Donoghue has also sent a copy to the Water Department and their Attorney and he is hoping that it will be finalized and approved and ready for the Park Board to sign at the next meeting.

Mr. Donoghue reported as the Board will recall the proposal from dh2w, the Architectural and Engineering firm in Michigan City, was submitted to the Board at a meeting in January, 2008 and tonight a contract has been prepared and approved by the Contractor, dh2w, and signed by Roger Potratz. Mr. Donoghue stated this is the standard consulting contract form we use and is identical to the contract we approved for SCO Engineering for the electric project. This relates to the need to upgrade and stabilize the Guy Foreman Amphitheater in Washington Park. Mr. Donoghue asked the Board to approve the contract tonight.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached Contract for Architectural and Engineering Services for the Guy Foreman Bicentennial Amphitheater with DH2W, Inc.

Mr. Garbacik reported the Board received a revised fee approval request for MCUBO fees. Mr. Garbacik has exciting news to share with the Board and he will ask the Board for formal approval to proceed. Mr. Garbacik stated this pertains to youth baseball in and around Michigan City. Mr. Garbacik stated the Board may recall a handful of years ago the Park Department became more actively involved in actually running the youth baseball programs or offering youth baseball programs as opposed to simply providing field space to various other groups that ran programs, and there were many at that time, five or six as a matter of fact. Mr. Garbacik stated part of the original goal at that time was to try to bring as many of the groups together under one umbrella to have a greater amount of teams per division instead of a multi-segregated situation where in some instances there were only two teams in an age division. Mr. Garbacik reported we made some early strides with that. The Coolspring Athletic Association, Stars Baseball and the Park Department merged to form the Michigan City United Baseball organization. Mr. Garbacik stated at that time we had also invited I.C. Baseball to the table and we also had a meeting with the Trail Creek Board. Mr. Garbacik stated Trail Creek is its own Town and has its own Park Department and had a very well established and successful program and it still does. Mr. Garbacik stated over the past couple of weeks the MCUBO and Trail Creek Baseball Boards came to the table and we are proposing a merger of the two organizations. Mr. Garbacik stated that is where the amendment for fees comes in and we will have more information to share after the Trail Creek Town Council meeting tomorrow where the request will be made to that Board for field use and this merger. Mr. Garbacik stated they are asking the Park Board to approve the merger tonight. Mr. Garbacik stated we will share fields, regardless of the age division, and merge into two Boards within a Board; one catering to recreational play which will include girl's softball and a challenger league softball program and one for travel and all star baseball. Mr. Garbacik reported he invited some fine folks here tonight and recognized them and introduced them to the Park Board and noted these are the folks that have been and will continue to work hard. Mr. Garbacik introduced Doug Pawloske, one of the original members of MCUBO. Mr. Garbacik asked Mr. Willoughby to introduce the folks from the Trail Creek program.

Mr. Willoughby introduced Jim Webb, a member of Trail Creek's Board, stating he has been very instrumental in keeping the girls softball program alive through age division 14U; Jenny Health came on board last year and has worked to establish the Challenger League and she is an exciting part of this united effort we are talking about; Jeff Studtman has been involved in Trail Creek for a long time and is currently a Town Council member. Mr. Studtman supports these efforts and certainly has been around a lot longer than Mr. Willoughby. Mr. Willoughby introduced Mike Lamb who is their Baseball Commissioner and part of their Board and the Park Board in Trail Creek. Mr. Clarkson will be instrumental in having a position on their Board. Mr. Willoughby stated Brian Studtman could not be here tonight but has been very instrumental and a long standing member of the Trail Creek community.

Mr. Garbacik acknowledged Jay Hickson from the MCUBO side of the fence who will contribute to the merged Board as well as Tony Drzewiecki. Mr. Garbacik stated they are very excited about this. Mr. Garbacik turned the conversation over to Mr. Kienitz and asked him to explain why we are asking for the fee amendment.

Mr. Kienitz stated he would like to amend the fees for the youth baseball league to \$50 per participant, 80 for two participants and \$100 for 3 or more participants in the same family. Mr. Kienitz stated those fees are standard with Trail Creek's fees and we want to keep it uniform. Mr. Kienitz stated our previous fee structure was \$50 for one participant, \$75 for 2 participants, \$80 for 3 participants and \$90 for four participants in the same family. Mr. Kienitz stated they are asking for the Board's approval on the registration fee being waived for kids of Board members.

Mr. Garbacik added, for the purpose of our records, in the spirit of doing what is best for kids and in the spirit of cooperation and working together there will be two identities but with the same mission and purpose. Mr. Garbacik has informed the group that has been meeting that we hope to rotate schedules and fields and there would be no rental fee charged to the division that would involve persons in Trail Creek; we are in this together.

Mr. Freese commented being a baseball fan all of his life he is glad to see we are coming together rather than letting egos get in the way. This will be a great advantage for the kids as they will have more competition between teams and this is good for the community because we are working together. Mr. Freese stated this is a job well done and he is glad to hear it.

Mr. Latchford asked if fees would be waived for children of MCUBO Board members and Trail Creek Board members.

Mr. Garbacik answered that is correct.

Mr. Latchford welcomed the Trail Creek Board and teams and stated this is exciting because the children are the big winners. Mr. Latchford stated it is exciting to see these groups come together which was the original intent of bringing all the community baseball leagues together; this is great.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached revised fees for MCUBO Baseball.

Mr. Kienitz presented fees for Jazzercise and reported Courtney Brennen, a teacher at Michigan City High School approached him to host another session of Jazzercise. Mr. Kienitz stated they have the Michigan City High School auditorium stage reserved through the Plant Planning Department and she is looking at running two different sessions, March 3<sup>rd</sup> through March 28<sup>th</sup> and April 7<sup>th</sup> through May 2<sup>nd</sup>, on Mondays and Wednesdays, after school from 2:50 p.m. to 3:50 p.m. The class fees are \$35 per person for one session or both sessions for \$60 per person. Ms. Brennen will receive 80% of the class fees.

Mr. Latchford asked if we offered this class before.

Mr. Kienitz answered Ms. Brennen offered the class in the fall and winter of 2007 and it was very successful.

- **On a motion** made by Mr. Dabney, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached Jazzercise fees.

Mr. Garbacik reported the Board may recall the Rock Garden renovation is part of the Washington Park Master Plan. Mr. Garbacik reported in addition to that an appropriation was made for some capital improvements in Washington Park by the Mayor and City Council for the Rock Garden. Mr. Garbacik reported we have also received an Indiana Preservation Grant to begin the analysis necessary to remediate and refurbish the Rock Garden which is one of the most beautiful areas that came from the WPA era. Mr. Garbacik stated before the Board tonight is a proposal from Haas & Associates for the initial study phase for the Rock Garden rehabilitation. Mr. Garbacik introduced Tim Haas of Haas & Associates and asked him to give the Board an update on the first meeting and where we will be headed next.

Mr. Haas reported they held scope meeting which was attended by Darrell Garbacik, Darren Westphal and Dale Enquist on January 11, 2008 to talk about the Rock Garden project and go through a wish list of what they would like to see accomplished by the project. Mr. Haas stated during the meeting they came up with a list of that we would all like to get accomplished at the Rock Garden. Mr. Haas stated the scope grew and he is not sure if the budget will allow for all of those items to be handled so he proposed to Mr. Garbacik that Haas & Associates conducts a feasibility study to take a look at those items and come up with some preliminary designs and cost estimates and then meet again to pare down that list to items that will fit in the budget. Mr. Haas stated the proposal before the Board tonight is for the preliminary engineering analysis of the different options and cost estimates so we can budget the project and determine what he scope should be. Mr. Haas stated when we have a more defined and clean scope we will offer the Board a proposal for engineering services to design that scope.

Mr. Latchford asked Mr. Garbacik if the grant we received would pay for the whole preliminary engineering analysis.

Mr. Garbacik answered it would pay for a portion of it. Mr. Garbacik reported the grant was in the amount of \$2,000. Mr. Garbacik reported we have \$125,000 in capital improvement dollars for the project.

Mr. Latchford asked Mr. Garbacik and Mr. Haas to go over what some of the ideas are for the Rock Garden.

Mr. Haas stated first and foremost is to restore the Rock Garden so it functions. Mr. Haas stated some of the pools leak and there is restoration work necessary for the historic masonry and that is the first primary objective, to get the Rock Garden in a condition where it works. Mr. Haas stated right now the system that sends the water through the Rock Garden has failed; the

recirculation system has freeze damage and the pipes are broken. Mr. Haas stated the first objective is to get the water running and get the pools to hold water. Mr. Haas stated there are different options and what type of recirculation system to use and whether to use well water or city water and some of those things will be looked at and costs will be compared, both immediate costs for constructing these improvements as well as long term costs to look at how those will affect your decision. Mr. Haas stated other items including restoring the water wheel, restoration of the water fall area, restoration of the planter island in pond three; historically there was a planter in pond three and that was removed some time prior to 1991. Mr. Haas stated they are looking at underwater lighting for aesthetic improvements to the pools as well as path lighting around the pools and restoration of the nearby paths and benches; there is damage to the paths and benches. Mr. Haas stated they would possibly add irrigation for the flower beds that surround the garden and look at maintenance issues such as a hidden pavement system; there is one called grass pave, because there are heavy trucks from the Sanitary District that come in there once a year to vacuum out the ponds in the spring. Mr. Haas stated they discussed access paths and electrical systems.

Mr. Garbacik added this is where the scope became large in that we were initially thinking we would fix the Rock Garden and get the water running again and that sounded simple enough at the time but as we met and began to bring items into the discussion, like many things those structures go back to the mid 1930's and the WPA era, and what we will probably end up doing is completely abandoning the pipes that are in there now; there are leaks all over the place. Mr. Garbacik stated if we are going to invest we should take the approach that this probably won't be worked on for another 100 years so let's do it right.

Mr. Latchford asked what the timetable is for completion of the preliminary study.

Mr. Haas answered a month and a half.

Mr. Latchford asked Mr. Haas if he would anticipate that would allow the work to be completed this summer.

Mr. Haas stated he thinks so; some of this work can't be done in the cold weather so it would have to be finished by November 15<sup>th</sup> or somewhere in there. Mr. Haas thinks if we move quickly we could meet that date.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached proposal submitted by Haas & Association for consulting engineering services for the Rock Garden/Stone Pond Rehabilitation Project.

Mr. Garbacik reported he is asking the Board for approval tonight to issue a Notice to Bidders for the new golf cart fleet which was suggested and has been approved by the City Council for 2008 capital improvements for our golf course. Mr. Garbacik stated we are asking for approval to issue the notice as well as approval of the bid specifications. Mr. Garbacik reported both of the documents were provided to the Board. Mr. Garbacik reported he spent a lot of time on the specifications packet and researched the Indiana Codes and Mr. Donoghue will add a suggestion.

Mr. Donoghue recalled the last time we did this was in the 1990's. Mr. Donoghue stated Mr. Garbacik did a super job on the specifications. Mr. Donoghue stated things have advanced a little bit from those days in terms of a bid request like this and specifications but Mr. Garbacik did an excellent job. Mr. Donoghue has reviewed the documents and checked the statutes that pertain to this and he can recommend they be approved without any hesitation. Mr. Donoghue reported the Statute does require that the Board adopt a policy for four items. Mr. Donoghue asked the Board to remember this is for purchases that would exceed \$150,000 in the cumulative item list. Mr. Donoghue stated we expect that will be true here in terms of the need to replace these golf carts and of course it requires competitive bidding. Mr. Donoghue stated there are four items he would like the Board to consider and adopt tonight as the policy we will be using going forward. Mr. Donoghue stated the first item is a bid bond and he knows the Board has experience with requiring bid bonds when it comes to construction projects. This would be a bid bond for this kind of proposal and it can be allowed to be a smaller amount and Mr. Donoghue would recommend the Board adopt a policy requiring a bid bond of 2.5% of the bid. If this were a \$200,000 project this would result in a bid bond of \$5,000 and of course the bidders have to purchase the bond and submit it with their bid or they may submit a certified check for that amount. This is not an amount that will cause anybody any trouble but the Statute recommends it and Mr. Donoghue asked the Board to set the amount at 2.5% of the bid amount. Mr. Donoghue reported the seconded item is the policy to allow discussions to be conducted with the bidders after the bid opening basically for clarification. Mr. Donoghue stated, of course, there is no activity here that would change the amounts of the bids but there are two ways to approach this; one is there will be no discussions with bidders and the second way is that discussions may be conducted and this would be by Mr. Garbacik. Mr. Donoghue stated sometimes, when there is a consultant involved, the consultant would be doing that. Mr. Donoghue stated the third item comes into play with this particular kind of purchasing project and it is the question of confidential matters that might become part of the bid such as trade secrets or manufacturing processes. Mr. Donoghue state by adopting this part of the policy it allows the bidders to feel freer about their bids because they are allowed, in this part of the policy, to label parts of their bid they want to remain confidential and they will not be disclosed to anyone such as the public, the other bidders or anyone else. They are for your evaluation only and they feel safe on that basis. Mr. Donoghue stated the final item is to require a performance bond that ensures after the bid is awarded and the contract is entered into that the bidder that gets the award will actually follow through and then provide the golf carts and this will protect your investment in awarding the bid to any particular contractor you choose. Mr. Donoghue stated those are the four things he would ask the Board to approve tonight; the bid bond of 2.5%, allowing discussions to be conducted with the bidders after the bid opening for clarification, allowing bidders to withhold from the public confidential matters such as trade secrets, and requiring a performance bond.

Mr. Latchford asked if there is a limit on the performance bond.

Mr. Donoghue answered no because the performance bond says if for some reason they wouldn't be able to supply the carts the insurance company that issues the bond would get those carts from somewhere else and you continue to pay and receive them, they would just come from somewhere else.

Mr. Latchford asked, in regard to the bid bond, what protection it provides to us.

Mr. Donoghue stated remember it is like a construction project. The bid bond requires that someone who gives you a bid has to follow through to actually sign the contract. It is a way to provide financial information about bidders so you don't have someone who is a broker who thinks this could be a great deal, would get the bid, and then try to find the golf carts; this eliminates that kind of situation.

- ❑ **On a motion** made by Mr. Dabney, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached bid specification for golf carts including the bid bond requirement of 2.5%, allowing for discussion with bidders after the bids are opened, a confidentiality clause and the requirement of a performance bond.

Mr. Garbacik reported this past Tuesday was the due date for the proposals for concession services at Patriot Park. We received two proposals. Mr. Garbacik asked the Park Board to review the proposals and noted they will be on the next agenda. Mr. Garbacik asked the Board to award a contract at the next meeting, if after analysis, we feel we have a responsive proposal. Mr. Garbacik reported the Board received a rough draft of the 2007 Annual Report. Mr. Garbacik asked the Board to review the report and report any errors bring up any questions to Mrs. Eason or himself. Mr. Garbacik would like the Board to formally approve the 2007 Annual Report at the next meeting. Mr. Garbacik reported Indiana Code requires this Board to provide an annual report to the fiscal body and after the Board's approve we shall submit the report to the City Council.

- ❑ **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 \$42,613.43.
- ❑ **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 \$19,560.72.

Mr. Milcarek reported invoices totaling \$24,185.03 were paid through the February 19, 2008 Board of Works meeting.

Mr. Milcarek reported \$1,235.21 was charged to the Department's credit card.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved Payroll #4, 01/27/08 through 02/09/08, in the amount of \$43,686.39.

Mr. Milcarek commented his father was born in 1893 and was around 40 years old when the Rock Garden was built and he used to tell his children stories about how he was very

instrumental in building the little house and the water wheel so Mr. Milcarek is pretty excited that it is being restored.

Mr. Freese stated he remembered his family bringing him down to the concerts as a small child and the Rock Garden was one of the highlights. Mr. Freese wished good luck to the merger of baseball teams; it is great you have all put the time in and are working for the kids in the community.

Mr. Latchford echoed Mr. Freese's comments and wished baseball organizations good luck.

Mr. Doyle commended the baseball groups for working together. Mr. Doyle reported the City Council meetings will be held at 6:30 p.m. from now on.

- **On a motion** made by Mr. Freese, supported by all members of the Board, there being no further business, the meeting was adjourned at 5:44 p.m.

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Darrell L. Garbacik, Superintendent  
Michigan City Park Board

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Tom Milcarek, Secretary  
Michigan City Park Board

Attachments to the February 22, 2008 Park Board meeting:

1. Encroachment Lease – Thomas F. Carey, Esq., 1622 Lake Shore Drive
2. Notice to Property Owners Regarding Lease Fee Increase for Sheridan Beach Encroachments
3. Encroachment Status Report
4. Contract for Architectural and Engineering Services for the Guy Foreman Bicentennial Amphitheater with DH2W, Inc.
5. Revised 2008 MCUBO Baseball Fees
6. 2008 Jazzercise Fees
7. Haas & Associates Proposal to Provide Consulting Engineering Services for the Rock Garden/Stone Pond Rehabilitation Project
8. Bid Specifications for Golf Cart Purchase

Minutes prepared by Shannon Eason