

**The Michigan City Park and Recreation Board** met in regular session on Thursday, May 17, 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, Milcarek and Mr. Freese (4)**

**Absent: None (0)**

**Also present were:** Darrell Garbacik, Park Superintendent; Patrick Donoghue, Park Department Attorney; Joe Doyle, City Council Liaison; Shannon Eason, I.T. Manager;

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the minutes of the May 3, 2007 Park Board meeting.

Mr. Garbacik offered public appreciation and thank you to Mr. Mario Rosa. Mr. Rosa has recently performed for the Park Department a complete and thorough translation of our park rules and in particular for the new signs to go in Washington Park. We have adjusted the rules as per the changes and adjustments that the Board has recently made with our park rules and in particular here in Washington Park. Mr. Rosa did a word for word translation and made sure that it was grammatically correct and he also offered two really good suggestions. We had some pleasant verbiage on the Ruby Woods signs that was lacking on the other signs and he suggested that we add it to the signs and Mr. Garbacik then also added it to the English side of the signs. Mr. Garbacik definitely wanted to thank Mr. Rosa; that turns into tedious work and we certainly do appreciate it. Mr. Garbacik reported that this weekend we will be hosting out at Patriot Park our 1<sup>st</sup> BPA tournament of the year. This is one of Mr. Garbacik's favorites and it is the Karstens Umpire Appreciation Tournament. A new positive twist that was added to it is that it will be a scholarship tournament. Two young players this weekend will win \$500 scholarships and that works through the National BPA Program and our Northern Zone where they provide two \$500 scholarships. The organization provides \$250 and we match that with \$250. This sends a good message that academics come first and that they should think about higher education and that sort of thing. Mr. Garbacik stated that he would like to update the Board on the new soccer area at Patriot Park. It is coming in very nice. John Pavy from Haas and Associates has been working closely with Hydroseed, Inc. who came in last fall and put the seed

down. The Board may recall that part of that contract called for them to come out this spring no less than two times to overseed and make any adjustment that might need to be made and they have not only done that but they have been out more than twice. You might also notice that our big soil stock pile hill has diminished quite a bit because they have went over there and brought in additional top soil where we felt it was necessary. It is coming in very well and both Hydroseed, Inc. as well as John Pavy are very please with where it is now and by fall it will look even better. In fact it should look great if things progress as they are today. It will be interesting for us on a maintenance level because we will have twenty three more acres of grass to mow out there. The first mowing will be coming shortly. All in all things are going well with that new area and the new home for soccer. Mr. Garbacik stated that we have some vandalism to report. At Gardena Park a young individual basically took a rock and beat the door on the restroom building. We were able to capture some of that on the new cameras out there; however, we were not able to identify the young person. We are going to take some steps to help improve that process. Yesterday we discovered that someone had shot out the window on the door of the Lot #1 parking booth with a b-b gun. We were not able to capture that on camera but as always, and as was the case not too long ago at Gardena, we call on the public to keep their eyes and ears open and if you do see any sort of suspicious activity or something that makes you look twice, please call the police for us and have them check it out. We are still running into some minor graffiti and issues like that that do nothing but waste time and cost money and take us away from doing other things that we would prefer to do to help maintain the parks.

Mr. Milcarek stated that several people have approached him about the condition of Ruby Woods; there are a lot of trees down in there. Mr. Milcarek asked Mr. Garbacik if there are plans to work in there.

Mr. Garbacik responded that Maintenance Director Darren Westphal will be giving a report tonight. Mr. Garbacik can tell the Board that the Maintenance Department has been working very hard just to keep up with mowing grass and we are still in spring clean up mode. Mr. Garbacik deferred the question to Mr. Westphal.

Mr. Westphal answered that his crews were out there about two weeks ago and cut up some small stuff and they will be back out there.

Mr. McKee asked if all of our cameras are time and date stamped.

Mr. Garbacik answered that yes, they are.

Mr. McKee asked what time the vandalism occurred at Gardena Park.

Mr. Westphal reported that it happened during a picnic around 3:42 p.m.

Mr. McKee suggested that we post notices that say that at 3:42 p.m. this is what happened and if you have any information call us and put these on the restroom doors.

Mr. McKee referred to the exterior outer rim of the soccer fields at Patriot Park and asked if that is being seeded as well as the playing fields. His concern is that we will have a great playing area and everybody standing around watching is in either mud or weeds. Mr. McKee asked if that has been taken care of.

Mr. Garbacik stated that has not been taken care of at this point but that will be something that we are going to want to take care of in house. That wasn't an area of focus by Hydroseed, Inc. Mr. Garbacik has recognized that and agrees that it doesn't look very good right now.

Mr. McKee asked if anything is being done to the other areas out there; is the farming done all together or is somebody farming those fields still.

Mr. Garbacik answered that the farming has headed toward Highway 421 and he anticipates that the farmer will want to continue there.

Mr. McKee asked if there is no longer any farming in the northeast quadrant.

Mr. Westphal stated that the farmer plans on growing hay there this year.

Mr. McKee stated that is not a problem; he just wondered what was going to be around that soccer field because people will be standing around there watching the kids play and we don't want them in the hay fields.

Mr. Garbacik stated that there will be plenty of spectator areas in the new area because of how the soccer fields are placed. The spectators will be in the new area but to a certain extent outside of that it is still nasty and they will be traversing that to get to and from those areas.

Mr. McKee asked Mr. Garbacik to make sure that it is remediated to allow for getting to and from the fields; not that they can't but on a wet day it could be a problem.

Mr. Freese reported that he attended the Zoo Society Board meeting last week and he has a couple of items that he would like to pass along. The Zoo-B-Que will be held June 16, 2007 from 5:30 p.m. to 8:30 p.m. Tickets are \$15 for adults and \$10 for children and they will have a raffle and some entertainment. Mr. Martinez reported at the meeting that Wilson Landscaping Development, Inc. from Rolling Prairie donated a total cost of \$3,429.30 of plants, shrubs and trees and there were volunteers from Timberland and Countryside Student Ministries. The volunteers planted over 300 items to enhance the beauty of the zoo. It was really a nice job and that was quite a sum of money that Wilson Landscaping donated.

Mr. Donoghue reported in regard to litigation that the Northern Indiana Communications case has a development which is scheduled for next Monday and that is the taking of the deposition of the President of that organization which means that the Trial Attorneys for the Park Department, Braje and Nelson, will be putting Mr. Babich under oath and questioning him in detail regarding the project that resulted in defective equipment being installed here in the park. Mr. Garbacik

will be invited to attend and to assist Attorney Elizabeth Flynn. That will take place next Monday afternoon and there will be a report on that at your next meeting.

Mr. Donoghue reported regarding the Johnson Death Case, this is the case of the unfortunate young man who drown in Trail Creek harbor. The Attorneys that are handling that for the Insurance Company contacted Mr. Donoghue and they are requesting some background regarding the authority in that area. The Board will remember that Millennium Park was turned over to the Park Department in December of 2004. That occurred after this incident of the drowning and as the Board knows at the time of the incident of the drowning that park was under the jurisdiction of the Port Authority and they are also involved in the law suit of course and their Insurance Company, which is a separate Insurance Company, is defending the Port Authority against the claim of negligence. Mr. Donoghue will have to locate the documentation that relates back to the original granting of the property to the City and pass that along to the Attorney who is representing the Park Department. This is a routine development in the litigation.

Maintenance Director Darren Westphal reported that he would like to give the Park Board an update of what they are accomplishing since his last report in January. They have been trying to catch up from the construction the previous year. Mr. Veden started his painting program and he has completed the Lot#2 bathroom which was completely repainted inside and outside and all of the stalls. That was the first time in three years that those restrooms have been painted so it was way overdue. The Lot#1 restrooms didn't need quite as much work. He painted a couple of walls there and repainted the floors. The Dodgem Building and JC Stage were damaged in the ice storm that we had and he is almost done repainting those. The Maintenance Department is well on their way with spring cleanup and they are approximately 80% done with that. They removed over 1,400 yards of sand which doesn't include the beach area that they are currently working on. The outlying parks are approximately 75% complete with spring cleanup; they have all been mowed once and the regular mowing crew for the outlying parks has been hired and is ready to go. Four outlying parks have been mowed twice. The snow fence has been removed from the beach and we have started cleaning the walls. The Port Authority has removed their snow fence as well and Park Maintenance will be teaming up with them to get the far west side of the beach cleaned by the pier and that will start the first of next week. The Washington Park sign program is well underway. Phase I of the program was in Fedder's Alley where 15 "no backing in", 17 "no dogs", 5 "no alcohol beyond this point", and 8 "no parking" signs were installed. Along Lake Shore Drive from the far end of Fedder's Alley to the Zoo new "no parking" signs were installed. On the road going up to the Senior Center "two way traffic" signs were installed today. In Fedder's Alley and in Lot#1 we installed "no glass containers" signs. They are now working on a map and inventory of all of the signs in the park that will be distributed to the Park Office and the Police Department. The Lot #1 ticket booth is approximately 95% complete. The old ticket booth was 6' x 9' and had no insulation in it. It only had 20 amps of power and we used 3,000 watts to light a 200 square foot area which wasted quite a bit of power. Those bulbs had to be changed every six months. The new ticket booth was designed by the guys in the Maintenance Department. It is a 10' x 14' building with R30 insulation in the roof and R12 in the walls. The inside is paneled and a ceiling was installed as well as hard wood floors. The hardwood floor was actually cheaper than vinyl. The electric was upgraded to 100 amp service. There are twelve 100 watt lights in the canopy that goes over the

road which provides protection from the sun and rain for our employees. There are 1,200 watts of lights in the canopy and they are fluorescent so they actually only use 276 watts compared to the 3,000 watts used last year. We met with a person at the Old Bandstand for a consultation. The new lighting covers a 576 square foot area.

Mr. Garbacik added that the consultation was with Jack from All Phase Electric and he didn't charge us for the consultation. Mr. Garbacik thanked All Phase Electric.

Mr. Westphal reported that each light has 23 watts of power and they are rated for 8,000 hours so we should get roughly 5-6 years out of the bulbs instead of changing them twice each year. The Maintenance crews hauled 32 yards of black dirt and spread it where the tree stumps were from the storm last August. Playground equipment was installed at the zoo for the new Otter exhibit. Mr. Westphal wanted to try a new rubberized mulch at that playground; he found some in west Chicago and went there to pick up 10,000 pounds of the rubber mulch. Mr. Westphal stated the mulch is really nice. Mr. Westphal stated that they are working on routine maintenance at this time.

Mr. McKee commented that he thinks the Maintenance Department does a great job. The park system has grown in acreage over the past 7 to 10 years; this has been a large percentage of increased land and the manpower has not increased. Mr. McKee told Mr. Westphal that he does a great job keeping up with everything.

Mr. Westphal stated that Mr. Garbacik, Mr. Veden and himself interviewed candidates as a team. The new people we hired hit the ground running and they are amazing so that has really paid off. Mr. Westphal stated that they are about 80% done with preparing equipment for the summer season.

Mr. Donoghue reported that there are two encroachment leases that are being prepared and will be ready for approval by the Park Board. The leases have been negotiated and they are ready for submission to the Park Board at the next meeting. There are a number of others that we are working toward finalizing and he expects to have those done during the summer. Mr. Donoghue stated that he does not anticipate litigation although it is always possible but we think we will be able to work through these issues without incurring any litigation. Mr. Donoghue stated that he will keep the Board advised as that continues. Mr. Donoghue stated that, regarding the lease agreements and the annual rent for encroachments for the persons who are leasing property in Sheridan Beach, the annual rent may be adjusted upward by the same percentage as the increase in the Consumer Price Index for the past five year period using the month of June 2002 as a base and comparing it to the CPI for May of 2007 which is the last month of the initial five year period for the leases. Mr. Donoghue stated that the latest available information on the CPI is for March of 2007 and Mr. Latchford was kind enough to obtain that for us in his capacity as a Financial Officer. Mr. Donoghue stated that we don't have the May information and probably will not have it for another 60 days. It is appropriate for the Board to consider that increase. The leases permit you to do that. It is generally good business when those kinds of benefits are planned for and put into the leases it is good business to take advantage of that. Mr. Donoghue's recommendation, after discussing this with Laura New who does the lease invoices, and she

agrees that the Board would adopt a motion that invoices for lease payments which would ordinarily go out in June of 2007 would be deferred for approximately 60 days and until the May 2007 CPI information is available and then the lease would be sent out and the annual rent due for the year beginning on June 1, 2007 would be increased as permitted by the terms of the lease.

- **On a motion** made by Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board, the Board agreed to defer the lease invoices until the May 2007 CPI information can be obtained.

Mr. Donoghue stated he believes the increase will be around 14%.

- **On a motion** made by Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board agreed to increase the lease amounts by the increase in the CPI over the past five years.

Mr. Garbacik asked Mr. Donoghue if we should send a courtesy letter to the homeowners.

Mr. Donoghue stated that he and Ms. New will prepare the courtesy letters which will report this to the leaseholders so that they are aware of what we are doing.

Mr. Donoghue reported in regard to the Water Department Intake Project that the contractor has started the de-watering process based on the authority that the Park Board gave them. Mr. Donoghue is finishing up the easement documentation and will have that ready to present to the Water Department for review. He will then present it to the Park Board at the next meeting. That will be a temporary easement for construction with the descriptions of the areas and the time limits that we have already discussed before you.

Mr. Latchford asked if this is just a formality.

Mr. Donoghue answered that is correct; all of the basic agreements have been reached between the Water Department and the contractor and so forth.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board the Board agreed to accept a donation of plant materials valued at \$3,429.30 from Wilson Landscaping Development, Inc.

Mr. Garbacik submitted a travel request for himself, Ms. New and Mr. Kienitz to take advantage of a unique opportunity as the State of Indiana will be hosting the National Recreation and Park Association's Nation Convention in Indianapolis this year in September. Mr. Garbacik reported that our State Agency, The Indiana Park and Recreation Association, will be actively working with the National Association to make sure that it is a success.

Mr. McKee stated that he thought this was on the expensive side to send all three employees but after reading the additional information he does think that this is a valuable training resource. Mr. McKee requested a report on the convention from each employee including what

information was obtained. Mr. McKee stated that giving where we are at with Patriot Park and moving things forward in Washington Park he believes that there will be a lot of things that you should be able to pick up on that will be valuable for this department as well as cost saving ideas and things that we may not be thinking about here in our corner of the world. Mr. McKee stated again, that his original reaction was that this is a lot of people gone at one time, but again we have cut down on attending all of the other conferences quite a bit and this is a National event that is very close to us.

Mr. Freese stated that he has been to some clinics with Mr. Garbacik and he goes to the meetings and pays attention and takes very, very good notes and he is sure that this will be beneficial to Mr. Garbacik; he is very conscientious when he goes to these clinics.

Mr. Latchford stated that he understands that we have cut back in past years the number of conferences that we have gone to and Mr. Latchford thanked Mr. Garbacik for that. Mr. Latchford stated that especially as our budget tightens we should continue to have a systematic and rational way to choose; maybe every other year attendance and only with key people and we should continue to think how we can maximize our budgeted conference dollars. Mr. Latchford stated he doesn't think we are mismanaging it all; he doesn't want to leave that impression but he would like to continue to give thought and planning to the best ones to attend.

- **On a motion** made by Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached travel request for Ms. New, Mr. Garbacik and Mr. Kienitz to attend the National Recreation and Park Association National Convention in Indianapolis in September of 2007.

Mr. Garbacik presented a job description for a Recreation Work Study Student for the Board's approval. Mr. Garbacik stated that we participate in a State intern program that puts college students to work in the summer and the program pays half of their salary. This gets us a quality young person to work with over the summer. We discovered that we didn't have a specific job description for that position although we already have a very good person to fulfill this position.

Mr. Latchford asked if we have taken advantage of this program in the past.

Mr. Garbacik stated that we have.

- **On a motion** made by Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached Recreation Work Study Student (State Student Assistance Commission) Job Description.

Mr. Garbacik reported that our new work study student is Jeff Edinger. Mr. Edinger has worked in our day camp program in the past. His sister Ashley was a National Punt, Pass & Kick champion a few years ago.

Mr. Garbacik reported that he received a request for a restoration project in Sheridan Beach which falls under the lease program for residents along Sheridan Beach to make improvements

under specific guidelines and parameters using a professional and licensed contractor along the Esplanade. Tonight Mr. Michael Skudnig is here and Mr. Garbacik is certainly recommending the Board's approval of Mr. Skudnig's request. Mr. Skudnig will be using The Tree Mann, Inc. of LaPorte. The Tree Mann has been used before by another lease holder that was approved by the Board and they are experienced and familiar with the parameters.

Mr. Latchford addressed Mr. Garbacik noting that people have taken advantage of this program in the past and he thinks that it has been successful. Mr. Latchford asked if there is a post inspection done of the projects to make sure that they are truly complying with the parameters of the lease.

Mr. Garbacik stated that it would fall under his own and Mr. Westphal's responsibilities to do so. Mr. Garbacik stated that he is not suggesting that he and Mr. Westphal are identifying species and things of that nature. Mr. Garbacik stated that this is our fourth license and one of the nice things is that the neighbors notice it and they are calling in to make sure we know what is going on. Today it is nice to say that we do know what is going on because they went through a process and received Park Board approval and then the program gets explained to them and they find it interesting. Mr. Garbacik stated that if we receive a report, or if Mr. Westphal and Mr. Garbacik were to recognize that something doesn't look right, you may recall that we partnered with Save the Dunes who knew of a Professor that helped us set up this policy, so they would be our partner. Mr. Garbacik has called on Save the Dunes one time just to make an observation. Mr. Garbacik stated that Mr. Latchford brings up a good point and we probably should have more of an official post inspection program in place and he will work on that.

Mr. Skudnig reported that he saw what The Tree Mann, Inc. had done at another site and certainly it looks great. When the property is completely overgrown it doesn't look good. The project that they did in the 1300 block of Lake Shore Drive definitely looks better than what it was and he wants to do something similar to that to his properties in the 1000 block.

- ❑ **On a motion** made Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached request from Mr. Michael Skudnig to obtain a License Agreement Regarding the Sheridan Beach Esplanade (Skudnig Restoration Project).

Mr. Garbacik presented a request from Recreation Director Jeremy Kienitz to approve fee for a Steppers Camp to be conducted by the Michigan City Soul Steppers. This is something new and we look for good participation. As per State Board of Accounts we ask that the Board approve the participant fee of \$30. Mr. Garbacik stated that he will have to verify the instructor's fee; although he would assume that we would retain 20% and the instructor will receive 80%. He will verify that and asked the Park Board for approval.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved the attached fees for the 2007 Stepper Camp of \$30 per participant.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Latchford 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 \$2,310.25 and \$61,423.16.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved payment out of the Zoo Endowment Fund in the amount of \$285.87.

Mr. Milcarek reported that invoices in the amount of \$50.00 were paid through the Board of Works meeting.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved Payroll #10, 04/22/2007 through 05/05/07, in the amount of \$59,570.15.

Mr. Freese commented that the work by the Tree Mann, Inc. has enhanced our property quite a bit. Mr. Freese commented that there are a lot of nice programs being offered this summer.

Mr. Milcarek commented that he would like to address the vandalism that we are experiencing. Mr. Milcarek stated that he would like to try to change the mindset of some of our citizens; we seem to think that this is City property. City property translates to the property of the citizens of Michigan City; so this is your property. If there is any vandalism going on, please call it in because this is your property. It is City property, that is the title of it, but it belongs to you.

Mr. Latchford thanked Mr. Rosa again for the tedious work that he performed. Mr. Latchford thinks that it is great that he was willing to step up to the plate and help us out. Mr. Latchford thanked Mr. Westphal for explaining everything that gets done around here; it is nice that you come to the meetings to keep us updated. Mr. Latchford stated that if you are looking for things to do for your children this summer the Michigan City Summer Fun & Recreation Guide gives you lots of opportunities. Mr. Latchford congratulated Mr. Doyle and Mr. McKee on their primary election victories.

Mr. Doyle stated that it is good to see that we are working smarter not harder.

- ❑ **On a motion** made by Mr. Latchford, supported by all members of the Board, there being no further business, the meeting was adjourned at 5:46 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 May 17, 2007 Park Board meeting:

1. Travel Request for National Recreation and Park Association National Convention for Mr. Garbacik, Mr. Kienitz and Ms. New
2. Recreation Work Study Student (State Student Assistance Commission) Job Description
3. Request for License Agreement Regarding The Sheridan Beach Esplanade (Skudnig Restoration Project)
4. 2007 Steppers Camp Fees

Minutes prepared by Shannon Eason