

The Michigan City Park and Recreation Board met in regular session on Thursday, August 9, 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; Mike Dempsey; Mike Warner, ALCO TV; Jason Richardson, Director of Golf; Barb Malewicki; Juanita Kreidler; Mike Rivera, NAACP; and Wesley Scully, NAACP.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the minutes of the July 19, 2007 Park Board meeting.

Mr. Garbacik reported on the National Softball Association Girls “B” Fastpitch World Series which Northwest Indiana hosted. Mr. Garbacik reported that we hosted the 12U Division here in Michigan City and over at LaPorte. It took place from July 19th through July 24th. This was a tremendous success. Mr. Garbacik is very pleased and proud to have been a part of it. Mr. Garbacik stated that this was a lot more work than he had anticipated and expected and quite frankly it wore us out. Mr. Garbacik reported that one of the situations that we had to overcome was that mid-week we received some afternoon rain. All of the sites did but Michigan City received the bulk of it. It then rained again overnight and Michigan City, in a 24 hour period, registered 5.5 inches of rain where the other sites registered 2 inches. Mr. Garbacik stated that we did some things that he didn’t know that we were capable of doing as far as getting those fields ready. It was at quite a bit of an expense as far as the product, the diamond dry or soil conditioner that we add to the fields in those situations. Normally we would not have dumped the hundreds and hundreds of bags and used that much product all at one time had it not been for a World Series level event, but we did. Mr. Garbacik stated that the Maintenance crew deserves recognition by name; Pat Voltz, Billy Moisan, Cory Sims, James Bolding, Dave Dickerson, Mike Kutch, Brent Aldridge, and Glen Moisan, Jr. The whole crew did very well. On Wednesday when we got hit hard with the rain Mr. Garbacik received a call from Mr. Westphal who had been off for a few hours. Mr. Westphal called to warn Mr. Garbacik that the rain was headed

toward Patriot Park. After the rain, Mr. Westphal called and asked if we needed help and Mr. Garbacik told him that we were in trouble and needed some help and about 20 minutes later five more maintenance trucks came rolling in. Mr. Westphal called in guys that were off and brought them in and we were playing by 5 p.m. that afternoon and were able to get a few more games in. It rained that entire night and Mr. Garbacik knew we were in trouble again; the forecast was lousy and when we got out there conditions were worse than after the first rain but the guys went back to work with some help from inmates and by 12:30 p.m. we were playing again. Mr. Garbacik stated that he is very pleased with how our employees reacted and performed and the MVP's of this whole thing might have been our Maintenance Department. There was a very nice opening ceremony that took place at RailCats Stadium in Buffington Harbor near Gary and that was one of the most successful and efficient ones that the NSA Directors could remember as far as getting all of the teams through. Incidentally, 284 teams participated that week in Northwest Indiana. We had 73 teams in the 12U Division playing in Michigan City and LaPorte and everything ending up finishing up at Patriot Park with the championships, because of the rain, finishing on Saturday. We also hosted the Splish Splashin' Pin Swappin' Beach Bash in Washington Park on Tuesday evening. The NSA brass thought it was one of the finest pin swaps that they had ever participated in and many of the teams told them that it was the best. We were really pleased with how that went. Mr. Garbacik thanked the park staff and Joe Doyle for all of their hard work on this event. Mr. Garbacik thanked the Tree House Restaurant, Bergy's Center Street Bar, Ye Old Benny's Restaurant and Queen of All Saints for providing food. Mr. Garbacik stated that he hopes that Michigan City residents will frequent their businesses. They were all a real asset. Mr. Garbacik thanked the News Dispatch, Foster Printing, Lubeznik Center for the Arts, Kalita, and Johnny Martinez and the zoo staff for their participation in this event. Mr. Garbacik thanked the Michigan City Police Department, LaPorte County Sheriff's Department, John Jones and Emergency Management, The Michigan City Fire Department, Mayor Oberlie, South Shore Sports Promotions, Lake County Tourism Bureau, Porter County Tourism Bureau and LaPorte County Tourism Bureau. This took a lot of work and a lot of team effort. This Park Board and Michigan City can be very proud that we performed well and it was an excellent event.

Mr. Garbacik stated that he received a memo from Zoo Director Johnny Martinez that the LaPorte County Health Department came and made an unannounced inspection of the concession area on Monday, August 2, 2007 and they passed with flying colors and had no write ups and they said the concession area was in the cleanest condition that she had ever seen it. Mr. Garbacik congratulated Mr. Martinez and his staff.

Mr. Garbacik stated that a report was mailed to the Board regarding the Amphitheater. Mr. Garbacik stated that the Guy Foreman Bi-centennial Amphitheater down in Fedder's Alley didn't receive real specific attention within the Washington Park Master Plan. However, over time there have been some situations that have contributed to some damage and structural issues with the Amphitheater, namely, the area where the Amphitheater sits, behind it was an area that started to wash away and erode. Mr. Westphal and his crew removed some trees and built that back up and put up retaining walls to stabilize the situation. There are some general upkeep and maintenance issues at the Amphitheater. The Municipal Band would very much like to see some other improvements such as more space to store the band equipment and things like that. Mr.

Garbacik mentioned that MCNEAT's strategy and approach in zone 6, which is the group that he participates in, which is Washington Park, included discussion about this. The Mayor was contacted and Mr. Garbacik agreed that some analysis of the Amphitheater would be appropriate and that it would be up to this Park Board, however, to make that determination as to the approach that will be taken and what will be done. Mr. Garbacik reported that the Mayor is willing to fund, through the Board of Works, the initial investment to retain the services of an engineer/architect consultant that would give a complete analysis and take us through a bidding process to get that fixed. Mr. Garbacik stated that there are no funds dedicated or available to do so, but the starting point would be to get the analysis. Mr. Garbacik stated that he is presenting this information to the Board for its consideration and he informed the Mayor that he would get back to him with feedback from the Park Board. Mr. Garbacik stated that the next Board of Works meeting will be on August 20, 2007. Mr. Garbacik would like to get any questions, thoughts, or concerns back to the Mayor by mid week next week.

Mr. Latchford asked if it would be appropriate to get a bid for this work rather than accepting this Architects bid.

Mr. Garbacik stated that this Architect was specifically chosen because he was the original Architect that designed and built the Amphitheater and he is the only one that has blueprints.

Mr. Donoghue stated that the Board would always have the choice of getting other proposals if they wish; that is somewhat of a lengthy process. Mr. Donoghue stated that he is not familiar with what is before the Board but it sounds to him like this may have already been vetted ahead of time by the Mayor or by the Board of Works. Mr. Donoghue agrees with Mr. Garbacik on the blueprint issue; that is a tremendous advantage and Mr. Donoghue would say that the presentation that you have there happens to be among the usual best proposals in terms of value and size simply because of the small size of the firm and the small overhead that he contends with so it is up to the Board whether they want to bid it out but it probably wouldn't get you a better proposal.

Mr. McKee stated that he doesn't doubt that the Amphitheater needs to be looked at but his issue is that he is concerned that we are setting a very odd precedent here given that we have a group and Mr. McKee is thankful for that group because they are looking at things and trying to push agendas forward, but we have a lot of park area to take care of; there are priorities that we have to deal with all of the time and there is never enough money for everything and if we put a total price tag on everything that needed to be fixed tomorrow he is sure that we would be at a million dollars or more. Mr. McKee stated that rather than looking to an outside group who says we need this, because Mr. McKee could probably come up with a hundred other groups that say we need money in other places, he would look for Mr. Garbacik to help the Board prioritize those things that need attention. If Mr. Garbacik feels that this is a top priority and the Mayor is committed to paying for it then that is fine with Mr. McKee. But, if this is not a top priority then Mr. McKee thinks that it is up to the Board to go back to the Mayor and say, if he does have that money, that here is a higher priority item that we need to get accomplished. There are a ton of things at the zoo, Patriot Park, our neighborhood parks, etc. that need attention and that isn't to say that this isn't one of the items that we ought to be looking at; there are hundreds out there.

Mr. McKee just wants to make sure that we are not bypassing a number of things that are critically important for one that is just as important.

Mr. Freese stated that he noticed that Mr. Hornyak looked at four items there; three of them appear to be because of the ground settling. Mr. Freese asked if we just found this out or if this has been ongoing.

Mr. Garbacik stated that that relates to the introduction that he gave where the erosion created separation and that has been stabilized, and there has been some remediation to the structure and Mr. Garbacik mentioned that there has been quite a bit of work done to the Amphitheater over the years, since it has been built, including a new roof, painting, window work, landscaping, and lighting, so it is not as if it has been completely ignored. Mr. Garbacik stated what would be a concern, and perhaps there is some priority here, is that the engineering analysis of the settling makes him nervous in case it is something that should be addressed soon, whereas if we wait and don't address it, it could cost more later. Mr. Garbacik would be curious to have the answer to that and he believes dh2w would be the proper one to answer that. Mr. Garbacik stated that he is not prepared to answer Mr. McKee's question as far as in the grand scheme of priorities if that would be number one, two, three or in the top five so he would need to give that some more thought and he would like to talk to the Mayor again as well.

Mr. Milcarek stated that one of the items on the list was a door that didn't lock. Mr. McKee asked Mr. Garbacik if we addressed that temporarily.

Mr. Garbacik stated that the doors are lockable and usable, albeit sometimes challenging; but it is secure. Mr. Garbacik stated that the movement and settling all contributed to that.

Mr. McKee stated that based on the number of questions tonight, and again, not that he thinks that it is not a worthy project, it probably is, but he thinks it would be best to table it to our next meeting and make a final decision at that time.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to table the Amphitheater Analysis Project to the meeting of August 30, 2007.

Mr. Garbacik reported that a tour of the lighthouse was given today and he and Mr. McKee climbed to the top of the lighthouse where it was very hot and where there were many spiders but there was a glorious view once you get up there. Mr. Garbacik reported that others on the tour included members of the Port Authority, the National Park Service, the agency in charge of government surplus, The United States Coast Guard, Dale Enquist, and a couple of others who got a first hand look at it. The City will continue to evaluate this.

Mr. McKee stated that he thinks that it is very clear that the Federal Government wants to push all of the expenses that have to do with the lighthouse down to a City level knowing that we are not going to let it go. Mr. McKee stated that it is interesting and it was neat to go into it and

climb up to the top so at one point if we could open it to the public that would be a neat thing to do. Mr. McKee is sure that what is happening is that they are shifting their costs to us.

Mr. Garbacik mentioned that another circus will be coming to Washington Park in September.

Mr. Milcarek reported regarding the Port Authority meeting that he is sure that everyone has heard about the proposed land swap with the D.N.R. and it sounds like we might be able to extend the Port Authority's property.

Mr. Freese introduced Mr. Mike Dempsey and reported that he was just elected to the Zoo Society Board last night by unanimous vote for a three year term. Mr. Freese congratulated Mr. Dempsey.

Mr. Donoghue reported that regarding the Northern Indiana Communications case, which is the security television camera case, there was a status conference on July 26, 2007 and the technologies group did not appear, that would be Mr. Babich's group and they failed to appear. The Judge scheduled a hearing on August 27, 2007 and Mr. Babich is ordered to show cause why his case should not be dismissed at that hearing and what that means is that if he doesn't show up the Court dismisses the case that he tried to file against us and then we can ask the Court to enter a Judgment, and if you recall we want our money back, against him. Mr. Donoghue will have a report for the Board at their next meeting.

Mr. Donoghue asked the Board to schedule an Executive Session on August 30, 2007 at 4 p.m. Mr. Donoghue reported that Baker & Daniels has been working on finalizing the encroachments and they would like to give the Board a report at that meeting.

Mr. Donoghue reported on the Water Department Intake Project-Phase II request for a temporary easement for construction and stated that he had a brief discussion with the Mayor in July and he had a couple of technical points that he wanted to review with Mr. Donoghue regarding the easement. Mr. Garbacik stated that he didn't get a chance to do that yet and he is trying to get a meeting scheduled with him next week to go over those things so that we can finalize that. Mr. Donoghue stated that it sounds like the Mayor just wants to review some of the technical aspects of the project. Mr. Donoghue stated that everything seems to be going well with the project, as far as we know, and Mr. Garbacik and Mr. Donoghue will get an update as to the project itself from the Water Department and give that to the Board at their next meeting.

Mr. McKee asked how much longer the project is going to take and will be beyond the issue of having the easement since we are pretty much through our busy season.

Mr. Donoghue stated that he believes the contractual date is October 1st but we still need to give what's called a permanent easement. Mr. Donoghue asked the Board to remember that the Water Department has an old description of where their pipes are and they needed to change where that location is. Also, we have to be sure of the rebuilding of the parking lot that they are responsible so those are open items that we have to take care of.

Mr. McKee stated he thought those were separate items; the temporary easement meaning where they can and can't go during our summer season and then the permanent easement after they are all done.

Mr. Donoghue stated that those are two separate things.

Mr. McKee stated that the point is we shouldn't waste a whole lot more time on the temporary easement. Mr. McKee doesn't mind the technicalities of the permanent easement.

Mr. Garbacik stated that he is sure that he reported previously that the rebuilding of the parking lot will include some improvements that will benefit us which will result in either an addendum or a change order to the project.

Mr. Donoghue stated that will be at the expense of the Park Department and Mr. Garbacik has discussed that.

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

RECREATION DECREASE

1303-0803-01-411.001	Full Time	\$5,300.00
1303-0803-03-436.005	Grounds Repair & Mtce	\$2,000.00

RECREATION INCREASE

1301-0803-01-411.014	Part Time	\$5,300.00
1301-0803-03-436.002	Equipment Repair & Mtce	\$2,000.00

Re: budget adjustment

ZOO DECREASE

1301-0804-01-412.021	Sick Pay	\$2,500.00
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ZOO INCREASE

1301-0804-01-413.003	Unemployment	\$2,500.00
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Re: budget adjustment

RECREATION DECREASE

1301-0803-02-423.003	Small Tools	\$4,000.00
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RECREATION INCREASE

1301-0803-02-422.033	Pesticides	\$4,000.00
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RE: budget adjustment

ZOO DECREASE

1301-0804-03-436.001	Building Repair & Mtce	\$1,500.00
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ZOO INCREASE

1301-0804-03-439.011	Contractual Service	\$1,500.00
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RE: price increase

Mr. Garbacik reported that the Board received a packet submitted by Jan Kostielney and these basically are all events that support the Youth Serving Agencies of LaPorte County of which our Department is a part of. Mr. Garbacik stated that he should have thanked the YSA earlier noting that the shuttle bus that was used from the remote parking at Lighthouse Mall was provided by the Youth Serving Agency. Mr. Garbacik stated that there are a lot of things that go on within that agency that benefits the whole community and respective agencies. Mr. Garbacik stated he is recommending approval of all the events and will have some comments on the particulars of just one of these events. The first event is a Family Valentine's Day Dance at the Senior Center on February 16, 2008 and they are asking for a complete waiver of fees since a lot of the agencies involved are City agencies including the Park Department so it makes sense because there is a benefit to our Department.

Mr. Latchford asked Mr. Garbacik to explain what the LaPorte County Coalition of Youth Serving Agencies is.

Mr. Garbacik stated that it has been around 4 or 5 years and was initiated with a partnership that started amongst the Michigan City Area Schools and the Park Department. Mr. Herb Higdon was in charge of the Safe Harbor Program and was responsible for grants and he had partnered with the Park Department and the YMCA. Mayor Oberlie became involved and felt it was important for there to be coordination amongst the various groups so there would not be duplicated services, so everyone was not going to the same places seeking money and donations, and so there was more of a cohesive effort. Mr. Garbacik reported that is blossomed into 22 agencies that now meet on a regular basis. The Park Department's representative is our Recreation Director Jeremy Kienitz. They try to work together not only on fundraising and networking and solving problems but also very much in the programming. As an example our City Kid's Day Camp will go to the Boy's and Girl's Club or go to the Michigan City Area Schools for computer classes or go to the Library for a reading program. There are also days that the Boys' and Girls' Club will come to Washington Park or the zoo. A lot of the credit really needs to go to the Michigan City Area Schools and Herb Higdon who goes after that grant money and then shares it.

Mr. McKee asked Mr. Garbacik if his basis for granting a total discount is because the Park Department is part of that group.

Mr. Garbacik stated that is correct.

Mr. Milcarek asked how many requests there are in total.

Mr. Garbacik stated that there are four requests where they are requesting that the fees be waived and they are not all at the Senior Center.

- **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board the Board agreed to waive the fees for the YSA Family Valentine's Day Dance at the Senior Center on February 16, 2008.

Mr. Garbacik presented a request submitted by Jan Kostielney for the Mayor's Campaign Against Cancer to host a "Reach to Recovery" program at the Washington Park Zoo on September 13, 2007 from 5-7 p.m.

Mr. Latchford noted that the zoo is closed during those hours and asked if Mr. Martinez is aware of this event and is ready to provide the behind the scenes tour.

Mr. Garbacik stated he would like to double check with Mr. Martinez to make sure he is fully aware of the event.

On a motion made by Mr. Freese, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved the request of the Mayor's Campaign Against Cancer to host a "Reach to Recovery" program at the Washington Park Zoo on September 13, 2007 from 5-7 p.m. and agreed to waive all fees.

Mr. Garbacik reported the third event is a Halloween Party at the Senior Center on October 26, 2007. This is an adult event where alcohol will be sold. Tickets will be pre-sold and this will require a custodian and park staff to work the event. The Park Board already waived the fees for the Senior Center for the Valentine's Dance and on this one the Board may consider sticking to the 50% non-profit discount policy. Again, this event will benefit the Park Department directly and indirectly for being a member.

Mr. Milcarek stated he thinks this is a different situation because they are collecting money, a sizable amount.

Mr. Latchford pointed out that they are collecting money for the Valentine's Day dance as well; the only difference is that one has alcohol and the other doesn't.

Mr. Garbacik stated that his conviction is the Valentine's Day event is a youth, family oriented activity so we could support that to benefit the Coalition with one of our facilities. The Halloween Dance is a true fundraiser and is adult oriented.

Mr. McKee stated we just heard that the Youth Serving Agencies are just that and the money gets poured back into the community. The fact that the Boy's and Girl's Club, the YMCA, and all the others are providing things that maybe we don't have to spend money on because they are doing it already and we try not to have overlaps so it makes sense to keep all of those non-profits

out there as financially stable as we can so if we can help by waiving a rental fee that would make sense to him.

- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to waive all fees for the YSA Halloween Party at the Senior Center on Friday, October 26, 2007 from 6 to 10 p.m.

Mr. Garbacik reported that the last request is for use of the JC Stage and Dodgem Building for an Annual Day for Kids event and Mr. Garbacik recommended approval and a waiver of fees for that event. Mr. Garbacik added that in the past this event was held at Gill Field and our Park Maintenance crew set most of that up so logistically it will be easier for us to have it here.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved the YSA request to host their annual Day for Kids at the JC Stage and Dodgem Building on Sunday, September 16, 2007 from noon to 4:00 p.m.

Golf Director Jason Richardson presented the Board with the 2008 American Lung Association Golf Privilege Plus book noting that we participated in it during 2007. Mr. Richardson stated that the fees are the same but he would like to limit the times that a golfer may play on each book. Last year we offered unlimited rounds of golf that they could play and that was an issue where people would purchase the book and not purchase an annual pass so this year he would like to limit the rounds to eight with the same fees as 2007 or \$21.00 on weekdays with a cart and \$25.00 on weekends with a cart.

Mr. Freese asked how the program went this year.

Mr. Richardson answered that they sold 597 rounds during the week and 392 rounds on weekends. This is over nine hundred rounds from people that might not have come out there. Some are regulars that play out there quite a bit and use it as a discount. Mr. Richardson thinks that it is a benefit to be in the book. There are a lot of groups that come from South Bend that use the book. There are several senior groups that travel around the area to different courses using the book.

Mr. McKee asked how Mr. Richardson would limit the rounds to eight.

Mr. Richardson answered there are boxes in the book and the golfer has to bring the book in and get it initialed to show that it was used. Mr. Richardson stated a couple of times this year people were in the parking lot passing the book back and forth. Now, once the 8 rounds are used up, it goes back to a normal rate and that problem will be eliminated. Mr. Richardson reported that there are a few courses that allow unlimited golfing but most of them limit the times a golfer can play and some courses are restricted to weekdays only.

Mr. McKee asked where the money goes when a book is purchased.

Mr. Richardson responded that the money goes to the American Lung Association.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved Mr. Richardson's request to offer discounted rates for the Michigan City Municipal Golf Course in the 2008 American Lung Association 2008 Golf Privilege Plus Book.

Mr. Garbacik reported the Board received a request from the Minority Health Coalition of LaPorte County and Bethel A.M.E. Church to host their 2nd Annual Simply Style Fashion Show at the Michigan City Senior Center on Saturday, November 10, 2007. Mr. Garbacik stated their first show was very successful. They are asking for the 50% non-profit discount and Mr. Garbacik recommended approval of the event.

- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the Minority Health Coalition of LaPorte County and Bethel A.M.E. Church's request to host their 2nd Annual Simply Style Fashion Show at the Michigan City Senior Center on Saturday, November 10, 2007 with a 50% non-profit discount.

Mr. Garbacik presented the attached Resolution No. 634 regarding a golf budget transfer and recommended approval.

- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached Resolution No. 634.

Mr. Garbacik presented the attached Resolution No. 635 regarding a zoo budget transfer and recommended approval.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board the Board approved the attached Resolution No. 635.

Mr. Garbacik presented the attached Resolution No. 636, 2008 Salary Order, and recommended approval noting it is identical to last year's Salary Order but it does include a 3% raise for the City employees.

- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board the Board approved the attached Resolution No. 636, 2008 Salary Order.

Mr. Garbacik presented the attached Resolution No. 637 regarding a park concession budget transfer and recommended approval.

- ❑ **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached Resolution No. 637.

Mr. Donoghue reported the contract for the Primate House Renovation Project is ready for approval and signature. It is the standard form AIA document that has been prepared by the Architect with input from the Attorney. Mr. Donoghue stated the Board will remember that the

bid was awarded on this project on July 19, 2007. The Contractor will be Kaser-Spraker Construction, Inc. of South Bend, Indiana. The work of the contract included a base bid, which is for the interior renovation of the Primate House, in the amount of \$121,000. It included Alternate Number 1 which was the exterior work, and which funding was not a certainty in the project, but it did become available and therefore was included in the award and that exterior work in Alternate Number 1 was \$138,000. The Board also accepted Alternate Number 3 which was the new disability access ramp in the amount of \$8,750 for a total contract amount of \$267,750. The term of the contract for performing the work is 90 calendar days and assuming a Notice to Proceed will be issued by Mr. Garbacik on Monday, the completion date would be November 16, 2007. The contractor has indicated their goal for completing the project, which they believe is possible, would be October 31, 2007. The project could be ready for Boo at the Zoo. The contract does have our usual damage clause that indicates that if the contract is delayed there is a cost to the contractor of \$100 per day. The contract has the standard requirements of the liability insurance certificate, the performance bond and the payment bond. Those items will be presented to the Department on Monday. This project also has the feature of requiring a local hiring contract under our City Council Ordinance and the Contractor has indicated to the Department that the contractor is willing to consider any prospective employee who would be qualified to do the work and who might be referred to them by the City of Michigan City. Mr. Donoghue asked the Board to approve the contract and signature of the contract by Mr. McKee, President of the Board, and also approve the Local Hiring Contract. Mr. Donoghue stated the Local Hiring Contract is in the format that was prepared by the City Attorney under the new Local Hiring Ordinance and has been reviewed and revised by Mr. Donoghue so that it qualifies for the Park Department project.

Mr. Milcarek asked if there is a reward to the contractor for finishing the project early.

Mr. Donoghue stated there is not and the reason is because this is a short period of time and the contractor feels he is cutting it very close so we left that part out and that was with the agreement of the contractor.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached Primate House Renovation Project Contract and Local Hiring Contract with Kaser-Spraker Construction, Inc.
- ❑ **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 \$80,969.84.

Mr. Milcarek reported invoices in the amount of \$4,289.79 were paid through the August 6, 2007 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 #15, 07/01/07 through 07/14/07, in the amount of \$91,957.09 and Payroll #16, 07/15/07 through 07/28/07, in the amount of \$96,218.02.

Mr. Milcarek reported that charges in the amount of \$3,722.05 were made to the Park Department credit card.

Mr. Freese congratulated Mr. Garbacik and his entire staff on a great job with the World Series.

Mr. Milcarek offered congratulations to Mr. Garbacik and his staff.

Mr. Doyle announced the Boat Show is coming up at the end of the month as well as Labor Dayz.

Mr. Garbacik added the Art Festival and Smooth Jazz at South Shore are also this month.

Mr. Mike Rivera of the NAACP LaPorte County Branch stated one of their members raised a concern about an internship and asked the Park Board if they have such a program.

Mr. Garbacik stated that we do and that it is part of a State program. The State sends us a list of those that are eligible for the program. The State pays half of the wages and we pay half.

Mr. Rivera asked Mr. Garbacik to supply him with information on how that program works.

Mr. Garbacik agreed to give Mr. Rivera that information.

Mr. Wesley Scully asked how seasonal employees get hired. Mr. Scully stated he has received a lot of complaints lately from people stating they cannot get a job with the City and they have lived here all of their lives. Mr. Scully asked how you go about getting a job with the Park Department or the Street Department. Mr. Rivera asked Mr. Garbacik how many full time African Americans work for the Park Department.

Mr. Garbacik agreed to supply Mr. Scully with that information. Mr. Garbacik stated anyone looking for a part time or full time job, whether it is for the Park Department or any other City Department, the process is the same. You need to go to the Personnel Department in City Hall where all City jobs are posted and that is also where you would receive and submit an application. If there is a job opening for the Street Department those applications from the Personnel Department will go to the Street Department and when there is an opening at the Park Department we would get those applications for the Park positions.

Mr. Scully stated that if you want to work for the park then you would need to specify that on your application.

Mr. Garbacik answered that is correct.

Mr. Rivera stated with regard to contract compliance you said the contractor would be willing to work with residents of Michigan City. Mr. Rivera stated that he has had experience with another contractor that is doing work now in the City on the Washington Street Project. They are out of Mishawaka and they bring their manpower out of their area into our area. They are paying a

construction wage. They are not using our local guys. They should use general laborers or even finishers on the concrete work, if it calls for that. They aren't using our general laborers out of our Labor Union; out of our local Labor Union in Valparaiso. Mr. Rivera went out to the job site and talked to the contractor and she said she brings in her guys that she tries to keep employed on a regular basis. Mr. Rivera doesn't believe any of the guys are from Michigan City. Mr. Rivera stated it is hard when a construction company comes in here to do this work and they want to use their own guys and the City Ordinance calls for them using 25% of our local residents. It is really important when contractors come in to make sure that they are in compliance with that Ordinance; that is a problem that we are having, most of the time when they come in here they are not using our workforce. Mr. Rivera stated that he will be monitoring this project when it starts so it will be enforced. Mr. Rivera stated he likes to see people comply with an Ordinance because that is why we put it together.

Mr. McKee asked Mr. Donoghue who is ultimately responsible for making sure the contractor is meeting those requirements.

Mr. Donoghue answered we are and that is why Mr. Donoghue asked Mr. McKee to sign the contract tonight because tomorrow morning a copy of it will go over to Ms. Clark at the Human Rights Office and then it becomes her responsibility. The Ordinance says she will send a list to that contractor who says he wants to get that list. The Ordinance says she will send that list over to him and the people who are on that list need to be qualified for the work and the contractor needs to hire somebody the Human Rights Department told him about.

Mr. Garbacik stated there are statistics on all of the City projects and there are several contractors that have not only done well but have exceeded the standard. Mr. Garbacik stated those that do not comply may be prevented from doing future work with the City.

Mr. Scully stated they want it taken into consideration when contractors are hired. Mr. Scully stated they will be monitoring and making sure they are staying within the guidelines of the Ordinance.

Mr. McKee asked what happens if the contractor doesn't hire anyone local. What is the penalty to the contractor?

Mr. Donoghue stated the contractor would have to write a report to Mr. Garbacik and Ms. Clark as to why they didn't hire anybody and it has to be within what the ordinance says. They have Labor Union contracts and if they send a letter to the Union Hall in Valparaiso and ask for two laborers, one from Michigan City and that is all they can do. They have to hire whoever the Valparaiso Office sends over here and if the Union doesn't send someone from Michigan City, then the contractor is going to write a letter that says he followed his labor contract and he requested two laborers, one from Michigan City, and they did not send one.

Mr. McKee asked if the issue then falls back on the Labor Union.

Mr. Donoghue stated that is correct but let's say that they don't give us a satisfactory answer like that one, let's say they just didn't feel like hiring anyone from Michigan City, then they will go on the contract bar list and they won't be able to get a contract in Michigan City again. That is what the Ordinance says.

- **On a motion** made by Mr. Latchford, supported by all members of the Board, there being no further business, the meeting was adjourned at 6:15 p.m.

Darrell L. Garbacik, Superintendent
Michigan City Park Board

Tom Milcarek, Secretary
Michigan City Park Board

Attachments to the August 9, 2007 Park Board meeting:

1. Amphitheater Analysis Proposal dh2w
2. Request to Host YSA Family Valentine's Day Dance at the Senior Center on February 16, 2008
3. Request for Mayor's Campaign Against Cancer to host a "Reach to Recovery" program at the Washington Park Zoo on September 13, 2007 from 5-7 p.m.
4. Request to Host a YSA Halloween Party at the Senior Center on Friday, October 26, 2007 from 6 to 10 p.m.
5. YSA request to host their annual Day for Kids at the JC Stage and Dodgem Building on Sunday, September 16, 2007 from noon to 4:00 p.m.
6. American Lung Association 2008 Golf Privilege Plus Book Application
7. Minority Health Coalition of LaPorte County and Bethel A.M.E. Church Request to Host 2nd Annual Simply Style Fashion Show at the Michigan City Senior Center on Saturday, November 10, 2007
8. Resolution No. 634 Golf Budget Transfer
9. Resolution No. 635 Zoo Budget Transfer
10. Resolution No. 636 2008 Salary Order
11. Resolution No. 637 Park Concession Transfer
12. Primate House Renovation Project Contract and Local Hiring Contract with Kaser-Spraker Construction, Inc.

Minutes prepared by Shannon Eason