

The Michigan City Park and Recreation Board met in regular session on Thursday, February 19, 2009 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: Jan Orlich, Superintendent; Patrick Donoghue, Park Board Attorney; Joe Doyle, City Council Liaison; Shannon Eason, Director of Administrative Services and Special Projects; Bill Greene, School Board Liaison; Johnny Martinez, Zoo Director; Jim Kintzele, Sr., School Board; Jason Richardson, Director of Golf; Jeremy Kienitz, Recreation Director; Richard Murphy, City Councilman; Tim Haas, Haas & Associates; Amy Penrod, Martin Luther King Center; Rodney McCormick; Laurie Wink, The News Dispatch; and Andre Steele, ALCO TV.

- **On a motion** made by Mr. Dabney, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the minutes of the February 5, 2009 Park Board meeting.

Superintendent Jan Orlich reported she met with The LaPorte County Impact Office and they have a work experience program which offers assistance and aid to individuals and in return those individuals must work off a set amount of hours which is five to thirty hours weekly. This is funded through a grant from Goodwill Industries and they provide a certificate of liability insurance for their workers and they are offering us help in regard to the Park Department. Their clients would fill out application and we would review those and fit them with a job that best fits their qualifications. We have to track their hours weekly. This would provide them with some work experience and provide us with some much needed help during the summer season.

Mr. Latchford asked if this would replace our seasonal help.

Ms. Orlich stated no, it would not replace that, it would enhance it. According to their grant you cannot replace jobs. Some areas we could use them would be our day care program and there are a lot of women involved in cleaning applications so Cindy may be able to utilize some of them at our halls and restroom facilities. They are also available seven days per week. We would

schedule them and they all have their own transportation. Ms. Orlich reported we could also use them for the America in Bloom Program, planting, watering and caring for flowers.

Mr. Latchford asked if our obligation is to supervise them.

Ms. Orlich answered that is correct and all they ask in the end is a review from us and if they secure a position, a reference from us.

Mr. Latchford asked Ms. Orlich if she sees any downsides to us engaging in this partnership.

Ms. Orlich responded no and stated previously the North Township Trustees Office entered into a program with them and utilized the clients that received poor relief and emergency aid and she utilized their services for labor at the park and at the banquet facilities and things like that and it worked out well. Ms. Orlich stated quite a few of them got jobs at banquet facilities and landscape companies so it was a pretty good program.

Mr. Freese asked, if the opportunity were to arise if we could hire them to work for us.

Ms. Orlich responded yes, we could if we wanted to.

Mr. Latchford asked what the next step is to participate in this program.

Ms. Orlich stated we simply have to give them an okay and they will start the interview process and forward those applications to her and she would forward those to the Directors according to their job skills and then we would schedule them.

Ms. Orlich stated Golf Course Superintendent Randy Durham, along with Assistant Superintendents Paul McDonnell and John Marshall would like to attend the Michiana Golf Course Superintendent Association's Spring Seminar which allows them to earn continuing education credits for their commercial pesticide application permits. Ms. Orlich stated they do have money in their budget and the cost is \$35 per participant.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the travel request submitted by Greens Superintendent Randy Durham to attend the Michiana Golf Course Superintendent Association's Spring Seminar at a cost of \$35.00 per participant.

Ms. Orlich stated she has been working with Tom Cipares to secure a liquor liability quote; we did receive a quote but it did not name the City of Michigan City as additionally insured. Ms. Orlich stated she is waiting for another quote to come in and when that becomes available she will update the Board.

Ms. Orlich stated regarding beach management and water sampling we were notified by the LaPorte County Health Department that they would include Washington Park areas 1, 3 and 5 and Stop 2 for weekly sampling. IDEM is requiring beach sanitary surveys and LaPorte County

Health Department notified us that cost would be absorbed by them or they would seek funding for that.

Ms. Orlich reported she received a proposal for engineering services from Haas & Associates in regard to Adams Park; item (1.) is basically in regard to the preliminary planning stage which included a meeting with park staff that has already happened. Item (2.) would be the stakeholders meetings which are on March 5th and March 19th, 2009 directly after our Board meeting. Task B would be the Master Plan; task C the Design; and Task D the Bidding and Construction Services. Ms. Orlich stated an amendment for Task C and D has been established. Ms. Orlich introduced Tim Haas.

Mr. Latchford asked Mr. Haas what type of public survey he has in mind.

Mr. Haas stated we are holding two stakeholder meetings and Mrs. Eason has been working on advertising for that. Mr. Haas has seen information on the City's website notifying people of the public meetings. Signs will also be posted in the Southgate neighborhood notifying people of those meetings. Mr. Haas stated he will present preliminary plans at the meetings with options that we can talk about and we will collect input from interested parties. Mr. Haas explained his proposal in structured in a two-part way; the first items, which Ms. Orlich explained, are the project scope and stakeholder meetings and the results of those meetings. The next item is the Master Plan and once that is done and the Board has had a chance to review it and approve it then we would move into Task C which is preliminary final engineering design of the Master Plan so we can prepare construction documents for the contractors to bid on and we would establish an amendment to the contract at that time; once there is a scope understood of what we are designing, we don't have a design fee in the proposal right now because we are not sure where it is going to go.

Mr. Donoghue reported we have a standard form of contract we have used a number of times and that would be the basis for a contract if the Board approves this.

Mr. Latchford stated he likes Mr. Haas' timeline and stated he assumes Mr. Haas still feels this is realistic and the project could be completed in 2009.

Mr. Haas stated that timeline was developed for completion of construction in 2009. Mr. Haas stated he is not sure if that is what the Board planned to do but he set it up that way and if the Board wants to slow it down they can.

Mr. Latchford stated he would prefer an aggressive timeline.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached proposal submitted by Haas & Associates, instructed Mr. Donoghue to prepare a contract for the Adams Park project.

Ms. Orlich reported there has been no vandalism.

Pat Donoghue reported at our last meeting we reported on the Tort Claim Notices that were received from Mr. Scott Kaletha and Mr. Mike Schwanke. Mr. Donoghue contacted Council President Bob McKee and requested he return to us all of the copies of documents which the City Council had requested and which we had supplied to them in November and those have been returned to us. Mr. Donoghue stated the reason for that is the insurance carrier who protects the Park Department wants to see and review those in relation to the claim that has been filed. Mr. Donoghue thanked Mr. Doyle and the City Council for returning those because there is an economy involved in the cost of reproducing those so it is on its way to the insurance company.

Administrative Director Shannon Eason reported the Park Board received a copy of the department's 2008 4th Quarter Report for their review and that will be on the next agenda for the Board's approval. Mrs. Eason stated the Annual Report is not complete at this time because the Controller's Office has not closed out the year-end financials; those should be complete next week and the Annual Report should be presented to the Board at their meeting on March 19, 2009. Mrs. Eason stated we have scheduled a workshop with members of the Port Authority Board, the Park Board and Park Department employees to work out our beach maintenance schedule for this year and to go over the details of the seminar with Dr. Kinzelman and move some of those ideas forward. The workshop will be held on Tuesday, February 24, 2009 at 5:15 p.m. at the Park Office. Mrs. Eason reminded the public that public hearings regarding Adams Park will be held on March 5th and March 19th, 2009 at 6 p.m. Mrs. Eason reported we met with Dh2w on Tuesday regarding the Amphitheater project and the next step is to obtain a topographical survey. Mrs. Eason reported we received 3 quotes and with Dh2w's recommendation we would like the Board to accept the proposal submitted by Thate Land Surveying Services in the amount of \$1,300.00.

Mr. Donoghue stated the letter form submitted by Mr. Thate can be accepted by the Board and then signed by Ms. Orlich as the Superintendent and then returned to him and that would constitute a contract. Mr. Donoghue reported when it comes to surveys it is a rather simple service that is provided so it doesn't really require the type of contract that we use for some of the other construction contracts.

Mr. Latchford asked what the reason for the survey is for.

Ms. Orlich stated it would provide elevations for the Amphitheater project.

Mrs. Eason stated it has to do with the seating and ADA access ramps and also to address drainage issues.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board accepted the attached proposal submitted by Thate Land Surveying Services in the amount of \$1,300.00 for the Amphitheater project.

Recreation Director Jeremy Kienitz presented the Board with the 2009 Youth Baseball Tournament Fee Discount explaining the discount would be offered to organizations who bring

four or more teams to one of our tournaments; we offered this last year. We offer a \$50 discount per team taking the fee from \$350 to \$300 per team to give them a slight discount for bringing their whole program to one of our tournaments.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached Youth Baseball Tournament Fee Discount.

Director of Golf Jason Richardson reported he met with a gentleman who puts together a golf coupon book for golf courses in Southern Michigan and Northeast Indiana. Mr. Richardson handed out a golf coupon book to the Board stating this is something he would like to get into; it offers a two for one with the purchase of a greensfee and a cart. Mr. Richardson stated there is no cost to us; they put together the book and absorb the cost and sell it to golfers. Mr. Richardson stated our High School team uses it as a fundraiser; they sell it to people around town.

Mr. Latchford stated the book looks like it is already printed for 2009.

Mr. Richardson stated it is; we are actually kind of late getting in on this because I just met with him last week. He would include us in the book. There are a couple of other coupons that are in there that were late but he would put us in this year and if we like it, next year we would be added to the cover and have a tear out.

Mr. Latchford asked if the play is restricted.

Mr. Richardson stated yes, play would be valid Monday through Friday anytime and weekends after twelve. It would not be valid for season pass holders, leagues, outings, tournaments or with any other offers. This would be valid through November 30, 2009.

Mr. Latchford asked if the coupon entitles one free round with one paid round.

Mr. Richardson stated it is one free round with a paid round and paid cart.

Mr. Latchford asked if he brought four paying people if he would get four free rounds.

Mr. Richardson stated for up to four players; there is an example under Spruce Ridge on the brochure. Mr. Richardson stated every paying customer would get a free round so for a foursome, two people would pay and two would be free.

Mr. Latchford asked if the foursome would have to have two carts.

Mr. Richardson replied yes. Mr. Richardson stated there are two coupon options; up to a foursome or only one free round. Most of these are out of town rates so they are paying \$33 during the week for a cart and greenfee and \$42 on the weekend so this is a true two for one special.

Mr. Milcarek stated the coupon says free round of golf with cart included and asked Mr. Richardson to explain that to him.

Mr. Richardson stated they have to pay for a cart so one greenfee and a cart during the week is \$33 and \$42 on the weekends.

Mr. Milcarek stated that is not the way he is reading it; it says “free round of golf, cart included.”

Mr. Richardson stated when they come in it would be \$33 because the cart is included in that fee.

Mr. Latchford stated Mr. Richardson has bundled the two together. Mr. Latchford stated this needs to be crystal clear and obviously the Board just got this and that is what’s generating all of these questions. We want this to be crystal clear for everyone so there is no confusion and so there is no disappointment when they come out to play and find out it is not exactly what they thought it was. Mr. Latchford stated we need to increase our revenue and our rounds so we would like to participate if it is clear.

Mr. Freese asked if we are still in the lung book.

Mr. Richardson answered yes.

Mr. Latchford asked what the timeframe is for signing up, what is the distribution on this and how long has it been available.

Mr. Richardson answered this is the sixth year but he doesn’t know how many are distributed.

Mr. Latchford asked what would be the distribution in this area and how are you going to market this.

Mr. Richardson stated they would market it.

Mr. Latchford asked Mr. Richardson if he knows how they go about marketing it.

Mr. Richardson stated some of it is through the High School Golf Team who sells it as a fundraiser in Northern Indiana. Mr. Richardson stated last year he saw this and questioned how we could get in it and he came out and was pretty brief on the program.

Mr. Latchford asked what the redemption is or what the experience has been at the different courses.

Mr. Richardson replied the salesman said that some of the guys are actually dropping out of the lung book and going to this because they are seeing more play from this than the lung book.

Mr. Freese stated a couple of the courses have coupons that can be used two or three times.

Mr. Richardson stated he plans to have a single use coupon for up to four players.

Mr. Dabney asked Mr. Richardson to supply a copy of the program to the Board, stating this is the first they have seen of it.

Mr. Latchford asked Mr. Richardson about the timing of the program if the Board would table it tonight.

Mr. Richardson stated he didn't know he would have to find out but he doesn't think it would be a problem.

Mr. Latchford stated he would feel more comfortable if the Board got a prototype of our coupon and how it would be spelled out.

Mr. Milcarek asked Ms. Orlich asked her opinion of the program.

Ms. Orlich stated she thinks it is a good idea although she hasn't used that particular program. Ms. Orlich stated a lot of people use the golf coupons in the entertainment books noting golf is an expensive sport and with the economy the way it is she believes more and more people are going to utilize coupons and she thinks it would attract more play to the facility.

Mr. Latchford stated he agrees with Ms. Orlich and he would like to be involved as long as we do it right and if there is no downside to waiting, so the Board can get a better picture and get a prototype of the coupon so we make sure there is no confusion to the golfers, we should table it. If we are going to miss a deadline then maybe we should discuss it further at tonight's meeting.

Mr. Richardson stated he would have to call and see if it is okay with the supplier; he doesn't know if he has begun distribution but obviously they are ready so Mr. Richardson is sure he has. Mr. Richardson stated as a golfer it reads pretty simply to him; it is a buy one, get one free type of coupon and as far as the rules, it is not valid for outings and leagues and he would want to add season pass holders so they couldn't pay their \$1 as a season pass holder and try to get their buddy in for free.

Mr. Dabney stated as a golfer it may seem simple but for others it may not and we want to make sure it is crystal clear to us and everyone else.

Mr. Latchford recommended the Board table this issue and if Mr. Richardson runs into a deadline before the next meeting we could hold a special meeting.

Mrs. Eason suggested the Board approve the program contingent upon their subsequent approval of the prototype to be supplied by Mr. Richardson.

- **On a motion** made by Mr. Dabney, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the concept of the coupon program and participation in it contingent on the Board's approval of the coupon prototype.

Mr. Donoghue reported regarding encroachments he has given the Board a copy of a letter that he worked on with Mr. Carl Greci relating to the firewall property owners; that letter is going out tomorrow and it does have a thirty-day deadline.

Mrs. Eason reported she did not submit an encroachment report to the Board because there have been no changes since the last report.

Mr. Milcarek asked Mr. Donoghue how he is coming along with the situation with Ben Ross where there was some confusion about his boundaries.

Mr. Donoghue stated that is the Colfax Avenue question and Mr. Donoghue has completed the research on that and he believes it supports the position of the Park Department and he would like to go into some detail with Mr. Milcarek or any other Board member that would like to talk to him about this. Mr. Donoghue stated he has not been able to meet with Mr. Ross' Attorney who is Chris Willoughby and Mr. Donoghue did promise to report to him what our research disclosed. Mr. Donoghue stated he is meeting with Mr. Willoughby next week so he would like to make the public report at the Board's next meeting after he has had a chance to go over it with him.

Mr. Milcarek asked if there was some confusion about boundaries.

Mr. Donoghue answered yes; it was a question on the original platting of Colfax Avenue and how far east was it platted and was there ever a vacation of any part of Colfax Avenue east of where we show it on our plats and on the City's maps and so forth. Mr. Donoghue stated, if the Board will recall, John Doyle is our expert surveyor; he is the most accomplished and most experienced surveyor for matters of this type and he is really the authority on the esplanade area and at Mr. Donoghue's request he has completed his work and Mr. Donoghue would like to report on that at the next meeting but will speak with Board members, if they wish, prior to that.

Mr. Latchford asked regarding the firewall properties if there were more than three.

Mr. Donoghue answered there are three owners and five lots; one owner owns three lots.

Mr. Latchford reported at the last Board meeting the Board approved the Memorandum of Understanding with Michigan City Area Schools. Subsequently, the School Board met in workshop to review the same memorandum and they have submitted a very similar memorandum but with some changes. Mr. Latchford stated Mr. Kintzele is here tonight as is Mr. Greene and we can talk about that memorandum. Mr. Latchford stated a copy was given to him this morning and he forwarded that, as best as he could, to the other Park Board members today so in all fairness he doesn't know if the other Board members have had a chance to read it. Mr. Latchford stated if anyone wants to discuss it, he would be happy to.

Mr. Greene stated he thinks Mr. Kintzele can explain it much better than he but he added in the original memorandum that the Park Board passed two weeks ago, on page 2, number 3, it had "with applications made a minimum of six months in advance," and Mr. Greene stated all that

Mr. Kintzele did with trying to satisfy everybody on the School Board was to reword that and add a little bit more to it and Mr. Kintzele is here to talk about that. Mr. Greene stated he thinks having the six months there, for the parks, would help if somebody comes to the park and wants to be a part of the umbrella of the Park Department and you look at their details and you think they are wishy-washy, you have six months there to make that decision and then you can always put it on the shoulders of the School Board. Mr. Greene stated he is looking at Mr. Kienitz because he is the one that usually does that. Mr. Greene stated he thinks it is a good way to keep the bad situations out of both the parks and the schools.

Mr. Kintzele stated this is a compromise and he has to sell it to the School Board. Mr. Kintzele stated they have already agreed to reduce that six months to three months and that would only be for new applicants, not for people who have already been using the facility, but for new applications, ones that come under the umbrella of the Park Board. Mr. Kintzele reported the other language they inserted is in regard to sponsorship of programs that might be in conflict with the feeder program of the high school and in that we put the language in if there is any conflict, first of all we would sit down try to resolve that conflict and if we couldn't resolve it then the President of the School Board and the President of the Park Board would settle the situation. Mr. Kintzele stated that could mean that they could even bring in a third party as a mediator to help them solve it but the onus would rest upon the two Presidents of the two Boards to make sure the agreement is followed through and that everybody is treated fairly. Mr. Kintzele stated we have to get something going pretty quick because this has been dragging on because this has been going on longer than our teacher's contract so we have to get it resolved and Mr. Kintzele thinks this is fair to both parties. Mr. Kintzele stated he knows he will probably have some opposition from his Board but he thinks this is something both sides can live with.

Mr. Latchford stated Mr. Donoghue may not have had seen the agreement, but just as a legal opinion, if both Boards sign off on this giving the President of each Board the authority to solve problems even if the majority of either Board doesn't necessarily agree; they have given the authority to the representatives of each Board.

Mr. Donoghue stated that is correct.

Mr. Kintzele stated each Board would have to accept that decision.

Mr. Donoghue stated this is done quite frequently in agreements among public bodies and also among employee organizations and management; it is nothing unusual and is a good method of resolving these kinds of problems.

Mr. Dabney addressed the comment that if the Board was on the fence about something that was wishy-washy noting he doesn't think we would put ourselves in that position because are trying to get something that is uniform as to how we would approve every program that comes to us. We wouldn't allow questionable organizations to get through because they are all going to have to meet the same standards. Mr. Dabney stated that is what we plan to do on our side so he

doesn't see any problem with a group that we put through as a Park Department program as wishy-washy. Mr. Dabney asked what exactly constitutes a feeder program to the High School.

Mr. Kintzele stated he would have to direct that question to Mr. Falls; he is not that knowledgeable about the total feeder program so he would have to rely on his Athletic Director to tell him what that is. Mr. Kintzele stated that would all be taken into consideration in the decision making.

Mr. Dabney stated he has relatives that participate in some High School sports and he still doesn't know what the feeder programs are for the High School.

Mr. Kintzele stated as an example, Pop Warner Football, our coach works with Pop Warner with training and that would be considered a feeder program.

Mr. Latchford stated the Piranha Swim Club is another feeder program.

Mr. Kintzele asked if the Piranhas are sponsored by the Park Department.

Mr. Latchford answered yes, they are.

Mr. Kintzele stated he believes the Piranha Club is ok and as a matter of fact, the Piranha Club is run by the Coach of the swimming team.

Mr. Donoghue asked Mr. Kintzele if Mr. Falls could provide a narrative of his feeder program; nothing specific, just saying we have baseball and this and that and that would give this Board some idea and that doesn't have to hold up the agreement but he is sure Mr. Falls can give us something as a guideline.

Mr. Kintzele stated he doesn't have a problem with that. Mr. Kintzele stated also, the agreement spells out that your Board will provide out a policy so for these applications so that is uniform too; so the intake is uniform. Mr. Kintzele stated he has no problem asking Mr. Falls for that.

Mr. Milcarek asked Mr. Kintzele what are the possibilities of the Park Board agreeing to this change and getting it passed; are we going to running back and forth and changing this and changing that.

Mr. Kintzele stated it is just like everything else, you need to know how to count, and he needs four votes but hopefully we are pretty safe there.

Mr. Milcarek stated we want to resolve this just as much as you do; to keep running back and forth is not very productive.

Mr. Kintzele agreed it is not very productive at all. Mr. Kintzele stated hopefully he will be able to present this to his Board on Tuesday.

Mr. Latchford stated he forwarded a copy of the agreement to the Park Office today so that Ms. Orlich and Mr. Kienitz would have a chance to review. Mr. Latchford asked Ms. Orlich and Mr. Kienitz if they have had a chance to review it.

Ms. Orlich stated she didn't know what the feeder program was.

Mr. Kienitz stated he has a couple of comments; he agrees we need clarification of what the feeder programs are so we are not duplicating them. Mr. Kienitz asked Mr. Kintzele to clarify the six months recommendation and if that has been changed to three months.

Mr. Kintzele explained first of all they proposed six months and then they dropped it down to three months.

Mr. Kintzele asked if that applies to any program or any contract.

Mr. Kintzele stated it applies to new programs.

Mr. Kienitz stated that any programs that are currently running won't apply; just anything new that we are going to sponsor.

Mr. Kintzele stated that is correct.

Mr. Latchford asked if that is for new groups or for new programs.

Mr. Kintzele stated it is for new groups and new programs.

Mr. Donoghue asked Mr. Kienitz, in the same spirit, if he would provide a listing of the ongoing programs that we have had to the School Board or Mr. Falls; Mr. Donoghue thinks that would be a big help in resolving this.

Mr. Freese asked Mr. Kienitz how fast we can provide the list of programs; the School Board has a meeting next Tuesday.

Mr. Latchford stated one group has to approve it at one point and then the other group will have to approve it.

Mr. Kintzele stated he doesn't want to get to the point of you approving it and us not approving it and coming back to you and its modified and we have to go back to everybody again. Mr. Kintzele said hopefully he will be able to sell this to his Board but he can't guarantee it and if he can't sell it to his Board it is going to go to somebody else.

Mr. Latchford stated what if we work on our side to provide the list of current programs and if Mr. Falls can provide the description of the feeder programs and get that to us prior to your meeting and if it all looks good the Board will give Mr. Latchford the authority to at least give a bias of whether we would approve it or not.

Mr. Donoghue stated that Mr. Latchford could do that; the Board's motion could so specify that this Board approves the new language in the Memorandum of Agreement and it so authorizes, however, the President, and this is contingent for him to be satisfied with the quality of the exchange of programs on one side and the feeder programs on the other; that could be a motion.

Mr. Latchford stated if we could assemble those other documents prior to the meeting . . .

Mr. Kintzele stated he would call Mr. Falls tonight and ask him to have that document for him tomorrow, and then Mr. Kintzele will get it to the Board before Monday or even on Saturday because he wants to get this over with too.

Mr. Donoghue stated he would have Mr. Latchford send Mr. Kintzele an email, which is binding, that it has been done and the contingency has been satisfied.

Mr. Kintzele stated he has no problem with that.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the Memorandum of Agreement with the Michigan City Area Schools including the new language contingent on the Park Board President retaining the authority to signify his satisfaction with the program list that has been given by the Park Department by the school and the athletic feeder programs given by the school to the Park Department and his satisfaction to be sent by an email to Mr. Kintzele.

Mr. Milcarek stated he would like to simplify that explaining the motion means the Park Board is giving their President the authority to have the final say, his decision on the contract, without bringing it back to the Park Board.

Mr. Donoghue stated we have provided the Board with the proposed form of contract for A. Hattersley & Sons, Inc. and we discussed it at the last meeting and it was brought to your attention that the issues involving the daily penalty for lack of completion was not acceptable to the contractor and you had indicated that you approved that and you were satisfied with that and the contract was redone omitting that, which was paragraph 38, and it is now before; the signature of the contractor is on the contract.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached contract with A. Hattersley & Sons, Inc. for installation of the splash pad equipment at the Oasis Splash Park.

Mrs. Eason stated the contract for the Patriot Park Billboard Program expires on March 2, 2009. Mrs. Eason stated we would like to put this contract out for proposals this year; she provided a specification sheet to the Board for review. Mrs. Eason has been contacted by three different individuals and she feels it would be prudent to get proposals this year.

Mr. Milcarek asked, not only on this, but do you think anybody would be interested in buying sponsorship of our golf carts stating he sees cement trucks and other vehicles with advertising.

Mrs. Orlich responded Mr. Richardson has received some information regarding that but the company that was interested in doing that wanted to vinyl the entire cart; it's a protective shield.

Mr. Richardson stated the example they showed was a picture of some guy who was a realtor and Mr. Richardson thought it was kind of tacky to see on a golf cart.

Mrs. Orlich stated they were looking into magnetic signs for the carts or something like that instead of the entire cart being vinyl clad with a big realtor's face so we are glad you brought that up; sponsorship for the golf carts.

Mr. Donoghue commented on the specifications that you have in front of you that Mrs. Eason took from the prior contract and that included some ideas she had. Mr. Donoghue reviewed them with her and there is a provision here stating that whatever advertising being used must comply with the Park and Recreation Department's policy on these things so if it came to the Board's desire to have what Mr. Richardson is talking about you can specify in a policy exactly what there can be and what there can't be; you have the right to do that.

Mr. Latchford asked Mrs. Eason, regarding the specifications, item 2. (a.) requires proposers to base their proposals on a percentage of the projected amount of gross sales; does that mean when they submit their proposal that is how we want their fee structure to be stated.

Mrs. Eason explained if they sell a placement, we want them to tell us how much of that they will keep as their commission and we also want an estimated gross annual revenue; we don't want them to come in and only sell one sign.

Mr. Latchford stated item 3. (b.) states that the vendor must provide all equipment necessary to operate his or her business.

Mrs. Eason stated that will cover sign installation because that may be something that changes this year. Mrs. Eason explained right now our staff is in charge of installing the signs and that has not been working out well so if a vendor will install them, at little cost to us, great.

Mr. Latchford stated item 3. (h.) stated proposers will be required to provide media for program, does that mean they are responsible for the actual, physical sign.

Mrs. Eason answered that is correct.

Mr. Latchford asked if that will be advertised in the News Dispatch.

Mrs. Eason stated yes, on two occasions.

Mr. Latchford asked what the deadline will be for submittal.

Mrs. Eason stated the ads will run seven days apart so the deadline will be mid March.

Mr. Latchford asked if we currently have someone under contract for 2009.

Mrs. Eason responded we do and their contract end March 2, 2009. Mrs. Eason stated we would like to get this in place fairly quickly because our season opens in April.

- **On a motion** made by Mr. Dabney, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached specifications for proposals for the Patriot Park Advertising Billboard Program.

Mrs. Eason reported the Samaritan Counseling Centers, Inc. submitted a request to use Washington Park as part of their route for their annual 5K run; we don't provide anything for them they just use the park as part of their route.

Mr. Latchford commented this is a great event and they raise a lot of money for the organization.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached request submitted by Samaritan Counseling Centers, Inc. to host their sixth annual Samaritan Skedaddle 5K Race on April 25, 2009 using Washington Park as part of their route.

Mrs. Eason reported Municipal Band Director Rick D'Arcangelis has submitted their 2009 practice and concert schedule for approval. They are aware of the possible construction going on at the Amphitheater this summer; we have been working with them on the design process and we will try to work around their concert schedule this year.

Mr. Latchford asked Mrs. Eason if she anticipates any problems with this summer's construction schedule and the Thursday night concerts.

Mrs. Eason stated she wouldn't say we anticipate problems; rather, we will work around the events that we have scheduled now. Mrs. Eason stated obviously, we can't get the work done as quickly as we want to because of the scheduled events, but we will work around that even if we have to push things to the end of August where we have a good block of time and good weather to finish the project; it will be ready in the spring.

Mr. Latchford asked if we can still use the facility during renovations for band concerts.

Mrs. Eason stated yes, we will definitely work around their schedule and there are other events planned there as well; Smooth Jazz and a music festival that has been booked.

Mr. Latchford stated this will be a challenge.

Mrs. Eason agreed this will be challenging but we will work around it and get it done.

Ms. Orlich stated we are going to be the General Contractor on that project for two reasons; the first being if we enter an agreement with a General Contractor and we delay construction because of the summer series we would incur additional costs during construction. This way we are afforded the opportunity to make certain renovations up to the point where the Amphitheater will be used; we can stop construction if need be and make it workable during the season and then begin again in the fall.

Mr. Latchford stated that sounds great.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached 2009 Municipal Band practice and concert schedule.

Mr. Donoghue commented a series of Resolutions are being presented tonight, numbers 665, 666 and 667, which relate to the new Oasis Splash Park and to the Department's decision to take over, in-house, the Washington Park concessions and also to combine the Non-Reverting Funds as requested by the City Controller. Mr. Donoghue reported these Resolutions, after we've discussed them, will form the basis for Ordinances that will be presented to the City Council; Mr. Donoghue has discussed them with Mr. Doyle, and he has agreed to sponsor them on behalf of the Park Department. Mr. Donoghue stated he will turn this over to Ms. Orlich and Mrs. Eason as far as the substance of each of these Resolutions.

Mrs. Eason stated we met with City Controller John Schaeffer as to how to structure the Resolutions and used his recommendations. Mrs. Eason and Ms. Orlich did some on work on projecting revenues and coming up with some actual costs which was somewhat difficult in regard to the splash pad because we have never been involved in this and there are very few in this area that are similar in setting to Washington Park. Mrs. Eason stated they did some guestimating and used real costs when we had them and we are pretty confident that we can work within these numbers. Mrs. Eason stated there was not a budget established for the splash park so this is the way to amend our 2009 budget to operate that. Mrs. Eason stated the same is true for the concession stand with the only difference being that we will have to purchase a concession trailer; Ms. Orlich is looking into that right now. Mrs. Eason stated we will come back to the Board with that as a separate item because it is a capital purchase.

Mr. Donoghue stated in Resolution No. 665 we recited, and we'll recite this for the City Council because the first question is going to be why are you doing this at this late time, and as it states in our Resolution we had intended to open, and we did open, bids in July which would have provided a whole different scenario as far as the budget goes because we would have had time to work with the budget for 2009 and then of course, the Board will recall how the calendar changed and that is recited in here so the City Council will have the background as to why we are coming to them right now. Mr. Donoghue stated Resolution No. 665 covers the administration and staffing and revenue of the Oasis Splash Park and does not include concessions because the splash park concessions are actually covered in Resolution No. 666. Mr. Donoghue stated Resolution No. 665 is the revenues, or charges for people to enjoy the

splash park per visit, they will pay for a ticket, and those figures have been projected, as Mrs. Eason said, based on as much information as they could get from Ms. Orlich's experience. Mr. Donoghue stated this will form the basis for an Ordinance that will have to be presented to the City Council for this to occur. Mr. Donoghue stated as you know time is fleeting here but we are shooting for the City Council meeting of March 3, 2009 and we will have those in Mr. Doyle's hands and the City Council's hands for them to consider at that time and again, those figures that are this Resolution are based on anticipated revenue and anticipated expenses and they do show a little bit of a profit.

Mrs. Eason stated that is true on the splash park. Mrs. Eason stated the concession number on Resolution No. 667 are using actual concession data from the past three years from our vendors and the sales reports they provide to us so we are confident those will be fairly accurate.

Mr. Donoghue stated it would be appropriate to take them one at a time and perhaps discuss them. They were sent out so Mr. Donoghue hopes the Board has had a chance to look at them and perhaps have questions about them.

Mr. Latchford stated Resolution No. 665 has been well covered, it is basically establishing the revenue and expense in our 2009 budget and the projection is that it will be slightly better than break even.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached Resolution No. 665 title "A Resolution of the Michigan City Park Board Requesting that the Michigan City Common Council Adopt an Ordinance Providing for Revenue and Expenses Related to the Oasis Splash Park."

Mr. Latchford stated Resolution No. 666 combines certain Non-Reverting Funds into one fund.

Mrs. Eason asked to clarify that noting we have an existing Non-Reverting Fund for concessions and we are adding new operations into that existing fund.

Mr. Latchford asked if those operations are the concessions at the splash park and in Washington Park.

Mrs. Eason stated that is correct and will include Patriot Park at the point in which the contract expires or in 2010.

Mr. Latchford stated he understands Patriot Park is under contractual obligation and someone is leasing that now but wouldn't it make sense to include that now because the revenues we would earn there could be included.

Mrs. Eason stated she thought that was included.

Mr. Donoghue stated Patriot Park is subjected to a provision in the Recreation operating fund and the Board on Mr. Kienitz's request provided for concession there to go back into that Recreation Non-Reverting Fund.

Mrs. Eason stated that is correct, she was mistaken.

Mr. Donoghue stated the golf course is also not included because of the way the Board has already set those up.

Mr. Latchford asked if we could treat this as one concession operation and just track where the monies go in those three separate Non-Reverting Funds.

Mrs. Eason asked if Mr. Latchford is talking about Recreation, Golf and Park.

Mr. Latchford stated what he is hoping is that we could have one concession expert manager who would manage Patriot Park, Washington Park, the zoo, the Oasis and the Golf Course as far as ordering and doing all that and then track the profits from each entity separately to make sure the Patriot Park profits end up in the Recreation Non-Reverting Fund, make sure the golf profits end up in the Golf Non-Reverting Fund, etc.

Mrs. Eason stated it is our intention to have one person manage that so we can take advantage of quantity discounts on our ordering and using local storage so yes, we are looking at that this year.

Mr. Latchford asked if Resolution No. 666 enables that to happen, omitting golf and Patriot Park, but it allows that to happen for Washington Park concessions.

Mrs. Eason stated that is correct, this addresses the two new operations, the splash park concession stand and the beach concession stand.

Mr. Latchford stated he has one other question regarding Resolution No. 666, item number 4, where it states "Any excess funds over and above said amounts shall remain in said fund and shall be available for the necessary purchases or improvements as determined by the Park Board." Mr. Latchford stated the first sentence deals with a two month cushion and the second sentence refers to anything over that cushion and he wanted to know if that is referring back to item number 3.

Mr. Donoghue stated yes it is; you must specify what the revenues can be used for, they are limited so that is what that refers to.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached Resolution No. 666 titled "A Resolution of the Michigan City Park Board Requesting that the Michigan City common Council Adopt an Ordinance Providing for the combining of Certain Non-Reverting Funds in the Department of Park and Recreation."

Mr. Latchford stated he believes Resolution No. 667 is just like the splash pad and in our 2009 budget we did not allow for having concessions in-house for Washington Park beach and the splash pad and this will establish the line items necessary for us to operate this in-house and the projection is about a \$14,000 profit.

Mr. Donoghue stated again, the explanation as it took place and to the City Council is that with the new Oasis Splash Park and the concessions there, that prompted a reevaluation of setting out for proposal for a contractor to come in and for the in-house sales of concessions basically so, again, we were not ready with this at the time of the budgetary process and that is why it is a late request.

- **On a motion** made by Mr. Dabney, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached Resolution No. 667 titled “A Resolution of the Michigan City Park Board Requesting that the Michigan City Common Council Adopt an Ordinance Providing for Revenue and Expenses Related to Special Non-Reverting Fund 1315.”

Mr. Donoghue stated we also need to review our credit card Resolution as part of this; our Resolution No. 593 which was adopted in February of 2005 is required by the State Board of Accounts and by the banks which provide for credit card use and it needed to be amended so that we could have credit cards used at the Oasis Splash Park and at the general concessions in Washington Park. Mr. Donoghue stated if someone brings there family up of four or five people and maybe has a bill of \$35 they may want to put that on a credit card so this will allow you to accept credit card purchases at the concession stands and at the Oasis Splash Park for admissions. Mr. Donoghue stated he has provided the Board with a copy of Resolution No. 593 so if you look you will see that basically it is the same Resolution but have just added those powers you need for those two operations.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached Resolution No. 668 titled “A Resolution of the Michigan City Park Board Regarding the Use of Credit Cards.”

Zoo Director Johnny Martinez stated he has come before the Board to present three matters for the Board’s consideration. The first request is to allow him to change the zoo opening date back to April 1st. Mr. Martinez stated last year he came before the Board and asked you to extend the opening to the last Saturday in April because it was still too cold for some of the tropical animals to be exhibited and we had received a few complaints. Mr. Martinez stated what he did not take into consideration was the fact that April is the time for end of the year field trips for many schools and because of that when we delayed the opening by three weeks we lost quite a bit of visitation from the school groups in the surrounding areas and we lost a large part of our admission revenue and needless to say we disappointed a lot of teachers and children. Mr. Martinez stated we will still have the problem with the cold weather but again, we have made some advances in the ability to show more winter hearty species types of animals and we have access to more buildings with animals that will be on display so we have at least six different

buildings where people can still view animals so we have more or less corrected that issue. Mr. Martinez stated we would then be able to maintain the end of year field trips for school groups.

Mr. Dabney asked regarding the groups that got shut out last year, if we did anything for them.

Mr. Martinez stated we tried to help find other places for them to go such as the Art Museum. Mr. Martinez stated they are in the process of sending out flyers and letters to all of the schools if the Board approves the new date. Mr. Martinez stated they pull people in from St. Joseph, Michigan, Gary, East Chicago and Crown Point; we have a large following.

Mr. Dabney asked if they think it would be worth it to do something for the groups that had to cancel; in his mind it would be nice to try to extend something to those groups.

Mr. Milcarek asked Mr. Martinez is he has a record of those who could not attend last year.

Mr. Martinez stated yes and they will be in contact with them with a flyer.

Mr. Freese asked Mr. Dabney what he had in mind.

Mr. Dabney stated he doesn't know but we should come together and think of something especially for those who had to reschedule after they were cancelled.

Mr. Martinez stated some rescheduled and came in May but for some it was too late for them to reschedule.

Mr. Dabney asked if some of those groups would be back this year.

Mr. Martinez stated most of these groups continue to come every year; a lot of them prefer to come to us instead of battling traffic in Chicago. Mr. Martinez stated he believes the explanation in the flyer they will send out will assist in bringing them back to us.

Mr. Latchford stated he thinks Mr. Dabney's point is well taken; if there is any courtesy that we can extend to any group that was cancelled last year we should probably reach out to them and let them know they are welcome. Mr. Latchford applauded Mr. Martinez noting he is always pushing to try to make good changes and you are not afraid to try things; some of them work and some don't, but you are never content with the status quo and always try to make improvements.

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board agreed to change the opening date of the Washington Park Zoo to April 1st annually.

Mr. Martinez reported he would like the Board to consider increasing the senior citizen and child admission by \$.50. Mr. Martinez stated including the increase we are still the lowest priced zoo out of the six zoos in Indiana and this will bring us in line with the other zoos and what they are charging. Mr. Martinez stated with our new animal additions and zoo improvements our zoo

visitors will be getting a better experience coming to the zoo. Mr. Martinez stated this admission increase will assist in offsetting our operational budget at the end of the year. Mr. Martinez stated one of the problems we had last year, which everybody is aware of is the fact that material costs, fuel costs and shipping charges on a lot of our products were exaggerated to the point that we had to request funding from the Zoological Society to help offset our food costs; the shipping and food items that we normally maintain within our budget exceeded our expectations; they were exhorbanent. Mr. Martinez stated the Zoological Society was able to fund \$25,000 to assist with food costs. Mr. Martinez reported by increasing the admission an additional \$.50 for seniors and children, this will help offset our operational budget at the end of the year.

Mr. Milcarek stated we have a lot more to offer this year than we did and it is not like we are raising the price for the same exhibits we have a much better package.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board agreed to raise the zoo admission fees for seniors and children by \$.50 to \$4.50.

Mrs. Eason asked Mr. Martinez if he intends to keep all of his other zoo fees the same as 2008.

Mr. Martinez stated yes, the adult admission would remain the same.

Mrs. Eason stated she is referring to all other zoo fees such as parties, outreach, etc. and if it is Mr. Martinez' intention they remain the same as 2008 he will need Board approval on that as well.

Mr. Martinez stated that is his intention that all other zoo fees will remain the same as 2008 fees for the 2009 season.

- **On a motion** made by Mr. Dabney, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed that all other zoo fees will remain the same as the 2008 fees for the 2009 season.

Mr. Martinez reported he has been approached by the Mid-American Zoo Alliance to host a two-day annual conference in 2010 in Michigan City. Mr. Martinez stated MAZA members are small municipal and private zoos and wildlife exhibitors that are centered around the Great Lakes region. Members have attended from Iowa, North Dakota, South Dakota, Montana, Wisconsin, Minnesota, Illinois, Indiana and Ohio. Mr. Martinez reported at the 2008 conference was held at Phillips Park Zoo in Aurora, Illinois and he and Elizabeth Emerick presented papers on the North American Carnivore Exhibit and enrichment in a small zoo setting. Mr. Martinez reported the 2009 conference will be held at Bramble Park Zoo in Watertown, South Dakota. Mr. Martinez stated we were asked if we would host this and we have discussed it amongst ourselves at the zoo and with Park officials and we would like to host this in August 2010 for the following reasons; we have warm enjoyable weather, safe driving conditions, attendees can take advantage of the lakefront and beach and also the zoo is open with all of the animals species on exhibit and with the audio visual improvements Park Maintenance made at Memorial Park we had hoped to

use that as our conference site and, with the Board's permission, he will have a year and a half to prepare for this conference utilizing the LaPorte County Convention and Visitor Bureau's expertise and with assistance from the Zoological Society members in providing the lead time to secure sponsors for meals and materials. Mr. Martinez stated this would be a nice feather in our cap to have our peers come to see what we have.

Mr. Latchford asked Mr. Martinez if the Association would be able to provide any assistance.

Mr. Martinez stated yes somewhat; they also have exhibitor's that sponsor some of the meals and such. Mr. Martinez stated this won't be a large burden; he will beg, borrow and steal from the local community to assist with putting on a good show.

Mr. Latchford asked about the burden of Mr. Martinez's time.

Mr. Martinez stated he has good staff and they have broad shoulders.

Ms. Orlich asked Mr. Martinez how many attendees he would expect.

Mr. Martinez answered up to thirty; when they attended their first conference in Aurora they had twenty six individuals from different places.

Mr. Donoghue asked Mr. Martinez if he expects this to be self sustaining, referring to the Park Department budget.

Mr. Martinez stated yes, he intends for it to be that way and he will rely on the Zoological Society to assist. Mr. Martinez stated his staff is eager to host this and they will pursue different things. This is only a day and a half of actual conference and a half day of zoo visitation. The members will provide their own housing and we will try to get them discounts at area hotels.

Mr. Milcarek suggested if this is approved Mr. Martinez might want to secure the dates for Memorial Hall because that is kind of a hot item.

Mr. Freese commented he thinks this is great; it is a feather in our cap.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board agreed to allow Mr. Martinez to host the MAZA conference in August 2010.

Mr. Martinez reported he is happy to announce three days ago we had the birth of two female and one male baby otters at the zoo. This is a first time mother and she is taking ample care of the offspring; in fact she is very over protective. Mr. Martinez stated there has been only one person working around her, someone who is familiar with her and caters to her day to day. Mr. Martinez stated what they are hoping to do is to contact the News Dispatch to do a follow up story on the offspring. Mr. Martinez stated this brings us to a total of six Otters at the zoo and we will exhibit the babies this summer and possibly in the fall or next spring we may end up

trading them off for other animals or selling them because we can't keep that large of a group in our small facility. Mr. Martinez stated we are very excited; this is a first for the zoo. Mr. Martinez stated they are not sure if the other female is going to reproduce or not but we did observe the animals breeding last fall and we have been monitoring their behavior and sure enough she started her nest making and we were able to check on her several times and she surprised us with three offspring.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Dabney 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 \$56,612.52.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved Payroll #4, 01/25/09 through 02/07/09, in the amount of \$42,671.25.
- ❑ **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 \$2,298.46.

Mr. Milcarek reported invoices totaling \$242.51 were paid through the February 17, 2009 Board of Works meeting.

Mr. Freese commented he is glad we are moving forward with the Michigan City Area Schools.

Mr. Latchford thanked Mr. Greene for being the catalyst in getting the MCAS situation moving forward.

Mr. Donoghue commended both the School Board and the Park Board for resolving that issue; it was an unfortunate that it lasted as long as it did but there is a bright horizon now and he thinks we will all be very happy with the way the two departments get along and he is very pleased.

Mr. Doyle stated this Saturday is the Jerry Karsten's Chili Cook Off from noon to 3 p.m. at the Fish and Game Club. Mr. Doyle thinks advertising on the golf carts is a good idea.

- ❑ **On a motion** made by Mr. Freese, supported by all members of the Board, there being no further business, the meeting was adjourned at 6:33 p.m.

Jan Orlich, Superintendent
Michigan City Park Department

Tom Milcarek, Secretary
Michigan City Park Board

Attachments to the February 19, 2009 Park Board meeting:

1. Haas & Associates Proposal for Adams Park Project
2. Thate Land Surveying Services Proposal for Amphitheater Project
3. 2009 Youth Baseball Tournament Fee Discount
4. Encroachment Letter to Firewall Property Owners from Carl Greci
5. Notice to Proceed A. Hattersley & Sons, Inc.
6. Construction Contract for A. Hattersley & Sons, Inc. for Installation of Splash Pad Equipment
7. Specifications for Proposals for Patriot Park Advertising Billboard Program
8. Request from Samaritan Counseling Centers, Inc. to Host their Sixth Annual Samaritan Skedaddle using Washington Park as Part of their Route
9. 2009 Municipal Band Practice and Concert Schedule
10. Resolution No. 665 Requesting the Michigan City Common Council Adopt an Ordinance Providing for Revenue and Expenses Related to the Oasis Splash Park
11. Resolution No. 666 Requesting the Michigan City Common Council Adopt an Ordinance Providing for the Combining of Certain Non-Reverting Funds in the Department of Parks and Recreation
12. Resolution No. 667 Requesting the Michigan City Common Council Adopt an Ordinance Providing for Revenue and Expenses Related to Special Non-Reverting Fund 1315
13. 2009 Washington Park Zoo Dates of Operation
14. 2009 Washington Park Zoo Fees and Contracts
15. 2009 Request for Washington Park Zoo to Host the MAZA Conference in August of 2010
16. Claims Docket Allowance for Vouchers of City of Michigan City Park Board Dated 02/19/09

Minutes prepared by Shannon Eason