

REGULAR MEETING - JUNE 4, 2007

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, June 4, 2007, at the hour of 9:00 a.m., in the Council Chambers, in the City Hall Building, located at 100 East Michigan Boulevard, Michigan City, Indiana - a regular meeting room of this Board.

The meeting was called to order by Controller John Schaefer, who presided.

Noted Present: Mayor Charles Oberlie and Controller John Schaefer (2).

Absent: Anthony Metzcus (1).

A QUORUM WAS NOTED PRESENT.

APPROVAL OF MINUTES

Mayor Oberlie moved the minutes of the Regular Meeting of May 21, 2007, be approved as printed. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0).**

Also noted in attendance:

John Espar, City Attorney and Board Counsel
Bill Phelps, City Engineer
Deputy Chief Mark Swistek, Police Department
Jim Elwell, Supt., Central Services
John Pugh, City Planner
Joseph Siegel, Zoning Administrator
Russell Hatfield, Code Officer
Al Walus, General Manager, Sanitary District
Walter Gipson, Director, Municipal Coach Department
Charlie Cate, Superintendent, Central Maintenance
Thomas Fedder, City Clerk
Carla Adams, Deputy City Clerk

Rick Richards, News-Dispatch
Ron Miller, Radio Station WEFM
Andre Steele, Access LaPorte County

11th STREET CLOSURE - NICTD Replacement of Rails

City Engineer Bill Phelps said Northern Indiana Commuter Transportation District has requested a **complete closure of 11th Street, between York and Spring Street**. Mr. Phelps said this is for a replacement of rails (mostly around the curb near the Christian Church), **June 11th until June 22nd**. He said it would also encumber two (2) side streets, Lafayette and Cedar Street that you would not be able to cross because of removal of the track and reconstruction. Mr. Phelps also explained a project that will begin this summer, 11th Street from Michigan Boulevard to Franklin Street (which will also be a complete closure).

There was discussion among Mayor Oberlie and City Engineer Phelps regarding the schedule of the project. Mr. Phelps said he would notify the emergency agencies.

Mayor Oberlie moved that the closing of 11th Street, between York and Street from June 11th until June 22nd for reconstruction of Rail purposes be approved. The motion was seconded by Mr. Schaefer and carried by the following vote: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0).**

STATUS/NOTICE TO BIDDERS

508 W. 11th Street - Mr. James Spsychalski, owner.

Zoning Administrator Joseph Siegel and Code Officer Russell Hatfield were present to speak on this matter. Mr. Siegel said he is asking the Board to allow for Notice to Bidders. He said this matter was presented before the Board in July, 2005 and the building has been condemned with an Order to Demolish recorded with the deed. Mr. Siegel said the owner, Mr. Spsychalski, purchased this building with the order in place at that time. He said throughout the remainder of 2005 and all 2006 Mr. Spsychalski has been to the Board meetings numerous occasions promising to repair the building, with very little action taken place. He said Tyler Tarpley, the previous Code Officer, brought this matter to the Board in March of this year for discussion and status. Mr. Siegel said after about 2 ½ months there has not been any significant work completed. He said

the department is requesting that the Board proceed with Notice to Bid on this matter. Code Officer Russell Hatfield distributed additional photos (2005/2006) to the Board.

There was discussion among Mr. Siegel and City Controller Schaefer concerning the progress made since 2006.

Mr. Spychalski, 1108 Elston Street, addressed the Board with his future plans and the work that he has done regarding the structure.

Mayor Oberlie asked Mr. Spychalski if he had received a list of items to be addressed for the repair of the facility and he responded that he had not. Mr. Spychalski said it was his understanding when this matter was last discussed he would be receiving a sixty (60) day notice to do work and he did not receive any such notice.

Mr. Schaefer responded that the sixty (60) day notice was given at the March 19th meeting and Mayor Oberlie said by his notes a motion was made to issue a order of repair, which has not been done.

Mayor Oberlie moved to table this matter until the next meeting with the Inspection Department to provide an Order to Repair listing the necessary code issues that need to be addressed. He said at the next Board meeting they will address the time in which these issues need to be completed. Mr. Schaefer seconded the motion and was carried by the following vote: **AYES: MEMBERS Schaefer and Oberlie (2). NAYS: None (0).**

OPENING OF BIDS - 109 Combs Street - Mary Patterson, owner.

Bids were received as follows:

Phelps Construction \$9,945.00
 Piper Excavating (incomplete bid) \$6,815.00

Mayor Oberlie informed the Board that the bid received from Piper Excavating was incomplete and unacceptable. He moved to refer the bids to Inspection and EEO for tabulation, to be reported back at the next meeting. Mr. Schaefer seconded the motion, which carried as follows: **AYES: MEMBERS Schaefer and Oberlie (2). NAYS: None (0).**

STATUS REPORT - 609 E. 10th Street - Joseph J. Tylisz, owner.

Code Officer Russell Hatfield said this house was demolished by Residential Construction as of Thursday. He said he was in the final stages of the demolition on the perimeter cleanup, putting down the straw, top soil, and seeding.

COST ANALYSIS

Mr. Charles Cate, Superintendent, Michigan City Central Maintenance, wrote the following on May 31 2007:

2007 Bus Cost Analysis

Midwest Transit set a bid package based upon two (2) or more bus purchases.
 Eldorado 29 Passenger Bus 350,000 mile – 7 year rated w/knelling and integrated front door lift.

Midwest Transit Purchases		Similar Eldorado Public Bus Bids Other Bus Companies	
08/18/2004 2004 Eldorado #24	\$173,744		
02/15/2005 2005 Eldorado #26	\$173,744	-\$14,212 -7.6%	\$187,956 7/19/2005 2005 Eldorado City of Wichita Falls, TX
11/09/2005 2006 Eldorado #28	\$173,744		
12/27/2005 2006 Eldorado #28	\$173,744	-\$23,210 -11.8%	\$196,954 8/25/2006 2006 Eldorado City of Sunrise, Florida
04/15/2007 2007 Eldorado Bid	\$219,000		
Emission Premium	-\$11,000		
Cost for new emission control engines required for all diesel engines manufactured after 3/1/07.			
Net Bid	\$208,000	\$11,046 5.3%	Versus the 8/25/06 Bid

2004 – 2006 Average Price Increases		
	Total	Annual
Petroleum Products	40.0%	13.3%
Repair Parts	15.4%	5.1%
Tires	9.1%	3.0%
Steel	29.8%	9.9%

I believe that the 5.3% price difference from a 2006 Eldorado competitive bid shows The \$219,000 bid from Midwest Transit to be a fair and competitive bid.

Central Maintenance Superintendent Charles Cate said at the last meeting it was noted that there was only 1 (one) bid received for these buses. He said the bid packages were sent to different distributors for Champion Buses, Bluebird Buses, along with Eldorado Buses. Superintendent Cate said he did receive similar bids from Eldorado National Headquarters. He said over the last four (4) bus purchases they were able to lock into a guaranteed price for their buses. Mr. Cate said similar bids for other cities were higher. Superintendent Cate said as of March 1, 2007 the new EPA rules for engines and transmissions came into place and any engine built after March 1, 2007 had to meet mission control standards. He said that premium is approximately \$11,000.00 over previous engines. Mr. Cate said he net the cost out of \$208,000 and tried to show the Board the difference in other bids in comparison to our bid. Superintendent Cate said he summarized some of the commodity increases that he has in his records for repair parts, tires, steel, and petroleum products. He said from this analysis he can say that Midwest Transit has presented the department with a very fair competitive bid for the new buses.

Walter Gipson, Director, Municipal Coach Department, explained the financial plan. He said the grant will not be approved until July 15th and suggested to the Board delaying the awarding of the bid and waiting until the grant is approved.

Mayor Oberlie moved to table the awarded bid to the July 16th meeting of the Board, but to accept the cost justification analysis provided to the Board by Central Maintenance Department. The motion was seconded by Mr. Schaefer and carried by the following vote: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0).**

STREET CLOSING

Mr. Willie Milsap, 601 S. Dickson Street, wrote the following on May 31, 2007:

Re: Request the closing of Grace Street, from Michigan Boulevard to Holiday Street for Juneteenth Celebration on Saturday, June 16th from 10:00 a.m. until 5:00 p.m. (Rain date: June 23rd).

Mark Swistek, Chief Operations, Michigan City Police Department, said the department has no objection to the request of the street closure. He said it is similar to the "Shake a Hand Make a Friend" request. Mayor Oberlie asked Central Services to provide barricades.

Mayor Oberlie moved to approve the request regarding the Juneteenth Celebration, seconded by Mr. Schaefer. The motion was carried by the following vote: **AYES: MEMBERS Schaefer and Oberlie (2). NAYS: None (0).**

DISCUSSION OF VARIOUS ISSUES

Mr. James D. Shaw, on behalf of the members of the Village Green Neighborhood Association Signage Subcommittee, wrote the following on May 25, 2007:

We the members of the Village Green Neighborhood Association Signage Subcommittee, Mark Mokricki, Larry Sadenwater and James Shaw do petition placement on the next Michigan City Board of Works agenda to represent the Village Green Neighborhood Association to discuss approval of the below issues....

- A single subdivision sign at the corner of Ohio Street and Essex Lane.
- Sign design and construction
- Request of a traffic analysis for the intended intersection
- Placement of sign on city right of way

Pictures detailing placement, size and location will be presented at the meeting.

Contact information can be mailed to the address below

Mayor Oberlie moved to refer the issue to the City Engineer. (He said the Village Green Association has been working for about a year or two to redevelop the entrance signage that was there at one time and we have indicated that we would be willing to make that happen. He said to let the City Engineer work with them to make sure whatever is created is not an obstacle to traffic.) The motion was seconded by Mr. Schaefer and carried by the following vote: **AYES: Oberlie and Schaefer (2). NAYS: None (0).**

PUBLIC HEARING

Re: Michigan City Municipal Coach Department - To consider changes to the following Michigan City Bus Routes: Route #1 - Franklin/Washington; Route #2 - Carroll Avenue/Pahs Road; Route #3 - Karwick/Michigan Boulevard/Ohio Street; and, Route #4

- Westside/Franklin Street.

Walter Gipson, Director, Municipal Coach, submitted charts and explained the following Route changes:

ROUTE # 1

- DELETE -** Washington Street to 6th Street
6th Street to Wabash Street
To 8th Street to Washington Street.
- Stay on Washington Street to 9th Street
- DELETE -** From the Mall to St. Johns Road to Ohio Street to Kieffer Road.
- ADD -** From the Mall to St. Johns Road to Franklin Street to Wal-Mart Plaza
To Franklin Street to Westwind Drive
To Southwind Drive to Kieffer Road
To Franklin Street to the Holiday Inn
To Franklin Street
- DELETE -** Franklin Street to 4th Street
- ADD -** Franklin Street to 9th Street to Pine Street
To 4th Street

ROUTE# 2

- DELETE -** Washington Street to 6th Street
To Wabash Street to 8th Street
To Washington Street
- Stay on Washington Street to Ninth Street
- DELETE -** Detroit Street to Pearl Street
To Poplar Street to Barker Avenue
- ADD -** Detroit Street to Lafayette Street
To Barker Avenue
- DELETE -** Welnetz Road to Roeske Avenue
To U.S. Hwy 20 to Woodland Avenue
To Normandy Village to Pahs Road
To the High School to Pahs Road
To Woodland Avenue to Coolspring Avenue
To Cleveland Avenue to Barker Road
To Franklin Street to St. Johns Road
- ADD -** Welnetz Road to Woodland Avenue
To Coolspring Avenue, into The Medical Group
To Woodland Avenue to Barker Road
To Franklin Street to St. Johns Road
Into The Mall to St. Johns Road
To Franklin Street to Meijer Plaza
To Meijer Road to Cleveland Avenue
To Pahs Road into Normandy Village
To Woodland Avenue to Pahs Road
To Cleveland Avenue to U.S. Hwy 20
To The Mall
- DELETE -** Barker to Poplar to Pearl
To Detroit to Franklin
- ADD -** Barker to LaFayette to Detroit
To Pine to 4th Street to Library

ROUTE# 3

- DELETE -** Michigan Boulevard to 4th Street
To the Library to Washington Street
To 6th Street to Wabash Street

To 8th Street to Washington Street
 To 9th Street to Franklin Street
 To St. Johns Road to The Mall

ADD - Michigan Boulevard to 7th Street
 To Wabash Street to Barker Avenue
 To Ohio Street to St. Johns Road
 To The Mall
 The Mall to St Johns Road to Franklin Street
 To Lake Spur to Town Centre Drive
 To Aldi's to Franklin Street
 To U.S. Highway 20 to The Mall
 The Mall to St. Johns Road
 To Ohio Street to Barker Avenue
 To Wabash Street to 6th Street
 To Pine Street to 4th Street
 To the Library

ROUTE# 4

DELETE - Library to Washington Street
 Washington Street to 6th Street
 6th Street to Wabash Street
 Wabash Street to 10th Street
 10th Street to Ohio Street
 Ohio Street to Ripley Street
 Ripley Street to Wabash Street
 Wabash Street to Barker Avenue
 Barker Avenue to Ohio Street
 Ohio Street to St. Johns Road
 St. Johns Road to Marquette Mall
 Marquette Mall to U.S. Hwy 20
 U.S. Hwy. 20 to Ohio Street
 Ohio Street to Southwind Drive
 Southwind Drive to Dunes Plaza
 Dunes Plaza to U.S. Hwy. 421
 U.S. Hwy. 421 to Wal-Mart
 Wal-Mart to U.S. Hwy 421
 U.S. Hwy 421 to Westwind Drive
 Westwind Drive to Southwind Drive
 Southwind Drive to South Court
 South Court to Ohio Street
 Ohio Street to U.S. Hwy 20
 U.S. Hwy 20 to Marquette Mall
 Marquette Mall to St. Johns Road
 St. Johns Road to Ohio Street
 Ohio Street to Barker Avenue
 Barker Avenue to Wabash Street
 Wabash Street to Ripley Street
 Ripley Street to Ohio Street
 Ohio Street to 10th Street
 10th Street to Chicago Street
 Chicago Street to Cooper Street
 Cooper Street to Willard Avenue
 Willard Avenue to 10th Street
 10th Street to Sheridan Avenue
 Sheridan Avenue to 4th Street (U.S. Hwy. 12)
 4th Street to Willard Avenue
 Willard Avenue to 8th Street
 8th Street to Pine Street
 Pine Street to 4th Street
 4th Street to Library

ROUTE# 4

ADD- Library to Washington Street
 Left on Washington Street to 10th Street
 Right on 10th Street to Chicago Street
 Left on Chicago Street to Cooper Street

Right on Cooper Street to Willard Avenue
Right on Willard Avenue to 10th Street
Left on 10th Street to Sheridan Avenue
Right on Sheridan Avenue to U.S. Hwy. 12
Right on U.S. Hwy. 12 to 8th Street
Right on 8th Street to Grant Street
Left on Grant Street to 8th Street
Right on 8th Street to Washington Street
Right on Washington Street to 9th Street
Left on 9th Street to Franklin Street
Right on Franklin Street to St Johns Road
Right on St. Johns Road to Marquette Mall
Left into Marquette Mall
Marquette Mall to St Johns Road
Right on St. Johns Road to Franklin Street
Right on Franklin Street to Wal-Mart Plaza
Right into Wal-Mart Plaza
Wal-Mart to Franklin Street
Right on Franklin Street to Westwind Drive
Right on Westwind Drive to Southwind Drive
Left on Southwind Drive to Kieffer Road
Left on Kieffer Road to Franklin Street
Left on Franklin to Town Centre Court (GFS)
Right on Town Centre Court to Town Centre Road
Left on Town Centre Road to Meijer Plaza
Right into Meijer Plaza
Meijer Plaza to Meijer Drive
Right on Meijer Drive to Cleveland Avenue
Left on Cleveland Avenue to U.S. Hwy. 20
Left on U.S. Hwy. 20 Marquette Mall
Right into Marquette Mall
Marquette Mall to St. Johns Road
Right on St. Johns Road to Franklin Street
Left on Franklin Street to 9th Street
Right on 9th Street to Pine Street
Left on Pine Street to Library

Mr. Schaefer said the formal public hearing was open and the following individuals spoke on the matter: Mr. Robert Kuchik and Mr. John Vail. Director Gipson responded to the concerns of the residents.

Mr. Schaefer declared the “public hearing” closed.

Director Gipson commented on various changes regarding the proposed Bus Route Changes.

Mayor Oberlie spoke regarding receiving litigation in air quality funding that will help subsidize the operations and the City Council has already authorized the submission of those grants, so we are looking at an additional cost for a full year of a little over \$42,000.00. He said after three (3) years it will still be under \$60,000.00 in terms of our cost.

Mr. Schaefer moved that the Board take the matter under advisement and at the next meeting vote to implement the Route Changes. The motion, seconded by Mayor Oberlie, carried by the following vote: **AYES: MEMBERS Schaefer and Oberlie (2). NAYS: None (0).**

GRIEVANCE DISPOSITION

Mr. Espar presented the following disposition of grievance in the case of Terry Moisan, AFSCME, LOCAL NO. 228:

**BEFORE THE BOARD OF PUBLIC WORKS AND SAFETY
MICHIGAN CITY, INDIANA**

STATE OF INDIANA)
)
COUNTY OF LAPORTE)
)
)
)
IN RE: THE GRIEVANCE OF)
TERRY MOISAN)
AFSCME, LOCAL NO. 228)

DISPOSITION OF GRIEVANCE

The parties present at the Grievance Hearing held on May 21, 2007 at 10:15 a.m. in the Michigan City Common Council Chambers, their representative capacity, and receiving a copy of this *Disposition of Grievance* are as follows:

REPRESENTING THE BOARD OF PUBLIC WORKS AND SAFETY

Anthony Metzcus, President
Charles Oberlie, Member
John Schaeffer, Member
John M. Espar, Corporation Counsel and Counsel for Board of Public works and Safety

REPRESENTING FOR THE CITY OF MICHIGAN CITY

James Elwell, Superintendent Central Services
Jack Kahn, Street Director
Charles Cate, Central Maintenance Director
Water Gipson, Municipal Coach Director
Brian McMahan, Central Maintenance

APPEARING FOR THE GRIEVANT AND UNION

Ed Johnston, Union Representative
Terry Moisan, Grievant
Michael Kmak, Union Member
Charles Anderson, Union Member
Michael Williams, Union Member

APPEARING FOR THE PERSONNEL DEPARTMENT

Shelley Dunleavy

PROCEDURAL MATTER

The above-captioned matter coming on for Hearing before the Board of Public Works & Safety of the City of Michigan City, Indiana, on the 21st day of May, 2007 at 10:15 a.m. in the Michigan City Common Council Chambers, City Hall Building in Michigan City, Indiana for Hearing on Grievance filed by the AFSCME, Local No. 228 on behalf of Grievant Terry Moisan.

FINDINGS OF FACT

The Board of Public Works and Safety, having heard the evidence presented and arguments of the parties, now makes the following factual findings in this matter:

1. That an incident occurred on February 23, 2007 involving the Grievant Terry Moisan and employee Brian McMahan. However, inconsistent evidence has been presented in which the Board is unable to find upon sufficient credible evidence that the Grievant, Terry Moisan and Terry Moisan alone, acted in violation of Section 501 of the Personnel Policy's Handbook.
2. That an incident occurred on March 1, 2007 (first incident) involving the Grievant Terry Moisan and employee Brian McMahan. However, inconsistent evidence has been presented in which the Board is unable to find upon sufficient credible evidence that the Grievant, Terry Moisan and Terry Moisan, alone acted in violation of Section 501 of the Personnel Policy's Handbook.

- 3. That an incident occurred on March 1, 2007 (second incident) involving the Grievant Terry Moisan and employee Brian McMahon in which sufficient credible and consistent evidence has been received demonstrating that Terry Moisan acted in violation of Section 501 of the Personnel Policy's Handbook.

CONCLUSION

The decision of the Superintendent of the Central Services Department to discipline Terry Moisan is therefore affirmed in part and reversed in part.

DECISION

The Superintendent of the Central Services Department is directed to reduce the discipline to written reprimand and place this matter of record in the Personnel File of Terry Moisan.

DISPOSITION RENDERED AND APPROVED this 4th day of June, 2007.

BOARD OF PUBLIC WORKS AND SAFETY

By:
Anthony Metzcus, President

By:
John Schaefer, Member

By:
Mayor Charles E. Oberlie, Member

Mayor Oberlie moved to approve the conclusion and decision as presented. Mr. Schaefer seconded the motion, which carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0).**

AGREEMENT

For informational purposes, Shelley Dunleavy, Director, Personnel Department, presented the following agreement: between the City Clerk and Local 228:

Preamble

This agreement, entered into by the City Clerk of Michigan City, Indiana (the Employer) and Local 228/Council 62, American Federation of State, County, and Municipal Employees, AFL-CIO (the Union), has, as its purpose, the promotion of harmonious relations between the Employer and the Union, establishment of an equitable and peaceful procedure for the resolution of differences; and the establishment of rates of pay, hours of work, and other conditions of employment.

Recognition

The Employer recognizes the Union as the sole and exclusive bargaining agent for assistant deputy clerk and clerical employees of the City Clerk of the City of Michigan City. The employer agrees to abide by the terms and conditions of the collective bargaining Contract for 2006-2008 between Local 228/Council 62, American Federation of State, County, and Municipal Employees, AFL-CIO and The Civil City of Michigan City, Indiana.

For the Employer

/s/ Tom Fedder
Tom Fedder, City Clerk
City of Michigan City, Indiana

For the Union

/s/ Edward John
Edward Johnson
AFSCME Council 62

CLAIMS AND PAYROLL

Mayor Oberlie moved that the claims set forth in the Register of Claims (in possession of the City Controller) and appearing in the Register be severally allowed and ordered paid and proper warrants for payment thereof hereby ordered issued in the stated amounts to person(s) and/or firm(s) as set forth, and payrolls approved. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Schaefer and Oberlie (2). NAYS: None (0).**

The Board signed: Payroll Items in Register of Claims for informational purposes (which Register is in the possession of the City Controller) as follows:

Page	Date	Amount
1 of 3	05/30/07	\$234,980.23

Allowance of claims as set forth in the Register of Claims as follows:

Page	Date	Amount
1 of 3	06/04/07	\$909,640.92
1 of 1	06/04/07	\$33,249.10

STREET CLOSING REQUEST

Lakeland Estates Addition is planning a picnic this Saturday, June 9th, and are requesting permission to close the street inside the residential neighborhood.

Mayor Oberlie moved to refer this matter to Traffic and Central Services with the authorization to approve and to make sure all emergency agencies are notified. The motion was seconded by Mr. Schaefer and carried by the following vote: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0).**

Deputy Chief Mark Swistek, Police Department, stated he foresees no problems and will get with Central Services so everything is taken care of.

The presiding officer inquired whether there was anything else to be considered by the Board at this time and, there being none, declared the meeting ADJOURNED (approximately 10:25 a.m.).

Thomas F. Fedder

Thomas F. Fedder, City Clerk