

REGULAR MEETING – MARCH 1, 2010

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, March 1, 2010, 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 President, Tony Metzcus, who presided.

Noted Present: Tony Metzcus, John Schaefer, and Mayor Charles Oberlie, (3).

Absent: none (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporate Counsel
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division
Officer Kevin Urbanski,
Russ Hatfield, Code Enforcement Officer
John Pugh, Director Planning & Inspection Departments
Bill Phelps, City Engineer
Shelley Dunleavy, Personnel Director
Jeremy Kienitz, Recreation Director
Monique Cook, Office Manager, Central Services
Walter Gipson, Director, M.C. Transit
Dave Lamb, Fire Chief, M.C. Fire Department

Thomas F. Fedder, City Clerk
Kim Sliwa, Asst. Deputy City Clerk

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of February 16, 2010 be approved as printed. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

AWARDING OF BID for Leasing Sign Space on City Buses

Walter Gipson, Director, Michigan City Transit Department, addressed the Board recommending the bid from the Swanson Center for \$6,570.00 for one (1) year of leasing the signs on the buses be accepted.

Mayor Oberlie made the motion to approve the bid. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

AGREEMENT – One Year Labor Agreement Between the City of Michigan City and the Fraternal Order of Police, Dunes Lodge #75 for 2010

Shelley Dunleavy, Personnel Director, addressed the Board regarding the agreement, stating the contract has already been ratified by the F.O.P. and signed and approved by the Michigan City Common Council. Mrs. Dunleavy stated the contract does not have any financial impact on the budget of the Michigan City Police Department for 2010; also

stating the only changes made to the contract was the reallocation of some specialty pays and some clarification on insurance coverage.

Mayor Oberlie made the motion to approve the agreement. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

APPROVAL OF JOB DESCRIPTION – Facilities and Services Manager

Shelley Dunleavy, Personnel Director, addressed the Board regarding the job description for the position of Facilities and Services Manager explaining this is a new position and that once the City Common Council designates the dollar amount it will be advertised.

JOB DESCRIPTION

Job Title: Facilities and Services Manager
Department: Municipal Buildings
Reports To: Mayor
FLSA Status: Exempt
Prepared By: Shelley Dunleavy
Approved By: The Board of Public Works and Safety
Approved Date: March 1, 2010

Summary Plans, directs and coordinates activities of employees and contractors engaged in the replacement, expansion or operation, repair and maintenance of municipal facilities, equipment and grounds to ensure safety and improve efficiency and reduce costs by performing the following duties.

Essential Duties and Responsibilities include, but are not limited to, the following:

Reducing operating costs of facilities and grounds.

Inspects facilities and equipment to determine need and extent of service, equipment required and type and number of operation and maintenance personnel needed.

Works with management to plan and assist with recommendations to schedule facility modifications.

Coordinates with appropriate city department representatives on scheduling repairs and oversees facility and equipment preventative maintenance including but not limited to, telephone systems, building infrastructure maintenance, and HVAC, elevators, electrical, plumbing and water/sewer services.

Assigns workers to duties such as maintenance, repair or renovation and obtains bids for additional work from outside contractors.

Directs contracted projects to verify adherence to specifications.

Monitors mechanical systems to ensure efficient/safe operation and performs emergency repairs when necessary.

Tracks, collects, reports and maintains information related to building utility usage, and preventative maintenance schedules to reduce operating costs.

Researches and implements new technology to improve operational efficiency.

Manages inventory of equipment, fixtures and furniture to ensure replacement schedule.

Develops environmental health and safety procedures for facilities, including emergency action plans, disaster recovery, business continuity and other related procedures and ensures procedures comply with local, state, and federal regulations.

Performs facilities planning activities, including evaluating existing usage patterns of buildings and equipment and project future requirements.

Purchases building and maintenance supplies, machinery, equipment and furniture.

Negotiates and administers outside service provider contracts.

Plans and administers building department budget.

Manages key control system and security system and personnel.

Reports to Mayor as requested, and to the Finance Committee of the Common Council every six (6) months, regarding cost savings options identified, evaluated, and implemented. Report must demonstrate savings achieved and future goals.

Performs other duties assigned by the Mayor.

Supervisory Responsibilities Supervises, directly or indirectly through subordinate supervisors, custodial and maintenance employees. Is responsible for the overall direction, coordination, and evaluation of these employees. Carries out supervisory responsibilities in accordance with the City's policies and applicable laws. Responsibilities include interviewing, hiring and training employees; planning, assigning and directing work, appraising performance; discipline and addressing complaints and resolving problems.

Competencies To perform the job successfully, an individual should demonstrate the following competencies:

Project Management – Develops project plans, coordinates projects, communicates changes and progress, completes projects on time and budget and manages project team activities.

Qualifications To perform this job successfully, an individual must be able to perform each essential duty and responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Ability to work with management to develop strategic plan for facility maintenance.

Knowledge of all mechanical, electrical, plumbing, construction and maintenance trades.

Education and/or Experience Bachelor's degree in management, engineering, architecture or related field. Certified Facilities Manager or Certified Property Manager preferred. Certifications and/or a minimum of 8 years relevant experience in building operations, maintenance and building systems.

Language Skills Ability to read and interpret detailed drawings and documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write reports and correspondence. Ability to communicate effectively with employees, citizens, contractors and vendors.

Mathematical Skills Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.

Reasoning Ability Ability to apply common sense understanding to carry out instructions furnished in written, oral or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

Computer Skills To perform this job successfully, an individual should have knowledge of internet software, payroll systems, spreadsheet software and word processing software.

Certificates, Licenses, Registrations Valid driver's license required.

Physical Demands The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disability to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand, walk, sit, use hands to finger, handle, or feel, reach with hands and arms, climb or balance, stoop, kneel, crouch, or crawl, talk or hear and taste or smell. The employee must occasionally lift and/or move up to 40 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and ability to adjust focus.

Work Environment The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally exposed to moving mechanical parts, high, precarious places, fumes or airborne particles, toxic or caustic chemicals, outside weather conditions and risk of electrical shock. The noise level in the work environment is usually moderate.

Mayor Oberlie explained how this new position came about and the savings it created. The Mayor made the motion to approve the job description. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

TRIATHLON

The following correspondence was received in the Clerk's Office on February 23, 2010 from Jeremy Kienitz, Recreation Director, Michigan City Parks & Recreation:

The Michigan City Parks and Recreation Department is teaming with the LaPorte County Convention and Visitors Bureau to host our 2nd Annual Michigan City Triathlon on Friday, August 13 and Saturday, August 14, 2010. The triathlon will consist of a swim, bike and run. The Michigan City Parks & Recreation Department is requesting the closure of roads for this event On Friday from 5pm – 6:30pm and on Saturday from 7am – 11 am. We have already contacted Sgt. Jeff Loniewski, Michigan City Police Department, and he is on board with this request and their assistance in our event. We will also be contacting Chief Sulkowski, Long Beach Police Department, the Long Beach Town Council, the Duneland Beach Town Council, LaPorte County Board of Commissioners, and Michiana Shores Town Council for their approval of the routes and for their given consent to shut down the requested roads for the triathlon.

Mr. Kienitz addressed the Board and presented handouts of the proposed routes for the event and asked for their approval for this event.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board recommending approval for the event.

Mr. Schaefer made the motion to approve the request. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

PROPOSAL FOR LIVE STREAMING OF MEETINGS

A proposal was received in the Clerk's Office on February 24, 2010 from Mike Dempsey for "live" streaming of all City meetings.

Mr. Schaefer recommended that the Board TABLE this item until bids for the Request for Statement of Qualifications and Proposal for Government Access Channel Programming (Channel 97), Public Access Channel Programming (Channel 99) and Public Access Studio are reviewed. Mr. Schaefer made the motion to TABLE the item. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST TO REMOVE HANDICAP PARKING SIGN

The following correspondence was received in the Clerk's Office on February 24, 2010 from Bryon Glick:

Sirs, a couple years ago I requested a handicapped parking sign placed in front of my home for the benefit of my mother who is wheelchair bound. She has recently moved to my sister's home further out in the city and we no longer require the handicapped parking reservation in front of my house. I am Bryon Glick and the address is 1119 Cedar Street, in Michigan City. I thank you all in advance for your consideration.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board and asked that this request be TABLED at this time to allow him to see if there is a need for the handicap parking space by any residents at the apartment complex next to the residence.

Mayor Oberlie made the motion to TABLE the request until the Board's next meeting. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST FOR HANDICAP PARKING SIGN

The following request was TABLED from the February 16, 2010 meeting.

The following correspondence was received in the Clerk's Office on February 9, 2010 by Corneilus Wright Sr., 523 Pleasant Avenue:

I, Corneilus Wright Sr. am a disabled citizen. I have multiple conditions in my body that prevent me from traveling too far [walking]. I have Rheumatoid Arthritis, Diabetes, I had a heart attack in 2008 and I had a total knee replacement.

I have to park my car across the street from my home. It is hard for me when others are parked in front of my house and I have to park a half [1/2] a block and walk home, especially when I have gone to the store.

Now that it is bad outside, I really need to be close to the house as possible so that I don't slip and fall. My family keeps that space clear for me so that there is not much snow there.

These are the reasons that I need a permanent handicap parking sign so that space is available for me to have access without stress.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating he has spoken with Mr. Wright and recommends approval of the request.

Mr. Schaefer made the motion to approve the request. The motion was seconded by Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST FOR HANDICAP PARKING SIGN

The following correspondence was received in the Clerk's Office on February 22, 2010 by Ms. Olivia Pasha:

My name is Olivia Pasha and I am a 63 year old woman living alone in Michigan City, Indiana. I am requesting a handicap parking space because I extremely need assistance in taking care of myself. I have several health problems, such as hard time breathing, a condition called sarcoidosis, and I recently have been in and out of the hospital for thrombotic thrombocytopenic purpura (a form of blood disorder).

I am looking to have the handicap parking space near my home on 201 Logan Street at Michigan City, Indiana. You can contact me between the hours of 8 a.m. and 5 p.m. Sunday through Friday. I look forward to hearing your respond and thank you for your time.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board regarding this request, stating he has spoken with Ms. Pasha. Sgt. Loniewski explained there is off street parking available; Ms. Pasha has a large two (2) car garage and space in front of the garage to park two (2) vehicles, and does not have a handicap placard or license plate. Sgt. Loniewski recommended denying the request at this time.

Mayor Oberlie made the motion to deny the request at this time. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST FOR HANDICAP PARKING SIGN

The following correspondence was received in the Clerk's Office on February 22, 2010 by Ms. Elaine Pasha:

I am Elaine Pasha and I am 46 year old woman living alone in Michigan City, Indiana. I am requesting a handicap parking space because it is becoming more difficult to take care of myself. I have been disabled for the last 10 years due to a rare condition called hydrocephalus and I also have asthma. These conditions have made it hard for me to lift certain things, as well as walk and drive for long distances. Similarly, I was diagnosed with cervical cancer in 2007. As you can imagine being diagnosed with cervical cancer has brought even more difficulties to handle simple everyday tasks.

I am looking to have the handicap parking space on the left side of my home at 216 North Ashland Avenue in Michigan City, Indiana. You can contact me between the hours of 8 a.m. to 5 p.m. Sunday through Friday. I look forward to hearing your respond and thank you for your time.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board regarding this request, stating he has spoken with Ms. Pasha and that off street parking is available to her; she has a large concrete driveway that can accommodate three (3) vehicles, and a detached garage large enough to accommodate another vehicle. Sgt. Loniewski recommended denying the request at this time.

Mr. Schaefer made the motion to deny the request at this time. The motion was seconded by Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST TO PLACE BLUE RIBBONS

The following correspondence was received in the Clerk's Office on February 22, 2010 by

Jennifer Solner, Dunebrook:

The staff at Dunebrook is making preparations to, once again, recognize April as Child Abuse Prevention Awareness Month. In the past, we have placed Blue Ribbons at various locations around Michigan City, and plan to do that again this year. We would specifically, like to put Blue Ribbons on the light posts all the way down Franklin Street.

If approved, we will be responsible for putting the ribbons up and taking them down. We will most likely do this as a team building exercise, and will also utilize volunteers from the outside. We would start putting them up on March 27th, with an end date of March 31. We would start taking them down on May 1, with an end date of May 8th.

I am planning on attending the Board of Works meeting on March 1, to answer any further questions, and I look forward to meeting you, and discussing this with you in person. Thank you for your consideration of this project.

Ms. Solner of Dunebrook addressed the Board regarding the request and asked for the Board's approval.

Mayor Oberlie inquired as to how much of Franklin Street will be utilized.

Ms. Solner informed the Board they intended to go from the Library at 4th Street to the Marquette Mall at US Hwy 20.

Mayor Oberlie made the motion to approve the request subject to NIPSCO's approval, as the poles belong to them. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following correspondence was received in the Clerk's Office on February 24, 2010 by Councilman Richard Murphy:

I am writing to you to address several resident complaints reported to me regarding the structure sometimes referred to as "the old hot dog stand" located at 1203 E. 2nd Street (on Rt. 12 frontage). Attached are two photos of the structure that appears to depict several serious code violations. There are gaping holes in the walls, the structure appears to be compromised, and perhaps even in danger of collapse.

Due to the immediate health and safety hazards this structure poses, and resident concerns that the cost of construction and materials to bring this structure into code may greatly exceed the value of the improved structure, we request that the Board look into all remedies to address and correct these issues.

In addition to the health safety concerns, the prominent location of this extremely blighted structure has a negative economic impact on our community and sends the wrong message to the many thousands of visitors who travel Rt. 12, getting their first impression of Michigan City, not to mention the millions who visit the Blue Chip Casino and Lighthouse Mall each year. Thank you for your consideration to this request.

Mayor Oberlie responded to the request and explained the situation with this property. The Mayor made the motion to have the Inspection Department set a date for a Demolition Hearing. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following request was TABLED from the February 16, 2010 meeting.

The following correspondence was received in the Clerk's Office on February 9, 2010 by Councilman Richard Murphy:

Based on concerns expressed to me by residents and visitors of Sheridan Beach and Beachwalk, I would like to request that the Planning/Engineer/MCPD Departments investigate the implementation of an improved pedestrian crossing at Stop 7 and Lake Shore Drive. As you know, this crossing leads to the boardwalk that spans over the dune to Sheridan Beach.

During our months of warmer weather, the intersection of Stop 7 and Lake Shore Drive can rival pedestrian volume of the zoo. On top of pedestrians many of which are children, the crossing buzzes with strollers, wagons, coolers on wheels, bicycles, and scooters. On a summer weekend day, we estimate that a thousand or more pedestrians can cross there and back again.

One idea that has been brought up is treat the crossing similar to that of the zoo entrance with raised lines painted on the street approaching the crossing that alerts drivers to the crossing AND seasonal signage.

We request that this idea be looked and welcome any other ideas that come from your analysis with the goal of improving safety for our residents. With this email, I have provided five photos and a photo key of the Stop 7 crossing and the Zoo crossing

Thank you for your consideration of my request.

Councilman Murphy supplied the Board with pictures of the area discussed as well as possible improvements currently used on Lakeshore Drive.

John Pugh, Director, Planning and Inspection Department, addressed the Board and made the following suggestions:

- 1~Repair and maintain amber flashing beacons attached to existing signage
- 2~Replace existing (W11-2) with "T" advance intersection warning (W2-2)
- 3~Installation of "Yield to Pedestrians" signage (R1-2)
- 4~Installation of an "All-Ways" stop
- 5~Request the installation of "Stop" sign along the Beachwalk Lane intersection

Mayor Oberlie inquired if the amber beacons were just maintained during the season and not during the winter months. There was discussion between the Mayor and Mr. Pugh regarding the flashing beacons.

Mayor Oberlie made the motion to authorized suggestions 1, 2, 3, and 5. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following correspondence was received in the Clerk's Office on February 22, 2010 by Wayne Miller – owner , 217 Willard Avenue:

To Whom It May Concern, I would like to be put on the Board of Works agenda on March 1, 2010 to rescind or modify the "Order to Demolish" on 217 Willard Avenue. If you have any questions, please contact me. Thank you.

Russ Hatfield, Code Enforcement Officer addressed the Board, and stated that Mr. Miller was not present. Mr. Hatfield requested the Board allow him to continue on with the demolition proceedings.

Mayor Oberlie addressed the request and the overall status of the process taking place with this property. Mayor Oberlie expressed that the Inspection Department should continue with the demolition of the structure.

CORRESPONDENCE

The following correspondence was received in the Clerk’s Office on February 23, 2010 by Ms. Ida L. Kelley (Bush), 404 E. 6th Street:

Regarding the demolition of my property at 404 E. 6th Street. I would like enough time to acquire several estimates in order to have the work done myself. I would like to file a formal complaint against the City and the Redevelopment Committee of Michigan City. The damage done to our property by the company hired to demolish the buildings next door to 404.

Ms. Kelley addressed the Board asking the Board to rescind the Order to Demolish so that she can get quotes to demolish the structure herself. Ms. Bush read a letter prepared by her daughter to the Board regarding the situation.

There was discussion between the Board and Code Enforcement Officer, Russ Hatfield regarding the demolition process and that it takes approximately 4 to 6 weeks for advertisement for Notice to Bidders.

Mayor Oberlie made the motion to allow the process to proceed, allowing the home owner 30 to 45 days as necessary to find a contractor. The motion was seconded by Mr. Schaefer.

Corporate Counsel John Espar addressed Ms. Kelley regarding what her intentions are for the structure. There was discussion between Counsel Espar and Ms. Kelley regarding the structure.

The vote carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CLAIMS AND PAYROLL

Mr. Schaefer, 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. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

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	02/19/2010	\$175,466.91
1 of 7	02/26/2010	\$418,066.88
1 of 3	03/01/2010	\$230,472.90

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

Page	Date	Amount
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1 of 5	03/01/2010	\$672,568.93
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ADDITIONAL BUSINESS

Bill Phelps, City Engineer addressed the Board regarding a proposed contract between the City of Michigan City and the Northern Indiana Commuter Transportation District regarding reconstruction of the highway rail crossings on Michigan Boulevard. Mr. Phelps stated upon his review he has found some errors, and asked the Board for their approval to correct the document and bring it back before the Board.

Mayor Oberlie asked for a ten (10) minute recess, and then the Board would reconvene for the purposes of the Grievances.

ADJOURNMENT

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 11:45 a.m.).

Thomas F. Fedder, City Clerk