REGULAR MEETING – April 2, 2012

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, April 2, 2012 at the hour of 9:07 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, Michael Palmer, who presided.

Noted present:  Michael Palmer, Steve Janus and Mayor Ron Meer (3).  Absent: None (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporate Counsel
Corp. Sean Steele, M.C.P.D. Traffic Division
Russ Hatfield, Code Enforcement Officer
Donna Pappas, City Controller
Charles Peller, City Engineer
Judy Pinkston, Community Development Director
Bob Zondor, Superintendent, Central Services
Sgt. Chris Yagelski, M.C.P.D.
Chief Ronnie Martin, M.C.F.D.
Randy Novak, M.C.F.D. Fire Marshall
Charlie Cate, Superintendent, Central Maintenance
Dr. Angela Jackson, Executive Director/EEO Officer

Gale Neulieb, City Clerk

APPROVAL OF MINUTES

Vice-President Janus moved the minutes of the Regular Meeting of March 19, 2012 be approved as printed.  The motion was seconded by Mayor Meer.

President Palmer called for public comment.  No comments were made.

The motion carried as follows:  AYES: MEMBERS Meer, Palmer and Janus (3).  NAYS: None (0).  Motion carries.

President Palmer stated that all members were in attendance and there is a quorum.

OPENING OF BIDS – Franklin Street/Michigan Boulevard Landscaping Maintenance

Corporate Counsel Espar opened the bids as follows for Area “A” – Franklin Street from Coolspring Avenue to 11th Street:

*Eastport Land Maintenance & General Contracting, LLC - $44,000, affidavit of E-Verify was filed, non-collusion affidavit was filed, list of equipment, E-Verify enrollment, references concerning other work, proof of liability insurance in the amount of $100,000.00 per occurrence and another in the amount of $1,000.00 property damage per occurrence, financial statement and EEO Package.

*DeLau Landscape Maintenance, Inc. - $29,549.24, non-collusion affidavit was filed, affidavit of E-Verify was filed, equipment schedule, credentials of other jobs, financials, E-Verify enrollment, proof of liability insurance in the amount of $1,000,000.00, EEO Package signed and notarized.
*Lakeshore Landscaping, Inc. - $19,027.57, containing statement of description of services, requisite of bid form 96 not attached, EEO Package or other itemizations were no enclosed.

Corporate Counsel Espar opened the bids as follows for Area “B” – Michigan Boulevard from U.S. Highway 12 to Van Spanje Avenue:

*Eastport Land Maintenance & General Contracting, LLC - $18,000.00, affidavit of E-Verify was filed, non-collusion affidavit filed, E-Verify enrollment agreement completed, list of equipment, statement of prior work, proof of liability insurance in the amount of $100,000.00, property damage $1,000.00 per occurrence, financial statement.

*DeLau Landscape Maintenance, Inc. - $47,750.74, non-collusion affidavit, affidavit of E-Verify was filed, schedule of equipment, E-Verify enrollment, copy of credentials along with prior work, financials, EEO package signed and notarized, and liability insurance in the amount of $100,000.00.

Charles “Spike” Pellar, City Engineer addressed the Board advising they divided the bids into Area “A” bid - Franklin Street from Coolspring Avenue to 11th Street and Area “B” bid - Michigan Boulevard from U.S. Highway 12 to Van Spanje Avenue. Mr. Pellar stated the Board has the option to award the bid to one company or two separate companies, or two separate bids, which can be awarded to different bidders if the Board decides.

Corporate Counsel Espar recommended to the Board that they refer the bids to Human Rights and the City Engineer for tabulation and recommendation.

Vice-President Janus made the motion to refer the bids as recommended by Corporate Counsel Espar. The motion was seconded by Mayor Meer.

President Palmer called for public comment. No comments were made.

The motion carried as follows: AYES: MEMBERS Meer, Palmer and Janus (3). NAYS: None (0). Motion carries.

Mayor Meer asked the Mr. Peller to follow up on the liability insurance to confirm they do have the required insurance for both bids.

REQUEST FOR ITINERATE VENDORS PERMIT

The following request was received in the City Clerk’s Office on March 27, 2012 from Serafin and Jose Serrano, 126 Bies Street:

Permit for mobile car wash and detail.

Serafin Serrano addressed the Board explaining that he and his brother want to open up a mobile car wash and detailing business; they have a truck with water and detergents and they would go to homes and business and detail cars.

Mayor Meer asked where the chemical run-off would go; if they would be washing the cars on private property or a street side.

Serafin Serrano stated that this would be done on private property; that they carry about 250 gallons of water in their truck, and there wouldn’t be a lot of chemicals.
Discussion ensued between the Board and Mr. Serrano regarding what type of chemicals are being used and where the run-off would go. Mayor Meer asked if they would be conducting business on private parking lots and such. Mr. Serrano stated they would if they were asked to do so.

Mayor Meer recommended to the Board to refer this to the Sanitary District, to let their Storm Water division take a look at what the process is and if it’s a legal process where the City can allow the run-off to drain into the catch basins, which in some cases depending on where they are located, in or directly into Trail Creek.

President Palmer asked Corporate Counsel Espar if there is any type of insurance requirement for this type of business when working on a City street. Corporate Counsel Espar advised that if he understood Mr. Serrano correctly, his business is going to be conducted in private relationships with individual property owners, not to be conducted on public streets; therefore there would be no special permit that he requires to engage in private contracts with individual property owners to provide his service on their private property, as long as it isn’t done on City streets.

Mayor Meer expressed his concerns with the run-off, even though they may be detailing on private property the run-off may continue onto public property and into the catch basin drains.

Mr. Serrano informed the Board that they would be using ECO friendly chemicals/products. Mr. Serrano asked the Board about the name they would be using for their business. Corporate Counsel Espar explained to Mr. Serrano that the Board of Public Works and Safety does not have anything to do with that; and that if they are going to do business they will need to register themselves as doing business as Serrano Detailing (for example), and do a check with the local Recorder’s Office or Secretary of State to make sure that no one is currently using that as their business name so that those people in the market place are not confused by who is actually providing a service.

Mayor Meer suggested that they approach the Michigan City Sanitary District to see if there are any regulations or additional State requirements that they would need in order to contain the run-off, or how that’s to be dealt with.

President Palmer clarified with Mayor Meer that he is requesting the approval of the Sanitary District before the Board proceeds. Mayor Meer stated that at least a recommendation from the Sanitary District.

President Palmer called for public comment.

Dennis Metheny, 6757 W. 450 N. and owns property on 10th Street also, addressed the Board asking if anyone else in the City has to have permits to do something like this? Or is this permitted that you have to have a permit for a mobile car wash?

Corporate Counsel Espar addressed Mr. Metheny informing him that there is no required City licensing for the business Mr. Serrano is proposing.

Mr. Metheny addressed the Board that when driving around town you see people washing their cars, asking if that water goes down into the City’s drainage to the lake; and nobody’s asking them anything about what their using, so he finds it ironic that the Board is questioning Mr. Serrano on what he’s going to use; just have him take what chemicals he’s going to use to the Sanitary District and let them look at them.

Mayor Meer stated that people are questioning those individuals when there is a large amount of run-off off of someone’s private property into the streets; the Sanitary District is called out to investigate those issues, it’s when it’s contained on the property and goes into the lawn area for instance or into their own private drains is different but once it starts to enter the City’s drains they are questioned. Mayor Meer explained that these gentlemen
will be doing this at a mass level, dozens of times possibly a day so that’s the reason he feels it needs to be investigated further.

Mayor Meer further stated that the Board will try to get an answer by the next meeting and they will talk to the Sanitary District on this, and in the mean time they should stop by the Sanitary District and have a conversation with them also regarding their proposed business.

The motion carried as follows: **AYES: MEMBERS Meer, Palmer and Janus (3). NAYS: None (0). Motion carries.**

**REQUEST FOR TRAFFIC SIGNAL OR FLASHERS – First Congregational Church, 531 Washington Street**

The following correspondence was received in the City Clerk’s Office on March 28, 2012 from George Dobie, Chair, Board of Trustees:

First Congregational Church of Michigan City, Inc. at 531 Washington Street requests:

1) Traffic control light at Sixth and Washington Streets
   a) Four way light, or
   b) Four way flasher, or
   c) Four extra large stop signs, or with flashers
   d) And rumble strips to the north on Washington Street
   e) Any other means to slow traffic, e.g. Paint on streets, white lines, etc.

2) Handicapped parking on Washington Street west side of street next to 531 Washington.
   a) Two blue painted spaces, north of stop sign. (similar to spaces next to the Court House)
      Spaces here will allow access to the apron next to the sidewalk and the church ramp, next to the northeast door.
   b) One or two signs next to painted spaces. (similar to spaces next to the Court House on Washington Street)

George Dobie, Chairman of the Board of Trustees of First Congregational Church addressed the Board.

President Palmer went over the request received from Mr. Dobie.

Mr. Dobie stated that the last time he appeared before the Board for this request he was informally told that the best that could be done would be over-sized Stop signs and rumble strips. Mr. Dobie proposed that an actual four-way Stop light be installed; as there are only three (3) stop signs there and the real danger is when people are coming North on Washington Street; stating people coming North on Washington Street are either impaired or don’t understand one-way streets. Mr. Dobie explained that there have been numerous times when people don’t stop for the Stop signs that are posted there.

President Palmer addressed Mr. Dobie and explained that he has spoken with Chris Bohnert of the Planning Department, and that one (1) of the options could be to put extra large Stop signs at that intersection. Mr. Dobie expressed that would probably be helpful, but he strongly feels that some type of flashing light would be very beneficial.

Corporal Sean Steele, M.C.P.D. Traffic Division addressed the Board regarding the matter recommending this be referred to the Planning Department and Traffic Division for report back at the next meeting.

Mayor Meer addressed Corporate Counsel Espar regarding this intersection being discussed in the past, and that there should be some data available. Corporate Counsel Espar explained that unless traffic patterns or traffic volume has increased substantially in the past year, he isn’t sure if anything would change in terms of the Engineering aspect. President Palmer asked if they could request Traffic Counts be done to see if there has been any increase. Mayor Meer asked if there was ever a recommendation brought back to the Board.
Mayor Meer made the motion to have Corporal Steele’s recommendation move forward; and there should be some data gathered already from City Planning, and then maybe there will be some additional information for the next meeting.

Mr. Dobie further explained that they are going to start parking church patrons across the street in the Bank parking lot, which means a lot more pedestrian traffic at that intersection.

Mayor Meer suggested a larger One-Way sign be put on the north side of the Stop signs.

President Palmer addressed Mr. Dobie regarding the second part of his request for handicap parking on Washington Street, which would include signs and proper blue paint markings. Mr. Dobie requested two (2) handicap parking spots be placed from the Stop sign north, and one (1) adjacent to the apron to the handicap ramp; handicap signage is not necessary as long as the curbing is painted blue.

Discussion ensued between Mr. Dobie and the Board regarding handicap parking on Sixth Street, and that due to the fact that Washington Street is a Snow Route the City cannot issue a handicap parking space there.

Mayor Meer made the motion to refer both matters to the Planning Department and M.C.P.D. Traffic Division to report back at the next meeting. The motion was seconded by Vice-President Janus.

President Palmer called for public comment. No comments were made.

The motion carried as follows: AYES: MEMBERS Meer, Palmer and Janus (3). NAYS: None (0). Motion carries.

VIVINT, INC.

The following correspondence was received in the City Clerk’s Office on March 28, 2012 from Hannah Mapa, Office Assistant:

On behalf of Vivint, Inc., a home security system provider out of Provo, UT, it would be our honor to be able to visit and work in the city of Michigan City, IN. We are applying for a peddler’s license for a group of 45 upstanding young men and women. We are planning to arrive in Michigan City on Monday, April 9, 2012 to go door-to-door selling and installing home security systems for a period of 2-3 weeks. We will not be working on Sundays, and are aware of the fee of $25/day per sales representative throughout our stay. If there are any questions or concerns, please feel free to contact either of our Sales Managers, Phillip Garcia (801-652-4442) or Michael Brand (530-306-7948). Both of these men will be present while the sales group is in the area, and are more than willing to speak with you. Thank you so much for your time and consideration.

President Palmer asked if anyone from Vivint, Inc. was present to speak on the matter; there was no response. President Palmer asked for comments on this matter.

Sgt. Chris Yagelski, Michigan City Police Department addressed the Board stating he was present to represent the Department on this matter, stating that in checking with the Better Business Bureau there is currently an alert on Vivint, Inc. with a class “D” classification from “A” to “F”. St. Yagelski further stated that according to the Better Business Bureau, their specific comments are – “Consumers filed complaints that the Company was using various false or misleading sales tactics by door-to-door sales representatives including offering free security systems to consumers, aggressive sales tactics, refusing to leave consumers homes and claiming partnerships with Fire and Police Associations in order to close a sale”. Sgt. Yagelski explained that other numerous Government Actions that have occurred would be – in 2009 in the state of Arkansas, in 2010 the state of Oregon and again in Arkansas, in 2011 in the state of California and recently in 2011 from the Contra Costa District Attorney’s Office in California announced that their office reached a Civil Consumer Fraud settlement with the door-to-door company that represented alarm monitoring services, that Vivint, Inc. formally known as Apex Alarm Security Systems paying $425,000.00 in Civil penalties to the county for making false and misleading
statements to potential customers, the Company is required to comply with the California Un-Rule Act which mandates the payment schedule total cost and late payment charges be clear, and on written contract; there's also an October 2011 a Channel 5 investigation through the state of New Jersey, also with comments negative against this company. Sgt. Yagelski informed the Board that as far as the Police Department is concerned, they would rather not issue any permits to this company to do door-to-door solicitation in our community.

Mayor Meer made the motion to deny the request. The motion was seconded by Vice-President Janus.

President Palmer called for public comment.

Dennis Metheny, 6757 W. 450 N. addressed the Board stating that a couple of years ago there was an organization that was going around Calumet Avenue/Ester Street over in the district behind Eastgate Plaza who went to his mother’s house, he talked to a neighbor who said they were pressuring them to sell those systems. Mr. Metheny stated that he appreciated the Board denying the request, and asked if the newspaper could put an article out to let the community know if they are approached by this company to call the Police Department.

President Palmer called for any other public comment. No comments were made.

The motion carried as follows:  **AYES:** MEMBERS Meer, Palmer and Janus (3). **NAYS:** None (0). **Motion carries.**

**WELLNESS AGREEMENT – Approval of contract with Public Safety Medical to provide Wellness testing for Firefighters and Police Officers**

Corporate Counsel Espar informed the Board that this was for informational purposes only.

**PHYSICAL FITNESS TESTING**

The following correspondence was received in the City Clerk’s Office on March 16, 2012 from Sgt. Chris Yagelski, Michigan City Police Department:

>This letter is to inform you that the Michigan City Police Department Division of Professional Standards will be administering the Spring Physical Fitness Test for our officers.

>This testing will take place on Tuesdays and Wednesday’s beginning on April 3rd thru April 25th at 10:00am and 2:30pm.

>The testing site will be the Striebel Pond Park.

(Note: For Informational Purposes Only.)

Corporate Counsel Espar addressed the Board stating that he was incorrect when he said the Wellness Agreement was for informational purposes only and advised the Board they would need to consider an act on the Wellness Agreement.

President Palmer called for a motion to approve the Wellness Agreement as presented. Vice-President Janus made the motion to approve the Wellness Agreement. The motion was seconded by Mayor Meer.

President Palmer called for any other public comment. No comments were made.

The motion carried as follows:  **AYES:** MEMBERS Meer, Palmer and Janus (3). **NAYS:** None (0). **Motion carries.**
CHANGE ORDER – INDOT Michigan Boulevard Phase I final accounting
Reconciliation Change Order

Charles Peller, City Engineer addressed the Board stating this Change Order finalizes this project, unfortunately INDOT does not take into consideration all items that are different from the original contract, they only look at the major items. Mr. Peller explained that the original purchase order for the project, Michigan Boulevard Phase I, was $7,612,938.82 and of this INDOT/Federal Government was to pay 80% and the City was to pay 20%, and there was a Change Order to this contract where the City wanted to put in the raised planter boxes in the median and the estimated cost for this was $414,122.25 of which the City was to pay 100%, which it has; the final cost of the major INDOT portion was $179.62 less than the original contract price and the final cost for the planter boxes of which the City has already written a check for is $10,612.71 under budget, of which the City should be getting a check of that amount from INDOT. Mr. Peller further explained that this is the final close out for this job.

Mr. Peller stated that it is required that the City sign the Change Order.

Vice-President Janus asked if the additional work that’s going to be done further out on Michigan Boulevard is all at the City’s expense – Phase II.

Mr. Peller explained that Phase II will be, unless the City has some items that are not covered under the normal 80%/20% split; stating that Phase II is a separate contract, which is still being designed.

Mayor Meer made the motion to accept the change order. The motion was seconded by Vice-President Janus.

President Palmer called for public comment. No comments were made.

The motion carried as follows: AYES: MEMBERS Meer, Palmer and Janus (3). NAYS: None (0). Motion carries.

REQUEST FOR SOLICITATION OF BIDS – Two (2) New Model Regenerative Air Street Sweepers Mounted on Conventional Single Axle Cabs and Chassis

Charlie Cate, Superintendent, Central Maintenance addressed the Board explaining that during the past few months they have had dealers from four (4) major street sweepers companies: Temco, Algin, Swores and Wayne, who brought their individual vehicles on site and they were tested by the Street Department. Mr. Cate explained that rather than going with the mechanical sweepers that they have now, to go with a regenerative air type sweeper which is more of a vacuum assisted type sweeper. Mr. Cate stated that the specifications to solicit the bids have been prepared and this is a budgeted line item in the 2012 budget. Mr. Cate requested that the Board approve this request.

Vice-President Janus made the motion to approve the request. The motion was seconded by Mayor Meer.

President Palmer called for public comment. No comments were made.

The motion carried as follows: AYES: MEMBERS Meer, Palmer and Janus (3). NAYS: None (0). Motion carries.

Mayor Meer asked Mr. Cate if the bidding process stays on schedule, when would delivery be? Mr. Cate stated probably four (4) months after the award of the bid.
DEMOLITION HEARING – 3019 Cleveland Avenue, Mark Knopf – owner

Russ Hatfield, Code Enforcement Officer addressed the Board regarding 3019 Cleveland Avenue stating that at the last meeting the Board did decide to carry this over as Mr. Lernihan was inquiring about purchasing the property for rehabilitation. Mr. Hatfield informed the Board that Mr. Lernihan has been in contact with some of the family members, but is not making much progress on the purchase of this property. Mr. Hatfield requested the Board allow him to go ahead and solicit Notice to Bidders and accept those at the May 7th meeting, and at that time if no parties with a legal interest in the property come forward then he will recommend to move on with the demolition.

Mayor Meer made the motion to accept Mr. Hatfield’s recommendation. The motion was seconded by Vice-President Janus.

Mayor Meer asked Mr. Hatfield if this process started in 2008 on this property. Mr. Hatfield replied that was correct, and that the Board has been very lenient on trying to allow the rehabilitation and to insure that any parties that do have substantial interest are protected.

President Palmer called for public comment. No comments were made.

The motion carried as follows: **AYES: MEMBERS Meer, Palmer and Janus (3). NAYS: None (0). Motion carries.**

CLAIMS AND PAYROLL

Vice-President Janus 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 Mayor Meer and carried as follows: **AYES: MEMBERS Meer, Palmer and Janus (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:

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<tr>
<td>1 of 3</td>
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<td>$236,864.00</td>
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Allowance of claims as set forth in the Register of Claims as follows:

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<tr>
<td>1 of 4</td>
<td>03/30/2012</td>
<td>$618,333.92</td>
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NEW BUSINESS

There was no New Business.

UNFINISHED BUSINESS

Letter received from Ron Miller, WEFM Radio regarding the intersection of Springland and Roeske Avenues.
Charles Peller, City Engineer addressed the Board stating the intersection has been reviewed; the traffic counts that were in question were done by the Michigan City Police Department about one (1) year ago. Mr. Peller stated they have looked over the information they have received including traffic counts, pedestrian counts, accidents; and the erecting of the four (4) way stop was according to code. Mr. Peller recommended that the four (4) way stop be left in place, they are looking into some drainage issues and some minor things that need to be taken care of – the stop sign on the island is too tall.

Mayor Meer addressed Mr. Peller to make sure that the other issues are addressed beyond the four (4) way stop.

Mr. Peller explained there is an inlet that is an electrical inlet/manhole, that has nothing to do with the sewer or storm water; and that they will be looking at some way to get the water away from that intersection, which could be curb and gutters along both sides that will take the water south to the inlet there.

Corporate Counsel Espar addressed Mr. Peller and the Board stating he frequents that intersection and is very empathetic to Mr. Miller’s observations regarding the reconfiguration of that intersection. Counsel Espar asked Mr. Peller if it was his recommendation to remove the island, and to the extent that increasing the radius of the intersection if the City can acquire permission from the property owners, are you recommending that we restore the former radii such that the problem that has developed where individuals are literally traveling onto the greenway and the delineators put into place can be removed.

Mr. Peller stated that the radius is sufficient at thirty-five (35) foot, what it is now and thirty (30) foot would be sufficient for anything except a tractor-trailer which are not supposed to be on that road. Mr. Peller stated that the radius could be increased a little, but if curb and gutter are put there that should prevent vehicles from jumping the curb; get rid of the delineators; the traffic island is there to get the Stop sign out where people can see it, which leaves a nine (9) foot path for the eastbound traffic. Mr. Peller further explained that eleven (11) foot is the norm and the island will need to have some adjustment to make it so. Mr. Peller discussed the drainage problem and that they are looking into that, as it also encompasses parking along that street.

Ron Miller, WEFM Radio Station, 1902 Springland Avenue addressed the Board stating he believes that the Stop signs are not justified and that he feels the traffic counts are being used as justification for leaving the Stop signs there. Mr. Miller stated that there isn’t nearly as much traffic on northbound Roeske Avenue as there is on Springland Avenue, and has been trying to figure out the disparity there.

President Palmer called for public comment.

Dennis Metheny, 6757 W. 450 N. addressed the Board regarding the intersection at Roeske and Springland Avenues.

Mr. Peller addressed the Board informing them that his previous experience was working for INDOT, and that an ex-colleague, Tim Marker, who works for INDOT and is the premier traffic person in Northwest Indiana was kind enough to come out to the site where he presented Mr. Marker with the pedestrian counts and the traffic counts that the Police Department provided and it was Mr. Marker’s opinion that what was done was appropriate, with the four (4) way stop.

Corporate Counsel Espar addressed the Board to supplement the comments made by Mr. Peller, stating that under Indiana law before you can implement a traffic control device, a regulatory devices such as a stop sign, traffic light, that 1) and Engineering Study must be conducted and 2) it must be supported based upon the study by the Uniform Control Manual, supported for the use of a regulatory control or traffic control device; whether the issue came before the Board as a request for an examination of an intersection as a
means of slowing traffic or as a review of whether a stop sign is appropriate under the manual is almost irreverent unfortunately. Counsel Espar stated that once the study was conducted and the Engineering findings supported the use of a Stop sign as a regulatory control device, and the decision was made to put the control device in place it’s going to take an Engineering Study to remove it under State law, so unless the study supports the removal of a Stop sign under the circumstances or supports the non-existence of a regulatory control device at that intersection, it has to stay under State law.

President Palmer called for public comment.

Dennis Metheny, 6757 W. 450 N. addressed the Board regarding the intersection at Roeske and Springland Avenues asking if the Stop sign has to be in the island. Mr. Metheny also asked about the separation between the curb and the island, and if that was for bikes.

President Palmer stated that it is being looked into and will be addressed.

PUBLIC COMMENTS

Dennis Metheny, 6757 W. 450 N. addressed the Board asking if there was anyway all the departments could turn into the Mayor or their department heads problems with some of the streets they travel on so that the streets can be addressed and fixed. Mr. Metheny also addressed City vehicles left running from the Departments in the City while there having lunch or somewhere else; is there any way the Departments could be notified to shut the vehicles off because of the price of fuel. Mr. Metheny also addressed the Wellness Agreement that was approved for the Police and Fire Departments, asking why it was only for them and not for all employees. Mr. Metheny also addressed the gentlemen wanting the Car Wash, stating he is not in favor of Government controlling everything we do.

Chris Schwanke, Sixth Ward Councilman addressed the Board to explain a situation in the Sixth Ward; a resident notified him of a sink-hole issue which started six (6) inches in diameter by six (6) inches deep and by the next morning it was twenty-four (24) by twenty-four (24), the resident sent him a picture on his phone of a basketball in the hole that looked like a small pebble which he forwarded to Bob Zondor of Central Services who immediately responded with Superintendent Dave Farmer from the Street Department. Mr. Schwanke informed the Board that by that evening there was gravel filled into the hole and the next day there were patching it with asphalt; the Sanitation department was also notified because it was two (2) foot from a manhole. Mr. Schwanke believes there is something wrong in that area, but there has been a temporary fix until the Sanitation department can get out to take a look at it. Mr. Schwanke also asked if Counsel Espar could restate his comments regarding the regulatory control of a traffic control device.

Counsel Espar explained that a regulatory control device cannot just be put in.

Mr. Schwanke also commented that in the Sixth Ward on Mayfield Place which is a sub-division, that has about six (6) houses in it, there’s more growth there now; Superintendent Farmer took it upon himself as a safety issue to put two Stop signs, one (1) on Royal Road where it exits and one (1) on Tryon Road where it exists due to the proximity of the school nearby. Mr. Schwanke commended Central Services Superintendent Bob Zondor and Dave Farmer for taking action.

Discussion ensued between the Board and Mr. Schwanke regarding the Stop signs placement and the sub-division; Mayfield Place has not been dedicated as a City street because the roadway does not comply with the City’s specifications and is considered a private roadway and the City is not responsible for any installation of traffic control devices, i.e. Stop signs. Mr. Schwanke further stated that it’s the safety of the citizens that comes first.
Mayor Meer addressed Mr. Schwanke regarding Mayfield Place and the City accepting it as a City street; explaining that there are standards that have to be met, i.e. proper surfacing.

Corporate Counsel Espar stated that private property is not subject to the same regulatory rules that public intersections are subject to, and there’s nothing to stop the Street Department when an issue of public safety is concerned and a private property owner consents to putting up a Stop sign where it is required.

More Discussion ensued between Mr. Schwanke and the Board regarding the Woodlands, which is just down the street from Mayfield Place, which has a stop sign, a street sign and a street light; and the condition of the roads.

Mayor Meer stated he will have the Planning Department and the City Engineer look into it. Counsel Espar further stressed that it is a private property issue.

Gene Abraham addressed the Board regarding the two (2) government access television stations; stating that he assumes that the City wants to continue to outsource the management of the channels and does not want to be in the business of administering and operating the channels. Mr. Abraham requested the possibility of issuing a RFP. Mr. Abraham explained that in 2006 he started providing services to ALCO as an independent contractor; providing editing services and later was the Studio Operations Manager. Mr. Abraham further stated that he left ALCO in 2011 due to payment issues. Mr. Abraham informed the Board that he had the knowledge and ability to start a television station from the ground up; and has set up a Crown Point channel, which is operational today. Mr. Abraham went on about what he would like to do, incorporating new technology with digital equipment.

Mayor Meer explained that the contracts for such services goes through the Board of Public Works and Safety, and the current contract with ALCO expires December 31, 2012; however there is multiple government entities involved with this, including LaPorte County and various other communities/agencies.

Chris Schwanke, Sixth Ward Councilman addressed the Board stating he is on the Board of Directors for ALCO currently, and they have found in the past few months since he has become a member that there are deficiencies within the ALCO station. Mr. Schwanke assured the Board and the City of Michigan City, the County of LaPorte County that drastic measures are being taken to correct things that have been deficient there in the past; equipment is being evaluated, all the way up to the Interim Director.

BOARD COMMENTS

Mayor Meer addressed the Board stating the Public Access television and Government Channel is a great service to the Community so they can hear and understand what is going on in the various Governmental meetings, but his problem is that Michigan City is paying a larger portion than many of the other communities and their getting the same service; for instance, LaPorte City is having their Board of Works meetings, their Council meetings and various meetings aired but doesn't have the comparison of the amount of money that the residents of the City of Michigan City have to pay. Mayor Meer further stated that the County is putting in a significant amount of money and is pretty much picking up the tab for some of the other smaller communities and LaPorte City, so as this is explored, whether it stays ALCO or the City puts and RFP out and see who ultimately does control the public access is that the Michigan City is not taking the brunt of the cost.

President Palmer addressed the Board regarding the Solicitation of homes, door-to-door, and has spoken with Corporate Counsel and agrees that the City needs to look at the Ordinance and tighten it up, putting some restrictions in; as there are some issues with the Public being pressured into signing some to these contracts, especially the elderly.
Counsel Espar addressed the Board stating he couldn’t agree more, and that he has some direction from the Board to work with Amber Lapaich and the City Council to amend the current ordinance to incorporate some overdue protections that could be written into the ordinance.

ADJOURNMENT

The presiding officer inquired whether there was anything else to be considered by the Board at this time and, there being none, asked for a motion to ADJOURN the meeting at approximately 10:23 a.m. Vice-President Janus made the motion to Adjourn. The motion was seconded by Mayor Meer.

Gale A. Neulieb, City Clerk