

REGULAR MEETING – APRIL 5, 2010

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, April 5, 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 Vice-President, John Schaefer, who presided.

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

Absent: Tony Metzcus (1).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporate Counsel
Asst. Chief John Kintzele, M.C. Police Department
Chief Ben Neitzele, M.C. Police Department
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division
John Pugh, Director Planning & Inspection Departments
Bill Phelps, City Engineer
Dave Lamb, Fire Chief, M.C. Fire Department
Jack Kahn, Superintendent, Street Department
Jim Elwell, Superintendent, Central Services
Shelley Dunleavy, Personnel Director
John Johns, Emergency Management

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

APPROVAL OF MINUTES

Mayor Oberlie moved the minutes of the Regular Meeting of March 15, 2010 be approved as printed. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

ACCPPTANCE OF QUOTES

Bill Phelps, City Engineer, addressed the Board regarding the Quotes received for the 2010 Landscape Maintenance on the following areas:

- Area 1 – Franklin Street from Coolspring Avenue to 11th Street
- Area 2 – City Hall
- Area 3 – Police Station
- Area 4 – Five (5) Islands on Franklin Street between 2nd Street and Trail Creek
- Area 5 – Island at intersection of Washington Street and 2nd Street

Mr. Phelps reported the Quotations received were as follows:

- | | |
|---------------------------------------|-------------|
| • Lakeshore Landscaping, Inc. | \$23,255.62 |
| • DeLau Landscaping Maintenance, Inc. | 50,800.30 |
| • Eastport Lawn Maintenance | 75,000.00 |

Mr. Phelps recommended the award be given to the lowest Quoter, Lakeshore Landscaping, Inc. Mr. Phelps stated that he also received a letter from Ta-Tanesha Clark, Executive Director/EEO Officer, Human Rights Department, approving of the bidders.

Mayor Oberlie made the motion to accept the City Engineer's recommendation. The motion was seconded by Mr. Schaefer.

Ron Meer, 105 Roberta Avenue, Councilman 3rd Ward, addressed the Board regarding the Quotes received, asking the Board to support the Michigan City vendor; asked how the one (1) bid could be so much lower than the others; and stated concerns regarding use of city departments.

Discussion ensued between Mr. Phelps and Mr. Meer regarding the proposed areas of lawn care maintenance. Mr. Schaefer commented that the Redevelopment Commission is in charge of Franklin Square.

The vote carried by the following: **AYES: MEMBERS Oberlie and Schaefer (2).**
NAYS: None (0). Motion carries.

ENGINEERING DEPARTMENT

Bill Phelps, City Engineer addressed the Board with regards to The Airmarking Co., Inc.'s offer to renew their existing agreement covering the 2009 Paving Program to cover the 2010 Paving Program and using the 2009 unit prices. Mr. Phelps recommended approving this agreement.

Mayor Oberlie made the motion to accept the recommendations of the City Engineer. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2).** **NAYS: None (0). Motion carries.**

Bill Phelps, City Engineer addressed the Board with regards to a request from INDOT that they be given notification if the City concurs in awarding the contract to the lowest bidder, Kinney Construction, for the Stimulus Project on Michigan Boulevard. Mr. Phelps informed the Board that the contract is in the amount of \$1,675,032.89. Mr. Phelps asked the Board for their approval to move this forward.

Mayor Oberlie made the motion to approve the recommendation of the City Engineer. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2).** **NAYS: None (0). Motion carries.**

AGREEMENT – One Year Labor Agreement Between the City of Michigan City and the Michigan City Fire Department, Local 475 for the year 2010

Shelley Dunleavy, Personnel Director, addressed the Board regarding the agreement, stating there were only two (2) non-financial adjustments related to vacation draw and re-distribution of specialty pays. Ms. Dunleavy informed the Board that this would be on the agenda for the Common Council meeting on Tuesday, April 6, 2010 for their approval, at which time the contract will be signed by all parties.

Mayor Oberlie made the motion to approve the agreement. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2).**
NAYS: None (0). Motion carries.

PHYSICAL FITNESS TESTING

Sgt. Chris Yagelski, Michigan City Police Department, wrote the following on March 31, 2010:

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 Tuesday's and Wednesday's beginning on April 6th thru April 28th, at 10:00 am and 2:30 pm. The testing site will be the Striebel Pond Park

Note: This has been filed in the Clerk's Office for informational purposes only.

PHYSICAL FITNESS TESTING

Fire Chief Dave Lamb, Michigan City Fire Department, wrote the following on April 1, 2010:

Physical fitness program will be conducted on Tuesday, Wednesday and Thursday of the following weeks:

- April 6th, 7th and 8th
- April 13th, 14th and 15th
- April 20th, 21st and 22nd
- April 27th, 28th and 29th

Station assignments as follows:

Station 1	1:00 p.m. to 2:00 p.m.
Station 2	2:00 p.m. to 3:00 p.m.
Station 3	3:00 p.m. to 4:00 p.m.
Station 4	4:00 p.m. to 5:00 p.m.

The Training Officer will oversee the physical fitness program.

Note: This has been filed in the Clerk's Office for informational purposes only.

REQUEST TO PLACE BANNER

The following correspondence was received in the Clerk's Office on March 15, 2010 from John R. Fanson, 1681 N. Summit Drive, LaPorte, IN 46350:

Our board members of the Summer of Art are asking for permission to place signs, in the form of a Banner, approx. four feet by twenty four inches wide, supported by poles, in the area of Franklin St. and Ninth St. and on the corner of the City Hall property (Michigan and Pine St.). This will be our second year of producing this event. The Summer of Art show 2009 was a great success with over five hundred people attending the two day event. I want to thank you for approving the sights last year as we feel the advertising placed there played a major part in attracting as many people as we had. Again, the event will be held at the Price Gallery building, 722 Franklin St. on July 17 and 18, 2010. I would like to be able to place the signs at these locations on the 15th of June and remove them on the 18th of July.

Thank you for your consideration, please feel free to contact me if there are any concerns or questions.

Mayor Oberlie made the motion to refer the request for the Ninth Street banner to the Planning Department to coordinate with the Redevelopment for placement purposes; the banner placement at City Hall to be referred to the Maintenance Department at City Hall. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

REQUEST TO CLOSE CITY STREETS

The following correspondence was received in the Clerk's Office on March 16, 2010 from Jason Miller, LaPorte County Convention and Visitors Bureau:

On behalf of the LaPorte County Convention and Visitors Bureau, Super Boat International and the 2010 Great Lakes Grand Prix, I am requesting the closure of streets within the corporate limits of Michigan City, Indiana, for events surrounding the second annual Great Lakes Grand Prix offshore powerboat race.

I would like to request the closure of 7th Street from Wabash to Franklin Street and Washington Street between 8th and 10th Streets on Saturday, August 7, 2010. The closures are requested as the CVB and Grand Prix wish to host a block party on the closed street between the hours of 7 and 11 p.m.

We would also request – per the recommendation of the Michigan City Police Department – that Washington Street be closed beginning at 5:30 p.m. to stage the annual parade of boats, which will drive up Franklin Street between 10th Street and 4th Street, beginning at 6 p.m. Thank you for your consideration.

Jason Miller, LaPorte County Convention and Visitors Bureau addressed the Board regarding this request; Mr. Miller indicated there was a typo in his correspondence, instead of 8th to 10th Streets, it should be 6th to 8th Streets. Mr. Miller explained further this request is due partly to the staging of the boats for the parade, and for the Block Party after the parade.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating they have been working with Mr. Miller for the past several months to come up with the best possible location, and believes this is the best site. Sgt. Loniewski informed the Board they will be utilizing on duty Traffic and shift personnel, along with several off-duty officers hired by the Convention Center to staff this event; and recommended approval of the request.

Mayor Oberlie made the motion to approve the request. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2).** **NAYS: None (0).** **Motion carries.**

REQUEST FOR M.C.P.D. WATERCRAFT

The following correspondence was received in the Clerk's Office on March 22, 2010 from Sheriff Michael Mollenhauer, LaPorte County Sheriff's Department:

It is my understanding that the Michigan City Police Department is in possession of a 22' Boston Whaler watercraft with twin 150 hp. motors which is not being utilized at this time.

The LaPorte County Sheriff's Department Lake Patrol Deputies, a volunteer arm of our office, have advised me that they are extremely interested in utilizing that watercraft. They fully understand that the exact condition of the watercraft is unknown and that any donation of the watercraft from the Michigan City Police Department to the LaPorte County Sheriff's Office Lake Patrol would be on an "as is" basis. If the Michigan City Police Department could see their way to make this transfer of ownership to the Sheriff's Office Lake Patrol it would be extremely helpful in aiding them in their mission to protect the boating public in LaPorte County. Thank you for your consideration in this manner.

Chief Ben Neitzele, Michigan City Police Department, addressed the Board regarding this request and asked the Board for their approval of the transfer.

Sheriff Gary Broling, LaPorte County Sheriff's Department addressed the Board informing them that anything that needs to be done to the watercraft will be their responsibility if the Board approves the transfer. Sheriff Broling stated the Lake Patrol is made up of volunteers.

Mayor Oberlie made the motion to approve the transfer requested. Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

REQUEST TO HAVE VETERAN'S MEMORIAL AND PARADE

The following correspondence was received in the Clerk's Office on March 29, 2010 from Ron Pitman, Commander, American Legion Post 37:

The American Legion, John Franklin Miller Post 37 is in the process of organizing our Annual Memorial Day Observance. The observance will feature salutes fired at area Veteran's Memorials and a Parade. We are requesting the Board of Public Works and Safety issue JFM Post 37 a parade permit for Memorial Day, Monday, May 31, 2010.

We are also requesting once again to assemble at Pytynia Parkway by Ames Field and then March north on Franklin Street to Decatur Street then right on Decatur Street proceeding to Greenwood Cemetary as usual. The program will follow at the Grand Army of the Republic Monument in Greenwood Cemetary. The parade will step off at approximately 10:00 a.m. All parade participants really like the new assembly area near Ames Field as it affords considerably more room and does not interfere with local business during the assembly period.

We also request the Street Department to check for low overhanging branches on Decatur Street so flags will not be interfered with on the parade route. Thank you for your prompt attention to this request.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board regarding this annual event, and recommended approval of the request.

Mayor Oberlie made the motion to approve the request. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

EXTENSION AGREEMENT

A Government Channel and Public Access Channel Management Sixty-Day Extension Agreement was brought before the Board for their approval.

Mayor Oberlie made a motion to approve the Agreement. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

PUBLIC HEARING

The Michigan City Board of Public Works and Safety calls for a public hearing at 9:00 a.m. on Monday, April 5, 2010 and Monday, April 19, 2010, at City Hall, Council Chambers, 100 E. Michigan Blvd., Michigan City, Indiana regarding a proposed grant project by and for the City of Michigan City, Indiana. The proposed project includes an application to the Indiana Department of Homeland Security to mitigate future flooding historically effecting a property at 1102 Liberty Trail, Michigan City, Indiana 46360. The grant project includes acquisition of the named property for demolition and permanent ownership by the city as an expanded green space project.

Under the provisions of Indiana Law, you may appear and speak on the merit of this proposal of the public hearing at the time and date as set out herein. If you have any questions concerning this matter, you may telephone John W. Jones, City of Michigan City, Emergency Management Agency at (219) 873-1499.

John W. Jones, Emergency Management Agency addressed the Board regarding the proposed project and the property effected.

Mayor Oberlie explained the procedure, stating the Board of Public Works and Safety is required to have two (2) public hearings, so the above will appear twice, and that today the Board would call three (3) time for public comments; the record then gets certified and sent off with the application for the grant.

Vice-President John Schaefer called for the 1st time, "Are there any comments from the public on this grant project"? Mr. Schaefer made the call for the 2nd time, "Are there any comments from the public on this grant"? Mr. Schaefer made the call for the 3rd time, "Are there any comments from the public on this grant"? After hearing none, the Public Hearing was closed.

OUTDOOR SEATING

The following correspondence was received in the Clerk's Office on April 1, 2010 from Mark Killerman, Owner, Reillys Bar & Resaurant, 1103 Franklin Street:

For outside seating at Reillys Bar and Restaurant at 1103 Franklin Street, Michigan City, IN 46360

Mr. Killerman addressed the Board regarding this request, stating he is working on a draft drawing of the proposed area and seating.

Mayor Oberlie stated that being this is private property this would be referred to the Planning Department for review of compliance with City and State codes, they will then refer the item to the Attorney's Office and then the item is put back on the Board of Public Works and Safety Agenda for a final decision.

BEACHWALK PROPOSAL

Correspondences were received in the Clerk's Office from the following:

- On April 5, 2010 ~ Richard & Suzanne Lange, 1801 Lakeshore Drive
- On April 5, 2010 ~ Betty Lou Nault, 1501 Lakeshore Drive
- On April 5, 2010 ~ Nancy Thill, 1509 Lakeshore Drive
- On April 1, 2010 ~ Daria Harris, 100 Upland Road
- On March 22, 2010 ~ Isaac Abella, 123 Chester Street

Each correspondence expressed the concerns about the proposed upgrades to the Beachwalk area. Mayor Oberlie commented that the Corporate Counsel was not ready to make a recommendation at this time due to still reviewing the Beachwalk legal documents.

PUBLIC COMMENT

Mr. & Mrs. Lange, 1801 Lakeshore Drive, addressed the Board about their concerns with the proposed upgrades to the Beachwalk area.

Mr. Jeffrey Kirsch, 1802 Lakeshore Drive, addressed the Board about his concerns with the proposed upgrades to the Beachwalk area. Mr. Kirsch also suggested a stop sign at the Beachwalk private road that connects to Lakeshore Drive for vehicular and pedestrian safety.

Ms. Daria Harris, 100 Upland Road, addressed the Board about her concerns with the proposed upgrades to the Beachwalk area.

Mr. Tom Moss, 202 Beachwalk Lane, addressed the Board stating he would be glad to meet with those concerned to discuss the proposed changes.

Mr. Jeffrey Kirsch, 1802 Lakeshore Drive, asked the Board to be kept abreast of how this matter will be pursued; asking if the residents will be notified by the Board. Mr. Kirsch also addressed the Board regarding a large sign that was placed across from his residence for the proposed sale of lots in Beachwalk that was not zoned nor permission given to be placed in that location.

Mayor Oberlie asked the Clerk's Office to prepare written notice to be sent to those present today, to inform them of when the next meeting regarding these matters will take place.

Mayor Oberlie made the motion to TABLE the matter, stating he has asked Corporate Counsel to review the Beachwalk documents to see how these matters relate to determine whether or not this is a Plan Commission issue or a Board of Public Works & Safety issue, and that the Corporate Counsel, Planning and Engineering Departments will report back to the Board. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

BEACHWALK REAR ACCESS ROAD

The following correspondence was received in the Clerk's Office on March 25, 2010 from Esther Epstein, 306 Beachwalk Lane:

I am writing to you regarding the rear access road in Beachwalk. This temporary gravel road is in horrible condition and has been ever since I can remember. There are countless potholes many which appear to be 4-6 inches in depth which span the entire access road and which render the road undriveable. I and other neighbors believe we have done damage to our cars by driving this access road.

First, I'm very concerned about emergency vehicles being able to access this road.

Second, I am concerned about this road being a gathering place for vehicles to stop and loiter.

Can something be done so that this road can be properly maintained and inspected to insure safety and quality of life in our neighborhood? Thank you for any assistance you can provide.

Mayor Oberlie stated that the rear access road is not a City street; it's really a private matter from the homeowners and people who use it. Mayor Oberlie made the motion to refer the matter to the City Engineer and Corporate Counsel. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

REQUEST FOR PARKING

The following correspondence was received in the Clerk’s Office on March 23, 2010 from Kerstane Orzech, 408 York Street:

We the residents of York Street would like something done about the curbs and parking areas that have taken its toll on our vehicles. We understand that this is a historical area and street. We don’t take matters into our own hands, but would like for the City to pull together its resources to not only improve the looks of our neighborhood and streets, but also for a safer road to drive on and to get in and out on. It doesn’t help in the winter and often we get stuck in our parking areas. Here is a few names of the residents on York Street that agree that this is a good idea. Please consider.

Mayor Oberlie made the motion to refer the matter to the City Engineer for consideration as part of the paving program for 2010. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

MOBILE HOT DOG STAND

The following correspondence was received in the Clerk’s Office on March 30, 2010 from Jared Jeffries, 317 Redpath Avenue:

My name is Jared Jeffries, I recently purchased a lot of land on Lincoln Avenue (right beside 339 Lincoln Avenue). I am writing you this letter to see if it is possible for me to open a hot dog stand on my lot for the summer time. It would be a mobile hot dog stand. From the months of June first to October first, business hours would be Monday through Saturday from 12:00 noon to 7 p.m. and closed on summer holidays. If you could contact me at 317 Redpath Avenue, Michigan City, IN 46360

Mayor Oberlie made the motion to refer this matter to the Planning Department, and stated the usual Health Department certification and Insurance certificates will be needed for our records. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

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 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 8	03/26/2010	\$400,136.67

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

Page	Date	Amount
1 of 6	04/01/2010	\$1,140,000.06

ADDITIONAL BUSINESS

Bart Lombard, 625 Faulknor Street, addressed the Board “Thanking” them for the sixty (60) day extension for the Government and Public Access Channel programming. Mr. Lombard also advised the Board that the microphones in the Council Chambers have been recalibrated but due to the technology of the cellular phones there are still times when a “buzzing” can be heard from text messaging and voice mail, and reinitiated that unless all cellular devices are turned off the problem will continue and there is nothing they can do about it.

ADDITIONAL BUSINESS

Tony Childers, 205 Douglas Avenue, addressed the Board expressing his concerns regarding the Hot Dog Vendor in front of the Court House, stating the hazards of that extremely busy area. Mr. Childers suggested the “cart” be moved further down the block to help avoid vehicular and pedestrian accidents.

Mr. Schaefer asked the M.C.P.D. Traffic Division to take a look into this situation.

Mr. Childers asked the Board about sidewalk repair in front of his business “Tony’s Outboard Motors” at 205 Douglas Avenue.

Discussion ensued between Mayor Oberlie and Mr. Childers regarding sidewalks on US Hwy 12. Mayor Oberlie referred the sidewalk request for 205 Douglas Avenue to the Planning Department to report back to the Board.

Mr. Childers asked the Board about the Executive Session of the Park Board and NIPSCO regarding the Westside Beach Access.

Mayor Oberlie informed Mr. Childers the information is not public record until there is a solution to the issue that has been identified.

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 9:50 a.m.).