

REGULAR MEETING – MAY 3, 2010

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, May 3, 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
Asst. Chief John Kintzele, 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
Jim Elwell, Superintendent, Central Services
Shelley Dunleavy, Personnel Director
Judy Pinkston, Neighborhood Planner
Russ Hatfield, Code Enforcement Officer
Charlie Cate, Superintendent Central Maintenance
Dave Morland, Vector Control Director

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

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of April 5, 2010 be approved as printed. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

OPENING OF BIDS – 2010 Sidewalk Program

Mayor Oberlie informed the Board that four (4) bid packets were received in the Clerk's Office, as follows:

Deutscher Construction LLC	\$249,850.00
Woodruff & Sons Construction	\$304,575.00
Maple City Concrete	\$225,600.00
Reith & Riley Construction Co., Inc.	\$214,075.00

Mayor Oberlie moved to refer the bids to the City Engineer and the E.E.O. Office for tabulation, and asked that they meet with the successful contractor to confirm compliance with the Local Hiring Ordinance, prior to bringing this back to the Board. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

**ENGINEERING DEPARTMENT – INDOT/LPA Project Coordination Contract
(Coolspring Avenue Stream Mitigation)**

Bill Phelps, City Engineer addressed the Board with regards to the INDOT/LPA Project Coordination Contract (Coolspring Avenue Stream Mitigation), and recommend approval by the Board.

Mayor Oberlie commented for public purposes that the Mitigation Project takes place on the golf course. The Mayor made the motion to accept the recommendation of the City Engineer and approve the Contract. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

PLANNING – Presentation of Gateway Park plans by Lohan Anderson

John Pugh, Director Planning & Inspection Departments addressed the Board informing them that the Gateway Park plans are essentially complete and ready for bid; and introduced Mr. Basel Sauder of Lohan Anderson, who gave an update and presentation of the Gateway Park plans.

Mr. Basel Sauder, Lohan Anderson, 401 N. Michigan Avenue, Chicago, Illinois, addressed the Board and gave his presentation. Mr. Sauder introduced Mr. Mark Underwood, with Hitchcock Design Group (Landscape Architect), 221W. Jefferson Avenue, Naperville, Illinois, addressed the Board presenting the proposed amenities for the park.

Mr. Pugh informed the Board that the Park Department, the Port Authority, as well as the Lubeznik Center for the Arts, have been included in this project.

Mayor Oberlie made the motion to authorize the Consultants and the Department to proceed with the solicitation of bids. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

AGREEMENT – Supplemental agreement for Woodland Avenue by Butler, Fairman and Seufert

John Pugh, Director Planning and Inspection Departments, addressed the Board regarding the agreement for the Woodland Avenue and Barker Road Improvement Project (DES. No. 0810302). Mr. Pugh introduced Mr. Peter Kohut of Butler, Fairman and Seufert, 8450 Westfield Blvd., Suite 300, Indianapolis, Indiana, who explained to the Board the Supplemental Agreement for Geotechnical Evaluation of the site.

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

CONTRACT – Open Portal Solutions Revenue Sharing Agreement

John Kintzele, Asst. Chief, Michigan City Police Department, addressed the Board recommending they approve the contract for the electronic traffic reporting system that has been mandated by the State of Indiana.

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

CONTRACT – Acceptance of contract between the City of Michigan City and Operating Engineers Local 150

Shelley Dunleavy, Personnel Director, addressed the Board regarding this three (3) year contract, stating there are no financial adjustments only language changes. Ms. Dunleavy asked for the Board’s acceptance.

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

PERSONNEL – Adoption of Voluntary Furlough Policy

Shelley Dunleavy, Personnel Director, addressed the Board and presented the following Voluntary Furlough Policy and request form for the Board’s approval:

VOLUNTARY FURLOUGH PROGRAM

The Voluntary Furlough Program is intended to reduce salary costs to avoid possible mandatory furloughs or layoffs. The program is available to all Regular Full-time and Part- Time employees who wish to take unpaid time off work without loss of benefits.

This program will commence June 1, 2010 and continue through December 31, 2010. Eligible employees may choose to work shorter days, a shorter work week, or take consecutive days off, not to exceed two (2) weeks. Non-exempt employees may use furlough time in increments not less than one-half (1/2) day. Exempt employees may use furlough time in increments not less than one (1) day.

Requested furlough days should be submitted to the employee’s immediate supervisor using the attached form. All requests must be approved, in writing, after considering the employee’s position, seniority, and the operational needs of the department. Requests may be granted provided such approval does not generate overtime, result in the loss of revenue or interrupt service to the citizens of Michigan City. If a request is denied, the supervisor will work with the employee and consider alternative dates.

An employee who elects to use voluntary furlough will continue coverage in the City’s insurance and pension benefits. Consistent with all City leave policies, the employee is responsible for their share of any required benefit contributions if wages are insufficient to cover such payment. Time off on voluntary furlough will not be considered hours worked for purposes of calculating overtime.

If a recognized holiday falls during a voluntary furlough period, the employee will receive holiday pay.

The language contained in this policy does not create an employment contract or alter the at-will employment relationship. The City reserves the right to revise the contents of this policy.

VOLUNTARY FURLOUGH PROGRAM REQUEST FORM

EMPLOYEE NAME _____

DEPARTMENT _____

REQUESTED FURLOUGH DATES _____

I HAVE READ THE VOLUNTARY FURLOUGH PROGRAM POLICY AND UNDERSTAND AND ACCEPT THE TERMS AND CONDITIONS OUTLINED IN THE POLICY.

EMPLOYEE SIGNATURE

DATE

____ REQUEST APPROVED

____ REQUEST DENIED

REASON FOR DENIAL

SUPERVISOR'S SIGNATURE

DATE

COMPLETED REQUEST FORMS SHOULD BE FORWARDED TO THE PERSONNEL DEPARTMENT

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

REQUEST TO USE VACANT PROPERTY

The following correspondence was received in the Clerk's Office on April 14, 2010 from Allan Whitlow, Executive Director, Boys & Girls Club of Michigan City:

The Boys & Girls Club of Michigan City seeks your permission to use the area bounded by 5th Street on the north, Spring Street on the east, 6th Street on the south and Pine Street on the west for some of our Club outdoor activities from time to time.

We especially use it during our summer program, which this year will be held from June 14th through August 6th.

I am enclosing our Certificate of Liability, which shows the City of Michigan City as Additional Insured. It is effective through June 1, 2010. I will send the updated certificate when we receive the renewal.

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

CHURCH FESTIVAL – Queen of All Saints

The following correspondence was received in the Clerk's Office on April 22, 2010 from Kim Gondeck, Operator, Queen of All Saints, 606 Woodland Avenue:

Once again the Queen of All Saints Committee respectfully requests that the Board approve the closing of Barker Avenue between Ester Street and Woodland Avenue during our annual parish festival.

The Parish Festival dates and times are as follows:

Wednesday, June 9, 2010 from 5:00 p.m. to 10:00 p.m.
Thursday, June 10, 2010 from 5:00 p.m. to 10:00 p.m.
Friday, June 11, 2010 from 5:00 p.m. to 12:00 p.m.
Saturday, June 12, 2010 from 5:00 p.m. to 12:00 p.m.
Sunday, June 13, 2010 from 5:00 p.m. to 10:00 p.m.

The Committee feels the closing of Barker Avenue during the festival to automobile traffic provides a benefit to both the patrons and the City by creating a buffer zone between the festival grounds and remote parking lots. In addition, provides for increased safety for small children in and around the proximity of the festival rides. A vacated Barker Avenue also provides a staging area for the city vehicles in the event of an emergency (i.e. fire, police).

If you should have any questions regarding this request, please contact us at your earliest convenience.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board informing them that the Queens organizers will be providing the same security measures as taken last year, and recommends approval from the Board.

Mayor Oberlie stated that their Certificate of Insurance is needed, to be on file in the Clerk's Office, so any motion will be subject to receiving it. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

REQUEST FOR STREET CLOSING – Elston Grove Neighborhood Association

The following correspondence was received in the Clerk's Office on April 22, 2010 from Mark Sherman, 810 Cedar Street:

The Elston Grove Neighborhood Association is planning a block party, for all the Elston Grove residents, on July 31, 2010.

We are requesting Cedar Street to be closed between 8th and 9th Street (including alley) between the hours of 11:00 a.m. and 8:00 p.m.

Mark Sherman addressed the Board regarding this request.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating he has spoken with Mr. Sherman informing him of the insurance requirements; and recommended approval of the request.

Mayor Oberlie made the motion to approve the request, subject to the Certificate of Liability Insurance being received in the Clerk's Office before the event. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

REQUEST FOR STREET CLOSING

The following correspondence was received in the Clerk's Office on April 21, 2010 from Maria Burks, 134 Porter Street:

I would like to request the closing of Johnston Court to the end of N. Porter Street (Dead End off E. Michigan Blvd.) for Sunday, June 13th. It's my son's graduation day and we would like to have a graduation party from 4:00 p.m. until about 10:00 p.m. I have spoke with my neighbors and none have any objections. If you could get back to me regarding this request as soon as possible it would be greatly appreciated.

Thank you for your consideration.

Ms. Burks addressed the Board regarding this request.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board informing them that he has spoken with Ms. Burks, making her aware of the insurance requirements. Sgt. Loniewski stated that Johnston Court is a one (1) block long Dead-End street, and recommended approval of the request.

Mayor Oberlie made the motion to approve the request, subject to the Certificate of Liability Insurance being received in the Clerk's Office before the event. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

REQUEST FOR COMMUNITY OUTREACH EVENT

The following correspondence was received in the Clerk's Office on April 8, 2010 from Minister Tracey Woods, Advancing Christ's Kingdom Ministries Community Outreach, 1407 E. Michigan Blvd.:

This is Minister Tracey Woods and I am contacting you once again to let your office know that we have scheduled our community outreach for the 24th of July. We also would like to request the large garbage cans to be placed on the property like they were last year. If you have any questions please contact me.

The following correspondence was received in the Clerk's Office on April 12, 2010 from Minister Tracey Woods, Advancing Christ's Kingdom Ministries Community Outreach, 1407 E. Michigan Blvd.:

Not sure how many garbage cans we would need. The same amount that was supplied to us last year would be great. Also, the date of the outreach has been changed to July 31st instead of the 24th.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating this is an annual event, trash containers were supplied last year, and there were no issues with the event last year; and recommended approval of the request.

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

MOBILE HOT DOG STAND

The following correspondence was received in the Clerk's Office on April 27, 2010 from Kathi K. East, 915 Tryon Road:

My name is Kathi K. East. I am a year around resident of Michigan City and have lived here all my life. I am writing to you because I am interested in opening a Hot Dog Cart business. my interest point is Stop 2 on the beach or located in the parking lot. Another interest point is near the lighthouse Mall on the corner of Wabash and 8th or Wabash and 6th. I would like to go forward and obtain the other required permits but would like to get your approval on a location before doing so. If these locations are not possible I would be interested in others if you could inform me of other approved areas. Thank you for taking the time to review my letter and I hope to hear from you soon.

Mayor Oberlie made the motion to approve the street locations, and referred Ms. East to the Park Board for the Beach locations; presuming all the health department and liability insurance certificates have already been obtained. 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 April 23, 2010 from Robin Tillman, Amalgamated Transit Union, Local #517:

Dear Mr. Walter Gipson:
RE: Bus Safety ~ Brake System Issue:

The brake system failure on bus #30 on April 21, 2010.
This letter is to serve as a written correspondence for the following safety issues with bus #30 brake system.

On April 21, 2010, the Director of Transportation knowingly forced drivers to operate an unsafe bus.

Corporate Counsel John Espar addressed the Board regarding this item and a previous grievance.

Charlie Cate, Superintendent, Central Maintenance, addressed the Board regarding a letter that has been sent to IOSHA, and the response has been posted at the Central Services and Central Maintenance locations.

NOTE: For informational purposes only.

AWARDING OF BID – 217 Willard Avenue, Wayne Miller, owner

Russ Hatfield, Code Enforcement Office informed the Board that the demolition bid has been reviewed by the Inspections Department and the E.E.O. Officer, and recommended that Phelps Construction be awarded the following bid:

217 Willard Avenue - \$4,440.00

Mr. Wayne Miller, 113 Dole Street, owner of 217 Willard Avenue addressed the Board regarding the demolition of this property (a correspondence was received in the Clerk's Office on March 15, 2010 from Mr. Miller asking to address the Board regarding this matter).

Discussion ensued between Mr. Espar and Mr. Miller regarding the habitability of the structure and his financial ability to repair it.

Mr. Metzcus addressed Mr. Miller regarding this property. Mr. Metzcus made the motion, requesting the other Board members accept the bid presented this date for demolition. The motion was seconded by Mayor Oberlie.

Dane Miller addressed the Board regarding the property at 217 Willard Avenue.

Judy Pinkston, Community Development Director, addressed the Board stating that H.U.D. does not have any programs for rehabilitation for investors; that H.U.D.'s programs are only for owner/occupied homeowners.

Dwight Gram, Executive Director for LaPorte County Habitat for Humanity, clarified their interest/involvement in this property; stating that due to the liens and judgments on the property, that they are not interested in this property.

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

Mr. Miller stated to the Board that he will be pursuing legal action against the City.

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 Mayor Oberlie 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 4	04/19/2010	\$454,339.99
1 of 1	04/30/2010	\$14,557.19
1 of 5	05/03/2010	\$667,360.75

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

Page	Date	Amount
1 of 8	04/07/2010	\$398,985.46
1 of 8	04/23/2010	\$420,493.04
1 of 4	04/30/2010	\$307,266.24

ADDITIONAL BUSINESS

Tom Moss, 202 Beachwalk Lane, Beachwalk, LLP, addressed the Board regarding his previous request regarding access to Beachwalk property.

Corporate Counsel Espar addressed Mr. Moss advising that his review of the situation is not yet complete, and until such time when it is decided if this is the Board’s jurisdiction or if it’s falls under the Plan Commission, to refer Mr. Moss to his office.

ADDITIONAL BUSINESS

Attorney Michael Bergerson, 601 Franklin Street, on behalf of the Redevelopment Authority, presented the following:

RESOLUTION NO. 2800

A RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MICHIGAN CITY, INDIANA, AUTHORIZING THE EXECUTION OF A LEASE WITH THE MICHIGAN CITY REDEVELOPMENT AUTHORITY IN CONJUNCTION WITH THE ISSUANCE OF THE REDEVELOPMENT AUTHORITY LEASE RENTAL REVENUE BONDS OF 2010 (LAFAYETTE BARKER PROJECT) AND CERTAIN RELATED MATTERS

WHEREAS, the Board of Public Works and Safety of the City of Michigan City, Indiana (the “Board of Public Works”), a department of the City of Michigan City, Indiana (the “City”), has been created pursuant to Indiana Code 36-4-9, as amended from time to time; and

WHEREAS, the Michigan City Redevelopment Authority (the “Authority”) intends to issue bonds pursuant to Indiana Code 36-7-14.5-19 to be known as the “Michigan City Redevelopment Authority Lease Rental Revenue Bonds of 2010 (Lafayette Barker Project)” in the aggregate principal amount not to exceed Nine Million Four Hundred Seventy-five Thousand and 00/100 Dollars (9,475,000) (the “Bonds”), the proceeds of which are to be used to finance the construction of the first phase of the Lafayette Street Storm Sewer along 8th Street to Lafayette Street, and along Lafayette Street to 11th Street and other related improvements (collectively, the “Project”), pay capitalized interest, fund a debt service reserve fund and to pay the costs of issuance of the Bonds; and

WHEREAS, the Authority intends to lease the Project to the Michigan City Redevelopment Commission (the “Commission”) pursuant to a lease dated as of March 1, 2005, as may be amended from time to time (the “Lease”), between the Authority and the Commission; and

WHEREAS, Indiana Code 36-1-11 generally provides the manner in which a governmental entity may provide for the disposal of property; and

WHEREAS, Indiana Code 36-1-11-8 provides that a transfer of property may be made with a governmental entity upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity; and

WHEREAS, on the behalf of the City, the Board of Public Works desires to approve of a lease agreement with the Authority, for the purpose of leasing to the

Authority, that portion of the public right-of-way which will contain the Project (the “Leased Property”); and

WHEREAS, there has been prepared and submitted to the Board of Public Works at this meeting for its approval, a substantially final form of the Lease Agreement dated as of May 1, 2010 (the “Lease Agreement”), between the City and the Authority, pursuant to which the City would lease the Leased Property to the Authority for the purpose of permitting the financing and construction of the Project; and

WHEREAS, the Board of Public Works now desires to approve the form of Lease Agreement presented to the Board of Public Works at this meeting and authorize the execution of the Lease Agreement by the City;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MICHIGAN CITY, INDIANA, AS FOLLOWS:

1. The Board of Public Works hereby approves the Lease Agreement in the form of the Lease Agreement as submitted to this meeting, and authorized the Mayor and Clerk of the City to execute and attest, respectively, the Lease Agreement in substantially such form, with such further changes as such officers deem proper as evidenced by such officers’ execution and attestation thereof.
2. This Resolution shall be in full force and effect after its adoption by the Board.

ADOPTED at a meeting of the Board of Public Works and Safety of the City of Michigan City, Indiana, held on May 3, 2010.

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

/s/ Anthony Metzcus, President

/s/ John Schaefer, Vice-President

/s/ Charles Oberlie, Member

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

ADDITIONAL BUSINESS

Mayor Oberlie brought to the attention of the Board that an Armed Forces Day Celebration is schedule for Saturday, May 15, 2010; and that they are asking for the following street closures:

Franklin Street between 11th Street to 4th Street from 11:00 a.m. to 12:30 p.m.

Washington Street Assembly Area from 10:00 a.m. to 11:30 a.m.

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

Note for informational purposes – Sgt. Jeff Loniewski, M.C.P.D. Traffic Division informed the Board this event will follow the same route as the St. Patrick’s Day Parade and recommended approval of the request.

ADDITIONAL BUSINESS

Mr. Robert Smith, addressed the Board and presented the following correspondence:

I would like to conduct a car cruise on Saturday, May 29th. Approximately 50-75 cars. We have acquired permission from Menards to meet in their parking lot. The route to be taken, the cruise will leave Menards at approximately 2:00 p.m., and head north on Franklin Street to 4th Street, then heading East on 4th Street to Pine Street-north on Pine Street down to Washington Park, then leaving the park we will be heading south on Washington Street to Tillottson Avenue, then east on Tillottson Avenue to the final destination at the St. Joe Club parking lot. The objective is to use off duty police officers to help conduct the cruise. Thank you for your consideration.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating that they need the appropriate number of officers, and then he would recommend approval of the request.

Discussion ensued regarding INDOT's approval for one (1) mile of the route; and that St. Joe Club will provide the insurance. Mayor Oberlie made the motion to TABLE the request until the next meeting, and referred the request to the Traffic Division. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ADDITIONAL BUSINESS

Mr. Jeffrey Kirsch, 1802 Lakeshore Drive, addressed the Board stating his concerns regarding the improvements proposed by developer Tom Moss of Beachwalk, LLC. Mr. Kirsch stated that two (2) Engineers and one (1) Surveyor have been hired by the concerned neighbors, and that he will be glad to share the information gathered with the Board, or the appropriate governing body.

Corporate Counsel John Espar addressed Mr. Kirsch's concerns, and stated that proper notification will be sent to the interested parties regarding this matter.

ADDITIONAL BUSINESS

Shelley Dunleavy, Personnel Director, addressed the Board asking for their approval on two (2) agreements to the City's Benefit Plan - # 1: Agreement of the City of Michigan City Dental Benefit Summary Plan Description; and # 2: Agreement of the City of Michigan City Health Benefit Summary Plan Description, this will put the City in Federal compliance.

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

ADDITIONAL BUSINESS

Mayor Oberlie addressed the Board regarding the Neighborhood Stabilization Program and H.U.D., stating H.U.D. issued a new Notice that changed the definitions of "foreclosed" and "abandoned" for the purposes of identifying eligible properties for NSP1 and NSP2. The new definitions are:

Abandoned – A home or residential property is abandoned if either a) mortgage, tribal leasehold, or tax payments are at least 90 days delinquent, or b) a code enforcement inspection has determined that the property is not habitable and the owner has taken no corrective actions within 90 days of notification of the deficiencies, or c) the property is subject to a court-ordered receivership or nuisance abatement related to abandonment pursuant to state or local law or otherwise meets a state definition of an abandoned home or residential property.

Foreclosed – A home or residential property has been foreclosed upon if any of the following conditions apply: a) the property’s current delinquency status is at least 60 days delinquent under the Mortgage Bankers of America delinquency calculation and the owner has been notified of this delinquency, or b) the property owner is 90 days or more delinquent on tax payments, or c) under state, local, or tribal law, foreclosure proceedings have been initiated or completed, or d) foreclosure proceedings have been completed and title has been transferred to an intermediary aggregator or service that is not an NSP grantee, sub recipient, contractor, developer, or end user.

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

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 11:10 a.m.).

Thomas F. Fedder, City Clerk