

REGULAR MEETING – November 4, 2013

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, November 4, 2013 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, Steve Janus, who presided.

Noted present: Steve Janus, Sharon Carnes and Michael Palmer (3). Absent: none (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporate Counsel
Donna Pappas, City Controller
Russ Hatfield, Code Enforcement Officer
Terry Borolov, Code Enforcement Officer
Lt. Jeff Loniewski, M.C.P.D. Traffic Division
Bob Zondor, Superintendent Central Services
Charles “Spike” Peller, City Engineer
Ben Neitzel, Superintendent, Central Maintenance
Shannon Eason, Asst. Director, Parks & Recreation Department
Rob Strader, Director, Municipal Transit
Craig Phillips, Planning Director
Sojo Atwater, Human Rights Department
Mayor Ron Meer

Gale Neulieb, City Clerk
Kim Sliwa, Deputy City Clerk

APPROVAL OF MINUTES

President Janus asked if there were any corrections to the minutes of the Regular meeting of October 21, 2013.

Vice-President Carnes made the motion to approve the minutes from the regular meeting of October 21, 2013. The motion was seconded by President Janus and carried as follows:
AYES: MEMBERS Janus and Carnes (2). **ABSTAIN:** Palmer (1) **NAYS:** None (0).
Motion carries.

PROCLAMATION – Arbor Day 141st Anniversary

Mayor Meer read the following Proclamation to the Board:

Proclamation

WHEREAS: in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and this holiday, Arbor Day, was first observed with the planting of more than one million trees across the plains of Nebraska; and

WHEREAS: April 26th, 2013 marked the 141st anniversary of this holiday, and Arbor Day is now observed across the nation and throughout the world; and

WHEREAS: trees are one of mother nature's greatest renewable resources giving us wood for construction, fuel for our fires, and paper to correspond; and

WHEREAS: trees are a friend to earth and its inhabitants by reducing the erosion of precious topsoil via wind and water, trees absorb atmospheric harming carbon dioxide while releasing life sustaining oxygen, and trees moderate the temperature, all the while providing a habitat for a myriad of wildlife; and

WHEREAS: trees, wherever they are planted, are a source of spiritual joy and renewal, trees increase property values, enhance the vitality of business areas, and beautify the overall look of our community' and

WHEREAS: The City of Michigan City is most fortunate to have dedicated members of our Tree Board working effortlessly to provide a cleaner, healthier, more tree filled Michigan City.

NOW THEREFORE, I, Mayor Ron Meer, of Michigan City, Indiana do hereby proclaim November 8, 2013 as:

ARBOR DAY

In the city of Michigan City, and urge all citizens to support efforts to protect our trees and woodlands, and further urge all citizens to plant a tree in the benefit of this and future generations.

DATED THIS 8TH day of November, 2013

Note: For Informational Purposes only.

REQUEST FOR STREET CLOSURE–Frank & Edward Skwiat Post No. 451 Veteran's Day program on November 11, 2013

The following correspondence was received in the City Clerk's Office on October 24, 2013 from Commander Larry Harris, Frank & Edward Skwiat Post No. 451:

On Veterans Day, Monday, November 11th, the Frank & Edward Skwiat American Legion Post 451 is again planning a program honoring our veterans and will be held at the Post Home, 121 Skwiat Legion Avenue.

Veterans organizations from the Michigan City area and the public are being invited to attend these ceremonies which will take place from 10:30 to 11:00 AM outside the front entrance to the Post Home.

As in the past, we are again requesting your permission for barricades to be placed at the entrance to Skwiat Legion Ave. from Washington St. and on Skwiat Legion Ave. just east of the Post Home.

Your granting this request will be greatly appreciated.

Lt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating this is an annual request and recommended approval.

Vice-President Carnes made the motion to approve the request for street closure for the Frank & Edward Skwiat Post No. 451. The motion was seconded by Michael Palmer and carried as follows: **AYES: MEMBERS Janus, Carnes and Palmer (3). NAYS: None (0). Motion carries.**

REQUEST FOR SIGNAGE – Constance Everly requesting signage be installed to identify the intersection of Highway 12 and Michigan Boulevard

The following correspondence was received in the City Clerk's Office on October 28, 2013 from Constance Everly, 1812 E. Barker Avenue:

Type of Request: Hwy/Street Sign @ Hwy 12 & Mich. Blvd.

Since April, I've spoke to Street Dept., Hwy Depts. in Michigan City and LaPorte Offices. Mayors Office 2x's; caught a City Employee in City Hall Parking lot and now to Engineering.

How this was noticed – someone going to LaPorte from Lighthouse Place Mall passed the turn @ 12 & Mich. Blvd. They picked up Hwy 39 in New Buffalo, MI. These people were elderly with no G.P.S. Is it not a tourism issue, too?

Constance Everly, 1812 E. Barker Avenue addressed the Board regarding the request.

Charles "Spike" Peller, City Engineer addressed the Board stating that Michigan Boulevard is a City street, and is not in any way a State road and it is not Hwy 35.

Discussion ensued between the Board and Mr. Peller regarding what type of signage could be installed and where. Mr. Peller will speak with representatives of INDOT and report back to the Board.

REQUEST FOR HANDICAP SIGN – Donald G. Boucher, 3071 Springland Avenue, apt. 52

The following correspondence was received in the City Clerk's Office on October 30, 2013 from Donald G. Boucher, 3071 Springland Avenue, apt. 52:

I am at the residence of Tall Timber Town homes, 3071 Springland Ave., apt. 52, Michigan City, Indiana. I have been disabled since 2004. I am requesting a disabled parking space in front of my apartment, I have a permanent handicap plate on my 2012 White Nissan Sentra through the BMV. Due to the inability that I can't walk long distances. I would appreciate your time in considering this matter. Thank you.

Donald Boucher, 3071 Springland Avenue, apt. 52 addressed the Board regarding the request; stating his need for the handicap parking sign and that his apartment is the only one on the Springland Avenue side of the street.

President Janus informed Mr. Boucher that at the present time there is a moratorium on requests for handicap parking signs until Corporate Counsel has researched the State law on the placement of these types of signs throughout Cities on residential streets; and that the request would be put on the "Pending Item" list.

OPENING OF BIDS – Old Lighthouse Museum Lantern Room Restoration Project Request for Quotes

Shannon Eason, Michigan City Parks and Recreation Department addressed the Board regarding the Opening of Bids explaining that the submission date in the advertisement is wrong, and they did not receive any bids this morning for the Board to open.

Discussion ensued between Mrs. Eason and Corporate Counsel John Espar regarding the bid process and re-advertising the bid for the next Board of Public Works and Safety meeting. Counsel Espar recommended to the Board that the Park Department holds all bids that are timely received by 9:00 a.m. on November 5, 2013 for the Board’s next regularly scheduled meeting or for a special meeting scheduled for the purpose of opening the bids as they must be opened at a Public meeting and the bid amounts have to be read aloud.

Mr. Palmer asked if there was a deadline for the project.

Mrs. Eason replied that they would like to have the project completed by April 2014 when the museum opens; stating this is approximately a six (6) to eight (8) week process, and that some of the work will be done off site during the winter months and then moved to the Lighthouse property for installation in the Spring.

CLAIMS AND PAYROLL

Vice-President Carnes 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 Michael Palmer and carried as follows: **AYES: MEMBERS Janus, Carnes and Palmer (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 11	10/29/2013	\$617,422.30
1 of 3	11/01/2013	\$221,721.94

Allowance of claims as set forth in the Register of Claims for the Board of Public Works and Safety and the Department of Redevelopment as follows:

Page	Date	Amount
1 of 5	11/01/2013	\$375,390.49
1 of 1	11/04/2013	\$93,956.77

UNFINISHED BUSINESS – Pending Items

Pending Item – Lighthouse painting

Corporate Counsel John Espar addressed the Board regarding the painting of the Lighthouse stating the Port Authority is continuing with the due diligent work; and at this time they are testing the paint that is on the Lighthouse for lead, and checking to see what precautions need to be taken so it does not enter the lake.

Pending Item – 812 Lake Shore Drive

Corporate Counsel John Espar addressed the Board regarding 812 Lakeshore Drive stating this has been concluded and can be removed from the Pending Item list.

Pending Item – request to purchase City property, Mike Neulieb 319 Benton Street

Corporate Counsel John Espar addressed the Board stating this has been concluded and can be removed from the Pending Item list based on the action of the Board at the last meeting; and is preparing the deed for the Mayor's signature.

Pending Item – Johnny Rockets Fireworks Display

President Janus inquired about the request to bid on the Michigan City 4th of July Fireworks show for 2014.

Corporate Counsel John Espar addressed the Board stating it was his understanding that the Summer Festival Committee is actively soliciting requests for proposals, and is not sure what the status of this is.

President Janus stated he will check with the Summer Festival Committee.

Pending Item – Daniel D. Bruce Memorial corrections

Lee Gruber, 7933 W. US Hwy 6, Westville, IN addressed the Board regarding the corrections they would like to make to the Daniel D. Bruce Memorial; informing the Board that all Military Organizations in the area have been contacted regarding the corrections to be made and donations to the fund that has been set up at Horizon Bank to pay for the corrections they plan on making. Mr. Gruber stated that to date donations received are about \$1,200.00, and the corrections will cost approximately \$4,000.00; target for conclusion for the collection of funds has been set for February 28, 2014; manufacturing time for the correction as was submitted to the Board will be six (6) weeks, and a dedication scheduled for Memorial Day 2014. Mr. Gruber informed the Board that the D.A.V. will be hosting a fundraiser on November 17, 2013 at 2301 Ohio Street from 1:00 to 5:00 p.m.

Discussion ensued between the Board and Mr. Gruber regarding including the entire citation for Daniel Bruce being put on the monument for historical purposes, as well as the correction of the medal. Mr. Gruber asked the Board for their approval to continue with this process.

Corporate Counsel Espar explained that the monument rests on Port Authority property, but the project itself was a Board of Public Works and Safety project and this Board could grant the approval.

Mayor Meer addressed the Board explaining that he will approach the City Council to see if he can get them to appropriate funds from the Boyd Development fund to help with the associated costs of getting this historical monument corrected for future generations.

Corporate Counsel Espar addressed Mr. Gruber asking as this process continues to formalize the modifications to the monument that he keeps the Board informed of the specific corrections, and specific vendors that will do the work for their consideration and approval.

Mr. Gruber stated they have approached Steindler & Sons of Wanatah, IN; and that he will formally submit this to the Board for their records.

Pending Item – Sale of property adjacent to Cleveland Avenue Fire Department

Craig Phillips, City Planner addressed the Board regarding the possible sale of City owned property adjacent to the Cleveland Avenue Fire Department; stating he has requested appraisals be prepared and is waiting for them.

Pending Item – Ice Cream Parlor

Craig Phillips, City Planner addressed the Board regarding the property stating he has had conversations with the prospective owner who has taken it upon himself to purchase some materials and is working with an Architect to submit the required documentation to the State for “Construction Design Release” for a new roof on the building, all at his own risk and he understands as he is not the owner of the property yet; which is still in negotiations in terms of the purchase of the property. Mr. Phillips explained that once he received proof of the application for the “Construction Design Release”, which that process takes about eight (8) weeks at the State level, and hopes to report more to the Board before the November 29, 2013 deadline that has been set by the Board.

Discussion ensued between Corporate Counsel Espar and Mr. Phillips regarding the “Construction Design Release” that is being sought. Mr. Phillips explained that a “Construction Design Release” was issued for the foundation previously and that was the only “Construction Design Release” that the State ever issued on this project; and that the Board will continue with the demolition process after November 29, 2013.

Pending Item – Turner Court

Charles “Spike” Peller, City Engineer addressed the Board informing them that the work is continuing with the Sanitary District constructing a retaining wall, extending the storm sewer and planting dune grass.

Pending Item - truck traffic on Ripley Street

Charles “Spike” Peller, City Engineer addressed the Board informing them that the signs have been ordered and when they are received they can be installed.

Pending Item – 210 N. Lake Avenue, access road

Charles “Spike” Peller, City Engineer addressed the Board stating he is working on this access and others in the area, and should have some kind of a report in 2014.

Pending Item – Crosswalk for Michigan City High School and Canterbury House Apartments

Charles “Spike” Peller, City Engineer addressed the Board regarding the crosswalk for the Michigan City High School informing the Board that he is still waiting to hear something about the funding.

Mr. Palmer addressed Mr. Peller explaining that last week the County was approached by a developer to build a road from US Hwy 20 to Pahs Road which will come out by the apartments; further stating the Board may want to wait to see where the road is going to come out with the crosswalk instead of spending any additional monies. Mr. Palmer stated at last week’s County Council meeting this was discussed and they are moving forward with the concept.

Mr. Peller will contact INDOT to see what he can find out.

Pending Item – Street lights on Roeske Trail, Providence and Salem Streets

Charles “Spike” Peller, City Engineer addressed the Board regarding the street lights for Roeske Trail, Providence and Salem Streets reporting that he is still working with N.I.P.S.Co. to get the project underway and has contacted the Engineer who’s going to give him the information and he will forward that onto the Board.

Pending Item – CSXT Railroad crossing

Charles “Spike” Peller, City Engineer addressed the Board regarding the CSXT Railroad crossing stating the project is mostly completed; explaining that the street still needs to be striped, which will most likely take place in the Spring 2014.

Pending Item - Retaining Wall & Stairs 202 Hilltop

Charles “Spike” Peller, City Engineer addressed the Board advising that Corporate Counsel Espar is looking into the title work to see how the City acquired the property.

Corporate Counsel Espar advised the Board that he has contacted the Title Insurance Company and explained that what he needs to know is how the City acquired its title so the Board will know how to dispose of the property if that’s the route the Board decides to take.

Pending Item – Greenwood and Woodland Avenues – improvements to intersection

Charles “Spike” Peller, City Engineer addressed the Board stating the Sanitary District is still working out there, and when that’s done the intersection will be addressed.

Discussion ensued between the Board and Mr. Peller regarding the work that is being preformed along Greenwood Avenue with the Sanitary District and the sewer work.

Pending Item – 124 Green Street

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property stating he spoke with the owner last week and hopes to have some definite answers for the next Board meeting.

Pending Item – 910 Green Street

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property stating this is still planned accordingly with title work and notices to be in front of this Board for demolition hearing.

Pending Item – 915 Green Street

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property stating he’s gotten the title work ordered and it appears there will be some difficulty finding a party of substantial interest as it is possible that the property has gone through some type of bankruptcy and is being researched.

Pending Item – 812 Manhattan Street

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property stating he has had no update from the owners, and will be continuing on with the demolition process.

Pending Item – 1026 E. Michigan Boulevard

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property stating the demolition is complete.

Pending Item – 113 Dole Street

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property stating as of last week it is still a mess. Mr. Hatfield reported that it appears there is some roofing material there and that some work has been done.

PUBLIC COMMENTS

President Janus asked if there were any comments from the public.

John Corley, representing RAMCO/Citgo gas station, informed the Board they have purchased the lot behind the gas station and want to see about getting an outer driveway that would lead back out to Michigan Boulevard.

Mr. Corley was directed to see Charles “Spike” Peller, City Engineer for a curb-cut.

President Janus asked if there were any comments from the public. There was no response.

BOARD COMMENTS

President Janus asked if there were any comments from the Board. There was no response.

ADJOURNMENT

President Janus inquired whether there was anything else to be considered by the Board at this time and, there being none, declared the meeting ADJOURNED (approximately 9:42 a.m.). Mike Palmer made the motion to adjourn. The motion was seconded by Vice-President Carnes and carried as follows: **AYES: MEMBERS Janus, Carnes and Palmer (3). NAYS: None (0). Motion carries.**

Gale A. Neulieb, City Clerk