

REGULAR MEETING – November 16, 2015

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, November 16, 2015 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, Michael Palmer and Virginia Keating (3).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich, Corporate Counsel
Russ Hatfield, Code Enforcement Officer
Charles “Spike” Peller, City Engineer
Jessica Gage, Assistant City Planner
Kalon Kubik, Mayor’s Assistant
Bob Zondor, Superintendent Central Maintenance
Capt. Steve Jesse, M.C.P.D Traffic Division
Chief Mark Swistek, M.C.P.D.
Arber Himaj, Engineer, M.C. Sanitary District

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 November 2, 2015.

Vice-President Palmer made the motion to approve the minutes as presented. The motion was seconded by Virginia Keating and carried as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion carries.**

AWARDING OF BID – 522 Pleasant Ave

Russ Hatfield the Code Enforcement Officer stated they were still reviewing funding and would like to hold off awarding the bid until the December 7, 2015 regular Board of Works meeting.

Vice-President Palmer made a motion to TABLE this demolition until the next Board of Works meeting on December 7, 2015. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

AWARDING OF BID – 501 Hoyt Street

Russ Hatfield the Code Enforcement Officer stated they were still reviewing funding and would like to hold off awarding the bid until the December 7, 2015 regular Board of Works meeting.

Vice-President Palmer made a motion to TABLE this demolition until the next Board of Works meeting on December 7, 2015. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

AWARDING OF BID – 228 W. Coolspring Ave.

Russ Hatfield the Code Enforcement Officer stated they were still reviewing funding and would like to hold off awarding the bid until the December 7, 2015 regular Board of Works meeting.

Vice-President Palmer made a motion to TABLE this demolition until the next Board of Works meeting on December 7, 2015. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

REQUEST FOR TRAFFIC SIGNAGE AT EL PORTAL AND OLD GRAND BEACH ROAD

Spike Peller the City Engineer stated he looked at this situation, MUTCD does not recommend the “Cross Traffic Does Not Stop” sign. However, there either needs to be a 3 way stop sign or at least the “Cross Traffic Does Not Stop” sign at this intersection. Mr. Peller does not think a 3 way stop sign is warranted at this intersection, therefore he is recommending the “Cross Traffic Does Not Stop” sign.

Capt. Steve Jesse stated he would prefer the “Cross Traffic Does Not Stop” sign, he did not locate any accidents at this intersection. The “Cross Traffic Does Not Stop” sign would probably be a good idea. Capt. Jesse has not checked with the Long Beach Police Department to see what their records show.

Vice-President Palmer made a motion to place “Cross Traffic Does Not Stop” signs at the corner of Old Grand Beach Road and El Portal. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: (0). Motion Carries.**

REQUEST FOR 15 MINUTE PARKING SIGN AT 309 BUTLER STREET

Discussion ensued between Spike Peller the City Engineer and the Board whether this would fit the criteria for the area.

Vice-President Palmer made a motion to deny this request. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: (0). Motion Carries.**

REQUEST FOR STOP SIGN AT KRUEGER HILL AND LAKESHORE DRIVE

Michael Palmer, the Vice-President of the Board of Works stated in discussions with the Mayor, he has requested that the stop sign at Krueger Hill and Lakeshore Drive be turned into a permanent stop sign. In addition, the eastbound traffic, as they are heading towards Long Beach, there should be a "Stop Ahead" sign letting drivers know before they reach the curve.

Vice-President Palmer made a motion to permanently leave the stop signs at Krueger Hill and Lakeshore Dr. as well as an indicating "Stop Ahead" signs, and take down the "Cross Traffic Does Not Stop" signs. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

REQUEST FOR SIGNAGE - "DO NOT LITTER" ALONG WARNKE RD.

Spike Peller the City Engineer stated he has looked at this and did some research. A lot of these signs have an opposite effect of what is being asked. Mr. Peller stated there are signs that might be more effective, Mr. Peller suggested a sign he thought might work. Mr. Peller would like to hold this over till the December 7, 2015 Board of Works meeting so he can talk to Mr. Zondor and see what can be done.

Virginia Keating made a motion to TABLE this request until December 7, 2015 Board of Works meeting. The motion was seconded by Vice-President Palmer and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

REQUEST FOR STREET CLOSURE – WOODLAWN AVE IN JUNE 2016 BY NIPSCO

Spike Peller the City Engineer stated he has looked at this situation and as long as they put up the proper signs, Mr. Peller would recommend this be approved. Vice-President Palmer added that all proper agencies need to be notified as well.

Vice-President Palmer made a motion to allow NIPSCO to close Woodlawn Ave for 1-2 weeks in June 2016 to complete their project. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

REQUEST FOR A CONTROLLED BURN BY NOTRE DAME CATHOLIC CHURCH

Corporate Counsel Amber Lapaich stated that this was just for informational purposes. Chief Novak has already approved this request. Vice-President Palmer asked if the city had to have a Certificate of Liability on file in case something should go wrong. Ms. Lapaich stated they should. Vice-President Palmer asked the Clerk's office to contact Notre Dame Church and ask for a copy of their insurance.

REQUEST TO MOVE THE JOHN HABELA SCULPTURE

Janet Bloch the Education Director with the Lubeznik Center for the Arts asked the Board to move one of the sculptures that was placed for AgriSculpture. When they first proposed this site, Ms. Bloch was not aware there was a fence in front of it. Ms. Bloch showed a picture of another proposed site where the committee would like it to be moved. The artist and Zach

Baker have agreed to move the sculpture so there is no additional cost. Discussion ensued between Ms. Bloch and Vice-President Palmer about placing the sculpture on the concrete pad or bricks. It was explained it is Brown Brick Stamp Concrete and that is the side the sculpture would be on. More discussion ensued about the safety of the edges on the sculpture and Ms. Lapaich added that the fence that original accompanied the sculpture will move with it.

Virginia Keating made a motion to approve the request to move the John Habela Sculpture from the parking lot across from the Farmer's Market to within the Farmer's Market. The motion was seconded by Vice-President Palmer and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

REQUEST FOR PLACEMENT OF SCULPTURES

Tim Haas representing Haas & Associates along with Lora Fosberg who is the Project Manager for the sculpture project in working with Michigan City Public Art Committee. They are requesting permission to put two sculptures within the Wabash Street right of way. One of them would be between 10th Street and 11th Street in the center median. There will be a concrete pad constructed there as part of the Wabash Street Project. The Redevelopment Commission has agreed to fund two new sculptures that will be owned by the city. The second location will be in the center median on Wabash between Hwy 12 and 4th Street at the same location where the Board had previously approved a sculpture. Both of these sculptures will be permanently owned by the city. Lora is the project manager working with MAC the Public Art Committee, so she may be back in the future.

Virginia Keating made a motion to approve placement of two sculptures, one in the right of way in the median between 10th and 11th Street and the other at Wabash and Hwy 12. The motion was seconded by Vice-President Palmer and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

ELIMATE ALL YIELD SIGNS IN THE CITY OF MICHIGAN CITY

Spike Peller the City Engineer stated the sign replacement project is ongoing right now. Global Engineering is conducting studies on all the existing signs to see if they are the right height and right reflectivity. In discussion with Tim Marker who is a Traffic Engineer for INDOT, he has made the recommendation that all the yield signs should be changed to stop signs. This would be done the spring 2016, it should take about a month to complete.

Vice-President Palmer made the motion to replace the yield signs within the city with stop signs. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

After the motion, Vice-President Palmer addressed Mr. Peller that the stop signs being placed along Washington and Wabash Streets look like they are pretty high in the air, are they meeting the height requirements? Mr. Peller said he would look at it but assumed they were done correctly. Mr. Peller explained the height requirement is because at night, the headlights will shine on them and they will reflect.

ECONOMIC DEVELOPMENT REVOLVING LOAN TO ZORN BEER WORKS FOR \$260,000

Clarence Hulse, Economic Development Corporation M.C. stated the Board had a Revolving Loan request for Zorn Real Estate Holding Company LLC. They are requesting a loan in the

amount of \$260,000. This is a redevelopment project. The former Newcomb Building is what they are looking at to turn into a Micro-Brewery. There are a couple conditions on the loan, which Mr. Hulse would like the Board to see before they move forward. Vice-President Palmer stated one of the things that was missing was the legal description of this property. Mr. Hulse stated that was one of the things he would like to ask the Board to include, there were currently five now, he would like to make this number six. Vice-President Palmer asked Ms. Lapaich if it was proper if the Board were to approve this with these conditions before they have approved it or should it be approved first then come to the Board of Works? Ms. Lapaich stated the Board of Works could approve it first, it does not matter. What this is saying it is approves the term of the loan, the interest rate, how it is going to be repaid, the ability to prepay the loan at any time, the amount of the loan, who the actual borrowers are. Ms. Lapaich is ok with the Board approving this ahead of time. Vice-President Palmer stated that if these items are not met then the loan fails and Mr. Hulse responded correct. Ms. Lapaich stated that the Council redid the ordinance and added new conditions to allow more flexibility with some of the new projects.

Vice-President Palmer made a motion to allow the Revolving Loan to Zorn Beer Works Company in the amount of \$260,000 be approved by the Economic Development Corporation provided that all six condition are met. Should they be missing one of these conditions, the project is no longer viable. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). AYES: None (0).** Motion Carries.

ECONOMIC DEVELOPMENT REVOLVING LOAN TO ST. ANDREWS PRODUCTS

Clarence Hulse, Economic Development Corporation M.C. stated this is a loan in the amount of \$210,000. This loan has various conditions on the loan, there are a total of four. President Janus asked if they would be entitled to tax abatement for the equipment that this loan is paying for? Mr. Hulse responded if requested, yes and Corporate Counsel Amber Lapaich agreed with that answer stating it was two separate matters.

Vice-President Palmer made a motion to allow the Revolving Loan to St. Andrews Products in the amount of \$210,000 be approved by the Economic Development Corporation provided that all four conditions are met. Should they be missing one of these conditions, the project is no longer viable. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). AYES: None (0).** Motion Carries.

After the motion, President Janus asked Mr. Hulse who was responsible to monitor that the payments that the payments are being made? Mr. Hulse stated the Controller's Office as part of the ordinance. If the Controller's Office does not get payment, they notify Mr. Hulse and he will work with RDC to send out the letters. Mr. Hulse is also working with the City Attorney to make some changes to the ordinance where there will be some money to go after the people who do not pay.

CONTRACT FOR PROFESSIONAL COMMUNITY AND ECONOMIC DEVELOPMENT SERVICES

Clarence Hulse, Economic Development Corporation M.C. stated this has been going for about ten years now. Mr. Hulse comes before the board every year and asked to renew the contract with the city. Corporate Counsel Amber Lapaich stated the only thing that has changed is the date.

Virginia Keating made a motion to approve the contract for Professional Community and Economic Development Services between the City of Michigan City and the Economic Development Corporation for the year 2016. The motion was seconded by Vice-President Palmer and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0).**

NEW POLICE STATION - \$20,384.00 FROM CONSTRUCTION CONTINGENCY FUND

Mark Swistek, M.C.P.D Police Chief stated there are two documents. One is a document from American StructurePoint is to utilize \$20,384.00 of Construction Contingency funds. There is \$150,000.00 allocated from the beginning of the project. They have yet to utilize any of these funds. The second document a change order for the new facility. The change order has several items listed, one is a change in the elevator. It will still be Otis Elevator however, it is a different elevator with a savings of approximately \$29,000.00. There is a revised flooring system, the first floor has been changed. This change would allow for better utilization by the patrol division and less maintenance as far as cleaning. There is also a room relocation, the IT, the servers are being moved from the second floor down to the garage area. The last is for the audio visual, this also covers the phone lines and cable line throughout the entire building. These are the largest of the items.

Vice-President Palmer made a motion to approve the use of the allowance of \$20,384.00 from the Construction Contingency Fund to American StructurePoint for the four items listed leaving the balance of \$129,616.00 in the fund. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

CHANGE ORDER #1 – NEW POLICE STATION

Vice-President Palmer made a motion to approve change order #1 in the amount of \$433,908.00. The motion was seconded by Virginia Keating and carries as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: None (0). Motion Carries.**

CLAIMS AND PAYROLL

Vice-President Palmer 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 Virginia Keating and carried as follows: **AYES: MEMBERS Janus, Palmer and Keating (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	11/13/2015	\$408,144.81
1 of 1	11/13/2015	\$11,670.32
1 of 1	11/13/2015	\$3,447.39

Allowance of claims as set forth in the Register of Claims for the Board of Public Works and Safety and the Department of Redevelopment (which Register is in the possession of the City Controller) as follows:

Page	Date	Amount
1 of 4	11/13/2015	\$1,570,235.82
1 of 1	11/18/2015	\$5,749.27

UNFINISHED BUSINESS – Pending Items

Pending Item – 111 Franklin St.

Russ Hatfield the Code Enforcement Officer stated they have been making a lot of progress there the last couple of weeks. They are close to having all the exterior completed, along with all the grading and paving. Planning did receive an update from the owner but he does need to get with his engineer, and his engineer needs to meet with the City Engineer and Sanitation.

Pending Item – Fire Training Center Paving Lot

Spike Peller the City Engineer stated Amber has a copy of the deed and will give the Clerk’s Office a copy. Mr. Peller is looking for the \$80,000 to pave it and that will probably come next year. This can be removed from the Pending List.

Pending Items – Sinking/receding Property at Franklin St. and 7th Street

Russ Hatfield the Code Enforcement Officer stated all the holes have been filled and looks very good. This can be removed from the Pending List.

Pending Items – 1120 Elston Street

Russ Hatfield the Code Enforcement Officer stated he would like to keep this on hold.

Pending Items – 1125 E. 8th Street

Russ Hatfield the Code Enforcement Officer stated he will check with the county to make sure all the filing have been done due to the tax sales.

Pending Items – 228 W. Coolspring Ave

Russ Hatfield the Code Enforcement Officer stated this is on the agenda to be awarded, this can be removed from Pending List.

Pending Items – 501 Hoyt Street

Russ Hatfield the Code Enforcement Officer stated this is on the agenda to be awarded, this can be removed from Pending List.

Pending Items – 522 Pleasant Ave

Russ Hatfield the Code Enforcement Officer stated this is on the agenda to be awarded, this can be removed from Pending List.

PUBLIC COMMENTS

UPDATE – 2 WAY STREET CONVERSION

Brad Minnick stated the board should have a schedule from the contractor. They will be placing concrete curb this week. The asphalt paving will happen after that. The sidewalk will start next week. Once the concrete and paving work is done, they will be moving behind the curb for lighting work. That will carry through the winter months into the spring. There is no indication that they will do the street conversion yet this fall. At the intersection of Franklin and 2nd, the board can see where they have punched through and added the stone, that will be blocked off during the winter months. The north south movement will be restricted until the spring when the signals are ready to make the conversion.

UPDATE – 11TH STREET AND FRANKLIN STREET

Vice-President Palmer asked Spike Peller the City Engineer how 11th and Franklin Street was coming along? If this was on target to be open this week? Mr. Bobcheck with Global Engineering stated as of right now, looking at the weather for this week, it does not look like they will finish by November 20th. It does look like there are two rain days, however, if there is not any rain, it could be finished by the 20th. Mr. Bobcheck has been talking with Reith Riley and has asked for more crews to see if they can get the work done this week. The Board stated they know it is not Global Engineering's fault, it is the contractors who is inundated with so many projects that they are not putting forth the effort to get this done on time. Mr. Bobcheck stated he would express the board concerns and the urgency on getting this intersection open on time.

Spike Peller the City Engineer believes the only thing that needs to be done is the brick laying.

SIGN REPLACEMENT PROJECT

Don Przybylinski, Council At Large, wanted to make a few comments on the Sign Replacement Project. He wanted to state that he thinks it is a good idea and is needed. As he was traveling through the Eastport area, the concerns of many of the neighbors in the area is that there are stop signs, then yield signs, then stop signs again and yield signs yet again. What Mr. Przybylinski is requesting is that when this project starts, this neighborhood have the yield signs replaced first. Or why wait until spring, and asked that this change of 8 or so yield signs to stop signs in this area be changed over now.

BOARD COMMENTS

President Janus asked if there were any Board comments.

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 9:55 am). Virginia Keating made the motion to adjourn. The motion was seconded by Vice-President Palmer and carried as follows: **AYES: MEMBERS Janus, Palmer and Keating (3). NAYS: (0). Motion Carries.**

Gale A. Neulieb, City Clerk