

REGULAR MEETING – DECEMBER 21, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, December 21, 2009, 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: Anthony Metzcus, President (1).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporation Counsel
John Pugh, Director, Planning & Inspection
Bill Phelps, City Engineer
Russ Hatfield, Code Enforcement Officer
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division
Dave Lamb, Fire Chief, M.C. Fire Department
Jack Kahn, Director, Street Department
Shelley Dunleavy, Personnel Director

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

Ron Miller, WEFM

APPROVAL OF MINUTES

Mayor Oberlie moved the minutes of the Regular Meeting of December 7, 2009 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.

DEMOLITION HEARING – 310 Lafayette Street, Dave Heckman-owner

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the structure located at 310 Lafayette Street, stating this property has come to the attention of the Code Enforcement Group on several different occasions. Mr. Hatfield explained that the structure has been left unmaintained for a number of years, and has become a target for vandalism and transients. Mr. Hatfield stated that the Inspection Department has requesting the Board's approval to continue with the demolition process.

Vice President, John Schaefer asked if there was anyone present representing the owner; there was no response. Public testimony was present on this matter the previous board meeting.

Mayor Oberlie made the motion to find the building to be unfit for human habitation, a public nuisance under the statutes of the state and authorized the department to proceed with the demolition. The motion was seconded by Mr. Schaefer and carried as follows:
AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.

REQUEST FOR SKEDADDLE 5K RACE – Tabled from November 2, 2009

Correspondence received from Karl Roessler of the Samaritan Counseling Centers requesting approval for the 7th Annual Samaritan Skedaddle 5K race to be held on Saturday, April 24, 2010.

Mayor Oberlie addressed the Board and explained the reasoning for “Tabling” this item was to determine the actual costs of Security for the event. The Mayor further explained that the City Code does include a provision that whenever fundraising activities require overtime on behalf of our Police Department, the Board can in fact impose a fee schedule; in this case the Police Department has indicated that the general cost for straight pay is around \$350.00 and another \$300.00 in terms of time for about a \$600.00 cost to the City. The Mayor stated this is a small enough amount to allow the event to proceed, but when the figures get into the amount of \$1000.00 or more for fundraising activities that the City should be paid for the overtime costs, so that the events pay for themselves. With that in mind, the Mayor made the motion to approve the Skedaddle 5K as requested. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

PERSONNEL DEPARTMENT – Approval of amendments to City’s Health Plan

Shelley Dunleavy, Personnel Director addressed the Board informing them there are several amendments for the City’s Health Care Plan beginning January 1, 2010. Mrs. Dunleavy stated the first amendment deals with the City’s Flexible Spending Account, which increases the maximum contribution to \$2,000.00; the second amendment #1 is changes for the Health Plan, the first change represents the elimination of two of the City’s current health plans (plan A and plan B), the second change eliminates language and adjusts benefits relating to the Mental Health Benefits to bring the plan into compliance with the Mental Health Parity and Addiction Equity Act of 2008, and the third/last change which includes language relating to “GINA”, which is the Genetic Information Non-discrimination Act which just went into effect December 21, 2009. Mrs. Dunleavy advised that once the Board authorizes with signatures, these amendments will be incorporated into the summary plan document.

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

DISPOSITION OF GRIEVANCE – Michigan City Fire Department Local 475

Corporation Counsel, John Espar presented the disposition of a grievance; stating the hearing was held on November 2, 2009.

Mayor Oberlie made the motion to approve the disposition of the grievance. 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

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 Oberlie and Schaefer (2). 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 10	12/09/2009	\$605,425.94
1 of 7	12/18/2009	\$400,870.95

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

Page	Date	Amount
1 of 6	12/18/2009	\$1,579,519.14

PUBLIC COMMENT

A.L.CO.

Mr. Bart Lombard, 625 Faulknor Street, Executive Director of Access LaPorte County addressed the Board regarding the contract for the government channel and the operations as of December 31, 2009.

Mayor Oberlie addressed Mr. Lombard’s questions and concerns; and informed the Board and Mr. Lombard that Corporate Counsel prepared a proposed “Government Channel and Public Access Channel Management Agreement” for the first quarter of 2010 under the same terms and conditions that we presently operate, plus the City will pay the annual fee for the video cast “Earth” Channel on the basis that if A.L.Co. is not the successful bidder that it would become the property of the City. Mayor Oberlie further explained how the costs will be covered. The Mayor 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.**

MICHIGAN CITY AREA SCHOOL CORPORATION’s FIBER LOOP

Mayor Oberlie stated for the record, that the City has received communication from the Corporate Counsel directed specifically to Mr. Richard Nesbaum pursuant to the Board’s instructions of the last meeting to engage Mr. Nesbaum in the development of an agreement that would allow the City to participate in the Michigan City Area School Corporation’s “fiber-optic loop” system to help us reduce our overall operating costs.

ADDITIONAL BUSINESS

Vice-President Schaefer scheduled a “Special” meeting of the Board of Public Works & Safety for Tuesday, December 29, 2009 at 8:30 a.m.

DONATION OF PROPERTY

Corporate Counsel Espar informed the Board that the offer to donate property from Ms. Dawn Kmak, West 10th Street, has been repealed by Ms. Kmak as she has sold the property.

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 9:15 a.m.).

Thomas F. Fedder, City Clerk