

REGULAR MEETING – March 2, 2020

The Board of Public Works and Monday morning, March 2, 2020, at the hour of 8:30 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 Harris, who presided.

Noted present: Keith Harris, Virginia Keating and Duane Parry (3) **Absent:** None

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich, Corporate Counsel
John Gorczyca, M.D. Sanitary District
Captain Jeff Loniewski, M.C.P.D. Traffic Division
Lillana Rosado, Associate Planner
Sue Downs, Building Commissioner
Christine Vanderborg, Code Enforcement Officer
Skyler York, Planning Director
Chris Yagelski, Mayor's Administrator
Yvonne Hoffmaster, City Controller
Jeff Wright, City Engineer
Shannon Eason, Assistant Park Superintendent
Johnny Stimley, Event Coordinator

Gale Neulieb, City Clerk
Dawn Debal, Deputy Clerk

APPROVAL OF MINUTES

President Harris asked if there were any corrections to the minutes from the Regular Meeting of February 18, 2020.

Vice-President Keating made the motion to approve the minutes from the Regular Meeting of February 18, 2020. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

REQUEST FOR STREET LIGHT – Willy Scully, 703 Fairfield Avenue, is requesting a streetlight in front of his home for safety reasons

Captain Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating he looked at this situation and there are two (2) streetlights near the intersection; Mr. Scully's house is located at the intersection of Fairfield and Grand Street; advising one (1) of the streetlights is not working so he reported it to NIPSCO thru their online reporting system Pole #00248134; explaining he will monitor it to make sure it gets fixed in a timely matter; further stating he does not believe there is a need for an additional light at that location once the streetlight is fixed.

Mayor Parry made the motion to table this request until the existing streetlight is repaired and the Board knows the lighting is adequate. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

PROPERTY & CASUALTY INSURANCE RENEWAL- Charles Keene, General Insurance Services, Inc. is requesting approval for the 2020 Agreement for Commercial Property & Casualty Insurance renewal with the City of Michigan City, Indiana as follows:

Commercial Property and Casualty Coverage – Policy term 03/01/2020-03/01/2021; annual premium \$739,622.00

Crime Coverage – Policy term 03/01/2020-03/01/2021; annual premium \$4,997.00

Cyber Risk Coverage – Policy term 03/01/2020-03/01/2021; annual premium \$14,476.00

Charles Keene, General Insurance Services addressed the Board presenting the Property & Casualty Insurance renewal.

Mayor Parry addressed the Board stating the City Administration had a meeting with Mr. Keene, General Insurance Services Inc.; advising it was an extremely detailed presentation of all of their coverages; explaining they went over what the City's needs are; further stating he is on board and supportive of this policy; further advising the premium may be higher than some but the coverage is exactly what Michigan City needs for protection.

Corporate Counsel, Amber Lapaich addressed the Board recommending approval of the request; advising they spend a considerable amount of time each year reviewing the policy's and strategically planning on ways of looking at the City's insurance.

Vice-President Keating made the motion to approve the Property & Casualty Insurance renewal; the breakdown is for the Commercial Property and Casualty Coverage- Policy term 03/01/2020-03/01/2021 from Traveler's; the annual premium is \$739,622.00; Crime Coverage-Policy term 03/01/2020-03/01/2021; the annual premium is \$4,997.00; Cyber Risk Coverage from BCS – Policy term 03/01/2020-03/01/2021; annual premium \$14,476.00. The motion was seconded by Mayor

Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

Charles Keene, General Insurance Services also addressed the Board asking for approval for a surety bond required by Singing Sands Trail Phase II; this is a contract with the RDR Group; advising at the Board of Public Works and Safety meeting held on November 4, 2019 the Board approved the agreement between the City of Michigan City and Waste Inc. RD/RA Group for the reuse and redevelopment of certain portions of the Waste Inc. Superfund site located at 1701 E. U.S. Highway 12, Michigan City, Indiana for the Singing Sands Trail Phase II project; explaining in this agreement section 6.1 requires the City to provide a surety bond to the RD/RA Group as obligee; stating the Surety Company is Crum & Forster and the effective date is approximately March 15, 2020 until it is cancelled; the bond amount is \$70,200.00 and annual bond premium is \$2,808.00; asking for approval.

Discussion ensued between President Harris, Mayor Parry and Mr. Keene regarding the term length of the bond. Mr. Keene responded it is an annual bond, but it is until it is cancelled; advising the contract requires ten (10) years but potentially we may not have to go that long.

Corporate Counsel Amber Lapaich addressed the Board stating the City owns the Waste Inc. site; advising it is under a Federal Consent Decree where there are persons of responsibility still managing the site; explaining the City team spent a lot of time negotiating with the PRP Groups to be able to have the Singing Sands Trail go on this property; further stating if there is any damage to the fencing or caps along the way, the bond will cover it; further advising there is talk about the EPA releasing the Federal Consent Decree and closing that in the next few years; further explaining there is a chance that once that case and the Federal Consent Decree is closed, we will not need the bond; the bond is just protecting the PRP Group in case there is any damage.

Mayor Parry made the motion to approve. The motion was seconded by Vice-President Keating to approve the Singing Sands Trail Phase II, surety bond in the sum of \$2,808.00 and the motion carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

APPROVAL OF CONTRACT – Approval of an Engineering Services Contract between the City of Michigan City Board of Public Works and Safety and John A. Doyle & Associates, Inc. for on call professional engineering, surveying and related services; effective January 1, 2020 thru December 31, 2020

John A. Doyle, John A. Doyle & Associates, Inc. addressed the Board explaining the proposed contract; advising they are in the process of obtaining an updated Certificate of Insurance because the City's Insurance requirements for the Umbrella Liability is somewhat higher than what they normally carry; explaining they have one million dollar Umbrella Liability and the City's requirement is three million dollars.

Corporate Counsel, Amber Lapaich addressed the Board stating this is just a standard on call contract not to exceed \$75,000.00; advising Jeff Wright, City Engineer will use Mr. Doyle as needed throughout the year; explaining the Board can approve this request subject to the receipt of the updated Certificate of Insurance.

Discussion ensued between Mayor Parry, Mr. Doyle, Skyler York, Planning Director and Counsel Lapaich regarding if the Umbrella Liability is higher than what the City has required in the past. Counsel Lapaich advised these are pretty standard amounts the City has been utilizing for the last few years. Mr. Doyle stated they will obtain the coverage that is needed they just have to get it worked out.

Mayor Parry made the motion to approve the Engineering Services Contract between the City of Michigan City Board of Public Works and Safety and John A. Doyle & Associates, Inc. for on call professional engineering, surveying and related services effective January 1, 2020 thru December 31, 2020; not to exceed \$75,000.00; pending the receipt of the updated Certificate of Insurance. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

FARMER'S MARKET REQUESTS – Johnny Stimley, Event Coordinator, is requesting approval of the following for the 2020 Michigan City Farmer's Market:

- **Use of City owned property located at 8th and Washington Street**
- **Farmer's Market Contract Agreement between the City of Michigan City and each Vendor**

Discussion ensued between President Harris and Corporate Counsel, Amber Lapaich regarding the contract not specifying the amount the Vendor's will be paying for the season or each market they will be attending. Counsel Lapaich advised this is just the standard form that will be used; stating those amounts will be filled in once we secure each specific Vendor; explaining Mr. Stimley was just wanting general approval of the form that will be used. President Harris also asked if the two million general liability is what is required for this type of event. Counsel Lapaich stated that is correct; stating they spent time with General Insurance going over this as well; explaining we have a standard Certificate of Liability form that we provide each vendor each year to use as a format to follow.

Vice-President Keating made the motion to approve the requests for the Farmer's Market; approval to use City owned property located at 8th and Washington Street and also to approve the Farmer's Market Contract Agreement form between the City of Michigan City and each Vendor. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

MEMORANDUM OF UNDERSTANDING – Shannon Eason, representing the Michigan City Public Art Committee is requesting approval of the Memorandum of Understanding between John Sauve and the Michigan City Public Art Committee for the display of artwork “Faust” on city owned property located at the northwest corner of 6th and Franklin Street in the Uptown Arts District; commencing on June 11, 2020 and concluding on June 10, 2022; artist will be paid \$2,000.00

Shannon Eason, Assistant Park Superintendent addressed the Board explaining this part of “Sculptfusion” which is the rotation of art exhibits in the Uptown Arts District; stating this particular piece the Michigan City Art Committee decided to keep for an extra two (2) years; advising it is a good price and a good fit for Sculptfusion; recommending approval.

Vice-President Keating made the motion to approve the Memorandum of Understanding between John Sauve “Artist” and the Michigan City Arts Committee for the display of artwork “Faust” on city owned property located at the northwest corner of 6th and Franklin Street in the Uptown Arts District; commencing on June 11, 2020 and concluding on June 10, 2022; the artist to be paid \$2,000.00. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

RETIREMENT – The Michigan City Fire Department announces the retirement of Robert Watkins effective March 8, 2020 (note: for informational purposes only)

CLAIMS AND PAYROLL

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:

CLAIMS DOCKET	Municipal Claims	\$1,585,185.40
	Medical Trust Claims	\$145,099.03
	Workman’s Comp Trust	\$357,118.87
	CDBG	\$17,098.45
	Total Claims	\$2,104,501.75

Mayor Parry 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. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

PAYROLL DOCKET	City Payroll Total:	\$545,463.45
	Pension Total:	\$225,401.39

Vice-President Keating made the motion to approve the Payroll Claims as presented. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

UNFINISHED BUSINESS

President Harris stated the first item on the Pending Items List is a request from Howard Fagre III – J&B West Roofing- Vendor/Pyrotechnician request

Corporate Counsel, Amber Lapaich addressed the Board stating she spoke with Jeff Bruder, Fire Marshall, M.C.F.D. and at this time there is nothing that the Board needs to do with Mr. Fagre’s request; advising under state law he will be asking for special permitting that is forwarded to the Fire Department via the Fire Chief and the Fire Marshall; explaining they will examine the site and location and ultimately give their approval.

Vice-President Keating made the motion to remove this matter from the pending items/unfinished business list. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

President Harris stated the next item on the Pending Items List is a request from Cora Cambridge, 220 Gladys Street, requesting lighting on Gladys Street and sidewalks on Gladys Street

Discussion ensued between President Harris and Corporate Counsel, Amber Lapaich regarding if this matter should be removed from the pending items/unfinished business list. Counsel Lapaich stated the Board could remove it or keep it on the list until the light is actually installed.

Mayor Parry made a motion to honor the request to place a NIPSCO light in front of 227 Gladys Street on Pole #223/062; this matter will stay on the list until completion. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

President Harris stated the next item on the Pending Items List is proposed property access – John Chalikian, 609 Franklin Street, is requesting the Board of Public Works and Safety look into the agreement made with Mr. DellaPortas at the December 5, 1996 Board of Public Works & Safety meeting

Mayor Parry stated he spent some time with John Chalikian last week and he also spoke to Skyler York, Planning Director regarding this matter.

Mr. York addressed the Board stating they are in the process of exploring what is going to be done; advising they are getting a contract together and discussing what their options are; explaining they are moving forward but this will take some time; further stating progress is being made.

Discussion ensued between Vice-President Keating and Mr. York regarding if he has an end date for the project, example 60 days, 90 days. Mr. York responded this will be much longer than 60 days because they are dealing with wet land; advising this is what stopped this project originally; explaining he cannot give a date at this time, but it is on the table.

John Chalikian addressed the Board explaining how long all of this has taken and his issues with the City.

President Harris stated this matter will stay on the pending items/unfinished business list for the time being until we find a solution.

Mayor Parry stated for the public's knowledge that Mr. Chalikian's issue for a long time has been that the City is plowing snow onto his property; stating there is no place to put the snow because it is private property on all sides; explaining it is a dead end service road that runs north/south in front of Meijer, Lowes and Menards; advising they would like to push this south and tie it in to the entryway to Walmart which will take traffic off of Franklin Street and improve public safety; further stating at a later date in conjunction with this they would like to run sidewalks (on service road) along Franklin Street but it is difficult because of the drainage and parking lots right next to the street; further advising he knows that Mr. Chalikian wants to sell his property but it is wetland and you have to replace wetland at a ratio of 1.5 to 1; further explaining the City is going to do what is right, but it does take time.

President Harris stated the next item on the Pending Items List is Harvey Pokorny, 905 Colfax Avenue – request to place gravel in alleyway

Skyler York, Planning Director addressed the Board recommending this matter get referred back to Jeff Wright, City Engineer to see what he wants to do; advising this is a public right-of-way; explaining he will ride along with Mr. Wright to show him where this is located and see if the recommendation is still the same from his point being he is the new City Engineer.

President Harris advised the Board will have Mr. Wright look at this and report back at the next meeting on **Monday, March 16, 2020**.

President Harris stated the first item on the Pending Items list is an order to demolish – 710 W. 10th Street – Owner Jason & Jane Straton

President Harris advised we will keep this matter on the pending items/unfinished business list until **March 16, 2020**.

PUBLIC COMMENTS

President Harris asked if there were any public comments.

***Corporate Counsel, Amber Lapaich addressed the Board stating she has a general contract for Applegate and Company for Professional and tax services as needed by the Controller's Office; advising per our Purchasing policy we are required to have the Board of Public Works and Safety approve any type of accounting professional tax service work that may be required; recommending approval.

Vice-President Keating made the motion to approve the contract between Applegate and Company and the City of Michigan City for professional and tax services as needed. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

***Rodney McCormick, 617 Union Street addressed the Board with several issues including streetlights on Fairfield Avenue and Gladys Street; making a suggestion that every neighborhood in Michigan City gets 25 streetlights per year; commenting on new sidewalks on major streets within the City but the City is not maintaining them; explaining on Michigan Boulevard people have to walk in the street because the sidewalks are not plowed; further commenting on an incident that happened over the weekend at Crawford's Restaurant-Nightclub; stating the Mayor needs to get a workshop together with the City Council President to discuss issues with the M.C.P.D.

BOARD COMMENTS

President Harris asked if there were any public comments.

Mayor Parry addressed the Board stating he would like to respond to Mr. McCormick's issues; explaining if there is equipment available to plow the sidewalks on Michigan Boulevard the City will do so; advising he will inventory what streetlights we have and if there are streetlights available the City will put them up; commenting that he will look into the incident that happened over the weekend at Crawford's Restaurant/Nightclub.

ADJOURNMENT

President Harris stated as there were no other items on the agenda to be considered by the Board at this time, declared the meeting ADJOURNED (approximately 9:18 a.m.). Vice-President Keating made the motion to adjourn. The motion was seconded by Mayor Parry and carried as follows:
AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.

Gale A. Neulieb, City Clerk