

REGULAR HYBRID/ZOOM MEETING - September 18, 2023

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday, September 18, 2023, at 8:30 a.m., hosted by “Hybrid/Zoom” and streaming live on “My Michigan City” Facebook page.

The meeting was called to order by President, Virginia Keating, who presided.

Noted present in person: Virginia Keating, Michael Vinson, and Mayor Parry (3), **Absent:** None (0)

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich Stalbrink, Corporate Counsel

Ryan Beall, Deputy City Attorney

Andrew White, Alco TV

Brad Minnick, Interim City Engineer

Chris Yagelski, Mayor Administrator

Kyle Petter, Associate Planner

Terry Greetham, Special Events Director

Eric Williams, Assistant Event coordinator

Corporal Wright, MCPD Traffic

Shannan Eason, Assistant Park Superintendent

Robin Tillman, Transit Director

Councilman Bryant Dabney

Yvonne Hoffmaster, Controller

Jeff Loniewski, Code Enforcement Officer

Christine Vanderborg, Code Enforcement Officer

Sue Downs, Building Inspector

Gale Neulieb, City Clerk

Amanda Pickens, Assistant Deputy Clerk

APPROVAL OF MINUTES

President Keating asked if there were any corrections to the minutes of the Regular “Hybrid/Zoom” meeting of September 5, 2023, there was no response.

Vice President Vinson made a motion to approve the minutes as read of the Regular “Hybrid/Zoom” meeting of September 5, 2023; seconded by Mayor Parry and was approved by the following vote: **AYES:** Board members, Mayor, Vinson, and Keating (3). **NAYS:** None (0). Motion Carries.

President Keating read the following item on the agenda.

REQUEST FOR ROAD CLOSURE - Shawne Sheldon, Washington Park Zoo Society, is requesting a road closure on Lakeshore Drive from the main entrance of Washington Park down to Fedder’s Alley for the annual “Boo at the Zoo” on Saturday, October 21, 2023 from 7:30 a.m.-5:30 p.m.

Shawne Sheldon, Washington Park Zoo Society addressed the board stating this is for our annual event and requesting the road in front of the zoo be closed as traffic would be re-routed to Fedders Alley for the safety of the public.

Corporal Wright MCPD Traffic addressed the board this is an annual event and has no issue recommending approving.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the board had any questions or comments.

Vice President Vinson asked if the public would be charged or are stickers required to access getting into Washington Park.

Shawne Sheldon replied, no, stickers are not required nor is paying to get into the park.

Mayor Parry made a motion to approve a road closure on Lakeshore Drive from the main entrance of Washington Park down to Fedder's Alley from the annual "Boo at the Zoo" on Saturday, October 21, 2023 from 7:30 a.m.-5:30 p.m., second by Vice President Vinson and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

REQUEST FOR STREET CLOSURE - Johnny Stimley, St. Michaels, is requesting a street closure on Franklin Street from 10th Street to 4th Street for a Halloween Parade, and the Downtown Trick- or- Treat from 2:00 p.m. to 5:00 p.m. on Saturday, October 28, 2023 (also, the closure of 10th Street on the east and west side for the parade lineup).

Johnny Stimley, St. Michaels addressed the board this is an annual event and parade as part of the downtown trick-or-treating.

Corporal Wright MCPD Traffic stated this is an annual event using the same route and would recommend approval.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the board had any comments.

Attorney Lapaich Stalbrink stated we do need the Certificate of Insurance.

President Keating asked Mr. Stimley when he could submit the Certificate of Insurance to the Clerk's office.

Johnny Stimley advised 10 days prior to the event.

Discussion ensued between President Keating, Attorney Lapaich Stalbrink, and Clerk Neulieb after which President Keating instructed Mr. Stimley that the Certificate of Insurance needed to be submitted to the Clerk's office by September 29, 2023.

Vice President Vinson made a motion to approve a street closure on Franklin Street from 10th Street to 4th Street for a Halloween Parade, and the Down Town Trick-or-Treat from 2:00 p.m. to 5:00 p.m. on Saturday, October 28, 2023 (also, the closure of 10th Street on the east and west side for the parade lineup) pending the certificate of insurance; second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

LICENSE APPLICATION REQUEST - Manual Rebecchi, Cirque Entertainment II, LLC. is requesting approval for a four (4) day temporary acrobatic event under a big top tent at the Michigan City Lighthouse Mall on September 21st through September 24th, 2023.

Attorney Lapaich Stalbrink stated this is an annual event and all paperwork is in order.

Corporal Wright MCPD Traffic stated this is an annual event and would recommend approval.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the Board had any comments.

Mayor Parry asked Attorney Lapaich Stalbrink if insurance has been provided and approved.

Attorney Lapaich Stalbrink stated they have provided insurance, but this is not needed as they are not on City property.

Mayor Parry made a motion to approve the four (4) day temporary acrobatic event under a big top tent at the Michigan City Lighthouse Mall on September 21st through September 24th, 2023; second by Vice President Vinson and the motion carried by the following vote: AYES: BOW members Mayor, Vinson, and Keating (3) NAYS (0). Motion carries.

President Keating read the following item on the agenda.

REQUEST FOR SIGNAGE - Thomas Lubiniecki, 124 Butler Street, is requesting a “Stop Sign” to be placed at the corner of Butler and Elk Street due to increased traffic flow .

Thomas Lubiniecki, 124 Butler Street, addressed the board stating that there is a school bus pick-up spot on the corner of Elk and Butler Street is a school bus pick-up location and cars are speeding and do not even stop for the bus at times. Butler Street is a straight shot from the Boulevard to Barker Avenue with no stop signs and cars are not paying attention to the side streets, this is a safety issue.

Corporal Wright stated he understands Mr. Lipiniecki’s concerns for speeding, but he is not sure a “Stop” sign will help stop the people from speeding or stopping for the buses.

Further conversation ensued between the board and Corporal Wright regarding the placement of a stop sign and the narrowness of the street.

President Keating asked if the board had any comments.

Mayor Parry stated this is a problem that will need to be confronted in Michigan City are there are way too many narrow streets, and this problem will need to be addressed in the future perhaps by even- odd parking on alternative sides of the street but the issue at hand is child safety and he does not want to have a tragedy with a child getting hit.

Vice President Vinson stated that this is a problem all over the city and he would suggest having MCPD reach out to the transportation department suggesting going south on Butler to pick up at that corner the bus would then block the street as that would eliminate some of the danger, it seems like a “Stop” sign will not help and he will not make the motion to second.

Thomas Lubiniecki stated there was a bus that did.

President Keating stated she will second this motion for the reason that the “Stop” sign is something this board can control, as to the bus route change, Mr. Lubiniecki will need to request that from MCAS.

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

Tommy Kulavik 1316 Ohio Street, stated the Michigan City Area School Board meets every last Tuesday of the month at the Administration Building at 6:00 p.m.

Mayor Parry made a motion to approve a “Stop Sign” to be placed at the corner of Butler and Elk Street due to increased traffic flow; second by President Keating and the motion carried by the following vote: AYES: BOW members Mayor, Vinson, and Keating (3) NAYS: (0). Motion carries.

President Keating read the following item on the agenda.

TRAFFIC SAFETY CONCERNS - Brad Collignon, Marquette High School, is requesting permanent safety and traffic enhancement on 10th Street between Wabash and Manhattan Street.

Brad Collignon, Marquette High School addressed the board stating, he would like to revisit the dialogue from March about traffic concerns specifically westbound motorists ignoring “Stop” signs on their campus. One options that may help is widening the crosswalk from 8 feet to 16 feet as students are going across from the main building to the

cafeteria another possibility is a speed table to slow down the traffic from Wabash and 10th Street and Manhattan and 10th Street.

Brad Minnick Haas & Associates, LLC., stated as part of the speed table conversation he received two (2) quotes from contractors ranging from \$25,000.00 to \$30,000.00 to install and in terms of doubling the crosswalk length that will not remedy the problem as there is no physical deterrent with that option.

Corporal Wright MCPD Traffic stated the department is short staffed and is also required to be at other schools in the morning and it is nearly impossible to sit there all day and answer other calls, there are off duty officers Marquette could reach out to see if they are available for hire.

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

Tommy Kulavik 1316 Ohio Street stated he feels it time to consider a new campus for Michigan City Marquette High School.

President Keating asked if the board had any questions or comments.

Mayor Parry asked Mr. Minnick what the difference is between a rumble strip and a speed table.

Brad Minnick responded to Mayor Parry stating that rumble sticks are cut into the roadway, a speed table is a platform that is risen and flatten out for about 15-25 feet then descends and a speed bump is a very abrupt, about a foot high and 4-6 inches high.

Mayor Parry would like to encourage the staff at Marquette to encourage the students to approach the crossing more respectfully.

Vice President Vinson stated he has seen students crossing diagonally on the street. Students need to adhere to the parameter of the crossing as well as the drivers need to adhere to the "Stop" sign. These are young adults and need to be held responsible as well. Perhaps staff or students could act as monitors. The safest route would be crossing at the corner with the 4- way stop and walking back up the block.

Vice President Vinson made a motion to deny a permanent safety and traffic enhancement on 10th Street between Wabash and Manhattan Street; Mayor Parry seconded the motion and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion**

President Keating read the following item on the agenda.

REQUEST FOR ADDITIONAL STREET CLOSURE - Trish Johnsen, United Methodist Church, is requesting additional street closure on 7th Street going west to the alley from Franklin Street, also using the Redevelopment lot on 7th and Franklin Street on Saturday, September 23, 2023 from 7:00 a.m. through 3:00 p.m. for their Cruisers and Crooners Benefit Event.

Trish Johnsen, Assistant Pastor of United Methodist Church, addressed the board stating in July the original request was approved but this event has grown so now they are requesting to use the Redevelopment lot on 7th and Franklin Street to the first alleyway and will not be closing any roads.

Corporal Wright MCPD Traffic, stated that are no road closures, and this is going North on Franklin Street and would recommend approval.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the board had any questions or comments, there was no response.

Mayor Parry made a motion to approve additional street closure on 7th Street going west to the alley from Franklin Street, also using the Redevelopment lot on 7th and Franklin Street on Saturday, September 23, 2023 from 7:00 a.m. through 3:00 p.m. for their Cruisers and Crooners Benefit Event; Vice President Vinson seconded the motion and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

BOW REQUEST FORM AM ENDMENT - BOW President Keating, is requesting to amend the "BOW Request Form " regarding procedures for all request submitted.

President Keating stated, she is asking for additional language to be added to paragraph two (2) of the Board of Works request form so that people who make the requests to the board are present at the meeting at which their request will be discussed and if they do not appear the board may decide to deny the request.

Vice President Vinson stated he believes this is a great idea especially with the introduction of Zoom and other ways to appear virtually, so they don't have to appear here in person.

Attorney Lapaich Stalbrink stated the Clerk's office would also like to add email address as well.

Clerk Neulieb stated that the Certificate of Insurance needs to be turned in in a timely fashion as this is an on-going issue.

President Keating stated we must enforce our policy that the insurance be included in the request packet as it does clearly state on the request form.

Vice President Vinson made a motion to approve amending the "BOW Request Form" regarding procedures for all requests submitted; second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

REQUEST TO TERMINATE LICENSE AGREEMENT - The Michigan City Park Board is requesting the Board of Public Works and Safety to terminate the license between the National Railroad Passenger Corporation and the City of Michigan City.

Shannon Eason Assistant Park Superintendent addressed the board stating she has provided an outline that showed the sequence of events with Amtrack as the City has paid a license fee for the last 7 years for property that the City cannot use and has lost the City over 1 million dollars (\$1,000,000.00) in grant funding.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the board had any questions or comments.

Attorney Lapaich Stalbrink stated that if the board does agree to terminate the current contract there will be a 30-day notice letter she has prepared for the Mayor to sign and will be sent via Certified letter with November 1, 2023 as the termination date. INDOT is coming next year and redesigning this area by widening a portion of the highway.

Vice President Vinson asked Ms. Eason what negative impact this will bring to the City without having a lease.

Shannan Eason, the only negative impact is that we would need to cross Amtrack again during Phase 3 of the Singing Sands Trail, however at this time we are only talking about terminating the trail before it reaches the tracks. The trail is still available for public use, and this will not impact the Citizens.

Mayor Parry stated the railroads in the country are the most uncooperative entity that municipalities like Michigan City must deal with, it took over a year to get the CSX crossing fixed on Ohio Street and Tilden Avenue.

Mayor Parry made a motion to approve and terminate the license between the National Railroad Passenger Corporation and the City of Michigan City, second by Vice President Vinson and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

MEMORANDUM OF UNDERSTANDING - The Unity Foundation of LaPorte County is requesting approval of a Memorandum, of Understanding between the City of Michigan City and the Unity Foundation of LaPorte County to expand the American Rescue Plan (ARP) funds by providing grant support to non- profits that improve the life of Michigan City residents in the amount of \$7,500.00 .

President Keating stated for the record funding has been approved.

President Keating asked if the board had any questions or comments.

Attorney Lapaich Stalbrink, stated that round one (1) has been completed for the ARPA funding this is for phase 2 reviewing grants and applications.

Vice President Vinson made a motion to approve the Memorandum, of Understanding between the City of Michigan City and the Unity Foundation of LaPorte County to expand the American Rescue Plan (ARP) funds by providing grant support to non- profits that improve the life of Michigan City residents in the amount of \$7,500.00, second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

AWARDING OF BIDS- Brad Minnick, Hass & Associates, LLC . is awarding the bid for the "City-Wide Pavement Striping Project".

Attorney Lapaich Stalbrink stated Brad Minnick and her agree that the award will go to Traffic Control Specialist with a total base bid for division 1,2,4 and 5 with the Alternate bid 1 (Woodland Avenue) \$31,518.26, Alternate bid 2 (CR400 N/ Kiefer Road) \$27,661.50, Alternate Bid 3 (Parking Lots -PL1-PL4) \$11,926.00 for a grand total \$275,811.29.

President Keating stated for the record that funding has been approved for this.

President Keating asked if the board had any questions or comments.

Attorney Lapaich Stalbrink stated just for the record TCS had a mathematical error on the base bid of Ohio Street it was incorrectly submitted as \$41,130.00, but after reviewing it should have been \$41,766.50. They are still the lowest bidder and would recommend approval.

Vice President Vinson asked Mr. Minnick will this be completed this year or next year.

Mr. Minnick responded that the intention is to be completed this fall once the award is approved, and he would like to get it out this week, scheduling an in-person appointment this week so the company can start as soon as possible. They have 50 days to complete the work as stated in the contract so if they start October 1, 2023, they have till November 20, 2023, to complete the work.

Vice President Vinson made to approve the bid for the "City-Wide Pavement Striping Project" in the total amount of \$275,811.29., second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

CLAIMS AND PAYROLL

President Keating read the BOW Claim Docket for August 21, 2023:

PAYROLL DOCKET	<u>September 9, 2023</u>	
City Payroll		\$ 727,866.76
	<u>September 1, 2023</u>	
City Pension		\$ 220,103.08
CLAIMS DOCKET	<u>September 18, 2023</u>	
Municipal		\$ 1,443,722.59
Health & Life Ins. Fund		\$ 281,664.88
CDBG		\$ 42,527.17
WORKERS COMP TRUST		\$ 218,003.32
Total Claims:		\$ 1,985,917.95

Vice President Vinson made a motion to approve the City Payroll Dockets and the Claims Docket in the amount of \$1,985,917.95 second by Mayor Parry and carried as follows: AYES: BOW members Parry, Vinson, and Keating (3). NAYS: None (0). Motion Carries.

APPEAL HEARING - Eileen Maynard , homeless, is requesting a hearing to appeal condemnation of her house located at 908 York Street.

Eileen Maynard 908 York Street, Jeff Loniewski Code Enforcement Officer and Sue Down Building Commissioner were sworn in and addressed the board.

Testimony was heard from Eileen Maynard followed by testimony from Jeff Loniewski regarding the condemnation of the resident of 908 York Street.

At the conclusion of testimony, President Keating opined that because the Petitioner, Eileen Maynard, does not challenge the condemnation of the residence at 908 York Street the Order issue by the Planning Department on August 30, 2023 Order should be affirmed. Further, as to the request to retrieve belongings, Maynard fails to state a claim for which relief can be granted by this board, however, it is my understood that the Planning Department is willing to schedule time with Maynard to allow her to retrieve her belongings from the property.

Mayor Parry asked Ms. Maynard if she had a job now.

Ms. Maynard responded she has had a job for 16 years working in a health care field overnight as the activity that went on at the residence was during that time, she was not present at the residence.

Further conversation ensued between the Mayor and Ms. Maynard regarding where she is living now, and what utilities are in her name.

Jeff Loniewski Code Enforcement Officer addressed the board stating he has expressed to Ms. Maynard the entire process of condemning her home and Planning would allow her back into the residence to retrieve any items. Structurally the house is safe it is other conditions that make it not safe.

Vice President Vinson made a motion to uphold the condemnation of 908 York Street, second by Mayor Parry and the motion carried by the following vote: AYES: BOW members Mayor, Vinson, and Keating (3) NAYS (0) Motion carries.

UNFINISHED BUSINESS

President Keating stated the first item on the pending items list.

REQUEST FOR SIGNAGE- Jessica Briscoe, 115 S. Park Street, is requesting the placement of a 15 mph "Speed Limit" sign and "Children Playing" sign located on Park Street.

Brad Minnick Haas & Associates, LLC., addressed the board stating he would recommend installing "Speed Limit" signs in this area as this street is very narrow.

Corporal Wright MCPD Traffic addressed the board stating he agrees with Mr. Minnick that "Speed Limit" signs in that area would be beneficial.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the board had any questions or comments, there was no response.

Mayor Parry made a motion to approve the placement of a 15 mph "Speed Limit" sign and "Children Playing" sign located on Park Street; President Keating seconded the motion and the motion carried by the following vote: **AYES**: BOW members Mayor and Keating (2) **NAYS** Vice President Vinson (1) **Motion carries.**

President Keating stated the next item on the pending items/unfinished business list is REQUEST TO PURCHASE CITY OWNED PROPERTY -Attorney Barry McDonald representing Indiana Invesco, LLC to purchase a vacant property owned by the City of Michigan City on Wildrose Drive Parcel #46-01-13-233-022.000-022.

Attorney LaPaich Stalbrink suggested keeping this on the pending list and revisiting it at the October 16th, 2023, meeting as Sanitary has reviewed and an Easement Agreement will need to be drafted, executed, and recorded before the City could offer this property for sale.

Steve Stanford Director of Sanitation Department, stating the Sanitation Department will support this.

President Keating asked if the board had any questions or comments, there was no response.

President Keating stated this will remain on the pending list until the October 16th, 2023, BOW meeting.

President Keating stated the next item on the pending items/unfinished business list is a REQUEST FOR WORK ORDER - Councilman Don Przybylinski, 215 Gardena Street is requesting a work order to be submitted to CSX Railroad Crossings for repairs at Woodland, Roeske, Carroll, and Greenwood Avenue.

President Keating asked Mayor Parry if there was any progress with this request.

Mayor Parry stated he has been in communication with CSX regional group since June and has had no commitment to date. He asked CSX for an asphalt and tie replacement, so he recommends pushing this out to the first meeting in March 2024.

President Keating stated this will remain on the pending items list until the first meeting in March of 2024.

President Keating stated that the next item on the pending items/unfinished business list is a SAFETY ISSUE CONCERN- Paul Przybylinski Second Ward Councilman, Double Track placement of ADA corners on 10th Street and 11th Steet not in compliance.

Brad Minnick Haas and Associates, LLC., addressed the Board stating that NICTD is still reworking the ADA crosswalks and recommends keeping this on till the second meeting in October.

President Keating stated this will stay on the pending list until the October 16th, 2023, BOW meeting.

PUBLIC COMMENT

President Keating stated that the City 's Website has the forms and explain ing the requirements and procedures for being placed on the Board Agenda. The forms are also available from the Clerk 's office. Also called attention to the Board 's Resolution #2823 enacted on December 6, 2021 and reading in pertinent part that Public Comment is limited to three (3) minutes. All comments are addressed to the Board President not to the individual Board members. All comments must be germane to and within the mandate authority of this Board.

President Keating asked if there were any public comments.

Tommy Kulavik 1316 Ohio Street stated he put a request in last year to have the four (4) Amtrack "Way find" signage removed as the station is closed.

Mayor Parry asked Mr. Kulavik if he is 100% sure if it's not a "Whistle" stop.

Tommy Kulavik stated no, the station is totally closed you have to go to New Buffalo to get on the train and it is against the Ordinance to have the signage up when the business is closed, also gave an overview of the Fire Department testing.

President Keating stated to put this item on the pending item list until the next meeting.

BOARD COMMENT

President Keating asked if there were any Board comments.

Vice President Vinson addressed the board stating that he would like to receive some data about the Flock system and crime deterrent provided by streetlights. Another topic he spoke about recently is homelessness, this will probably go down as the tourism season is over.

Mayor Parry stated he will have Chief Forker at our next meeting for data and regarding homelessness there is a second meeting scheduled with the Chamber of Commerce.

ADJOURNMENT

The presiding officer inquired whether there was anything else to be considered by the Board at this time and, there being none, asked for a motion to **ADJOURN** the meeting at approximately 9:50 a.m. Vice President Vinson made the motion to Adjourn. The motion was seconded by Mayor Parry. **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries .**

Gale A. Neulieb, City Clerk