

REGULAR ZOOM MEETING – September 20, 2021

The Board of Public Works, and Safety of the City of Michigan City, Indiana met in regular session on Thursday afternoon, September 20, 2021, at the hour of 1:00 p.m., local time, hosted by “ZOOM” and streamed live on “My Michigan City” Facebook page.

The meeting was called to order by President, Andrew White, who presided.

Noted present in person: Andrew White, Virginia Keating, and Mayor Parry (3), **Absent: None** (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich-Stalbrink, Corporate Counsel
Kaleb Goodwin I.T. Webmaster
Jeff Wright, City Engineer
Captain Jeff Loniewski, M.C.P.D. Traffic
Skyler York, Planning Director
Shong Smith, Director M.C. Central Services
Cranston Harris, Superintendent, Central Services
Chris Johnsen, Superintendent, Water Department

Gale Neulieb, City Clerk
Dawn Debald Deputy Clerk
Stacy Dudley, Assistant Deputy Clerk

President White stated that the Board should forego the Pledge of Allegiance in the virtual setting if there is no opposition or objections; there were no objections.

APPROVAL OF MINUTES

President White asked if there were any corrections to the minutes from the Regular “Zoom” Meeting of September 9, 2021.

Mayor Parry moved to approve the minutes of the Regular “Zoom” meeting of September 9, 2021; seconded by Vice-President Keating. The minutes were approved by the following vote: **AYES:** Board of Public Works and Safety members White, Keating, and Parry (3). **NAYS:** None (0). **Motion Carries.**

REQUEST TO DISPOSE OF CITY PROPERTY - Pat Voltz, Maintenance Director, Michigan City Parks and Recreation is requesting approval to dispose of eleven (11) vehicles (Maintenance and Zoo).

Corporate Counsel, Amber Lapaich-Stalbrink stated that she spoke with Shannon Eason, Assistant Park Superintendent and Ed Shinn, Park Superintendent, and they would like the Board to table this matter until the October 4, 2021 meeting so that it can go before the Park Department for their approval first.

Discussion ensued between Mayor Parry and Corporate Counsel, Amber Lapaich-Stalbrink regarding the equipment that is removed from service and disposed of. Mayor Parry asked if the City disposes of these items or if the public has a chance to purchase this equipment. Corporate Counsel stated that it depends on if the equipment has any value.

Mayor Parry made a motion to “TABLE” table the request by Pat Voltz, Michigan City Parks and Recreation to dispose of eleven (11) vehicles (Maintenance and Zoo) until the Park Board approves the request; this matter will be placed on the pending items/unfinished business list until the October 4, 2021 meeting. The motion was seconded by Vice-President Keating. The request was approved by the following vote: **AYES:** Board of Public Works and Safety members Parry, Keating and White (3). **NAYS:** None (0). **Motion Carries.**

REQUEST FOR PERMIT - Manuel Rebecchi, Cirque Entertainment, III, LLC, is requesting a permit for a temporary acrobatic four (4) day event under a big top tent at the Michigan City Lighthouse Mall starting on Thursday, October 14th thru Saturday October 17th, 2021

President White asked if Mr. Rebecchi was in attendance; there was no response.

President White stated that Captain Jeff Loniewski, M.C.P.D. Traffic Division and Chief Dion Campbell, M.C.P.D had both indicated that everything had gone smoothly with the last event at the same location; asking if there was anyone from the Michigan City Fire Department that wished to speak; there was no response.

Corporate Counsel, Amber Lapaich-Stalbrink addressed the Board stating everything is in order.

Captain Jeff Loniewski, M.C.P.D. Traffic Division stated that he is recommending approval of this request.

Mayor Parry stated if this event presents no liability to the City, he has no issues.

Mayor Parry made the motion to approve a permit for Manuel Rebecchi, Cirque Entertainment, III, LLC.;

request for the temporary acrobatic four (4) day event under a big top tent at the Michigan City Lighthouse Mall starting on Thursday, October 14th thru Saturday October 17th, 2021. The motion was seconded by Vice-President Keating. The request was approved by the following vote: **AYES: Board of Public Works and Safety members White, Keating and Parry (3). NAYS: None (0). Motion Carries.**

APPROVAL OF APPLICATION - Approval of an application for Amusement/Entertainment and Open-Air Licenses

President White asked Counsel Lapaich-Stalbrink to explain the application.

Counsel Lapaich-Stalbrink explained that she followed the ordinance that is codified in Municode and created the application.

Discussion ensued between Counsel Lapaich-Stalbrink and President White regarding what events would fall under this application.

President White advised that this is a general application that will be used for any entity.

President White advised that he feels that it would be in the Boards best interest to further define what entities would need to fill out this application.

Counsel Lapaich-Stalbrink read the ordinance pertaining to this application; stating that no person shall operate a public hall or theater or conduct or participate in a circus, carnival or sideshow, street fair, festival, amusement rides or open-air market for which money or reward is demanded or received without first obtaining a license and paying the fees as provided in the application.

Discussion ensued between Counsel Lapaich-Stalbrink and Mayor Parry regarding the draft of the application being approved for future use.

Vice-President Keating made the motion to approve the requested application for Amusement/Entertainment and Open-Air Licenses. The motion was seconded by Mayor Parry. The request was approved by the following vote: **AYES: Board of Public Works and Safety members White, Keating and Parry (3). NAYS: None (0). Motion Carries.**

REQUEST TO USE PUBLIC RIGHT OF WAY - Matthew Miniel, East-Light Street Ministry is requesting permission to use the City public right of way to set up a street ministry to preach gospel on Saturdays starting on October 2, 2021 thru November 20, 2021 from Noon – 1:00 p.m.

Matthew Miniel, East Light Street Ministry, 5053 N. Pawnee Trail, LaPorte addressed the Board stating that he would like to share the gospel of Jesus Christ; asking permission to set up in the City right-of-way on Holiday Street adjacent to the railroad; explaining that he would like to set up 10 chairs and a table at the location.

Discussion ensued between Counsel Lapaich-Stalbrink and President White regarding if there are any City ordinances in regard to this.

Discussion continued between Counsel Lapaich-Stalbrink and Mr. Miniel regarding the use of the right of way and the location.

President White asked Captain Jeff Loniewski, M.C.P.D. Traffic Division if he has had a chance to look at this area and see if it poses any problems from the law enforcement standpoint.

Captain Loniewski stated that the area in question on Holiday Street is between Grace Street and Carroll Avenue on the southside of the South Shore Railroad; stating that he is not sure what is City property and what is Railroad property; explaining he doesn't know if there is enough substantial right away that belongs to the City for this to be approved.

President White asked if Mayor Parry or Vice-President Keating had any questions, comments, or concerns.

Mayor Parry stated that he wants to respect the residents that live along Holiday Street in the Eastport neighborhood

Discussion ensued between Mayor Parry and Mr. Miniel regarding if he has had any communication with any of the residents in that area. Mr. Miniel stated no, he has not at this time, he was waiting to get approval first.

Mayor Parry stated that he would like time to gather more information and revisit this matter at the next meeting on October 4th.

Vice-President Keating stated she agrees that the Board needs more clarification on what the City property line is so that we don't infringe on the property if it does not belong to the City.

President White stated that there are two (2) other places of worship within a couple block radius to where Mr. Miniel would like to be located and would like to know if the churches have any opposition to this taking place.

President White asked if anyone on "ZOOM" would like to make a comment.

Rodney McCormick, 617 Union Street, commented on Mr. Miniel's request; stating he needs to speak to the residents in that area; advising there are four (4) churches in that area.

President White asked Mr. McCormick if he could help spread the word in that neighborhood; and please share their comments and concerns.

Mr. Miniel stated that his intentions are not to offend anyone; his intention is to preach gospel.

Tommy Kulavik, 1316 Ohio street stated that he feels that Mr. Miniel should use the “You are Beautiful” lot next to City Hall.

Vice-President Keating made the motion to “TABLE” the request to use the City public right of way to set up a street ministry to preach gospel on Saturdays starting on October 2, 2021 thru November 20, 2021 from Noon – 1:00 p.m. until the October 4, 2021 meeting. The motion was seconded by Mayor Parry. The request was approved by the following vote: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** None (0). **Motion Carries.**

CLAIMS AND PAYROLL

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, and payrolls approved. The motion was seconded by Vice-President Keating and carried as follows: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** None (0). **Motion Carries.**

CLAIMS DOCKET	<u>September 20, 2021</u>		
	Municipal Claims	\$	984,520.43
	CDBG	\$	43.95
	Health Life	\$	131,964.61
	Workers Comp.	\$	0.00
	Total Claims -	\$	1,116,528.99

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

PAYROLL DOCKET	<u>September 10, 2021</u>		
	City Payroll	\$	556,171.80

Mayor Parry made the motion to approve the payroll docket for September 10, 2021. The motion was seconded by Vice-President Keating and carried as follows: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** None (0). **Motion Carries.**

UNFINISHED BUSINESS

President White stated the first item on the pending items/unfinished business list is Mary Ann Gustafson, 116 Krueger Avenue, is requesting a “Hidden Driveway” warning sign near her driveway because of visibility issues

President White stated this matter was referred to the City Engineer, Jeff Wright.

City Engineer, Jeff Wright addressed the Board explaining how the speed limits are set; advising the speed limit in that particular area should be twenty (20) MPH; recommending that twenty (20) MPH signs are installed in that area.

Captain Jeff Loniewski, M.C.P.D. Traffic Division stated that he agrees with the City Engineer’s assessment; advising there is very little signage in that neighborhood in regard to the speed limit; recommending twenty (20) MPH signs are installed.

President White stated that Captain Loniewski and City Engineer, Jeff Wright can come to a consensus and decide where the most optimal place to put the 20 MPH signs.

President White stated this matter will stay on the pending items/unfinished business list until the next meeting on October 4, 2021.

Vice-President Keating made a motion to install the 20 MPH speed limit signs; the City Engineer and M.C.P.D. Traffic Division will decide the placement of the signs. The motion was seconded by Mayor Parry. The request was approved by the following vote: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** NONE (0). **Motion Carries.**

President White stated the next item on the pending items/unfinished business list is Tommy & Gwen Wilson- Wilson's Slam Dunk BBQ – KarMart location 3502 ½ E. Michigan Boulevard

President White asked Counsel Lapaich-Stalbrink if she had any further information regarding the proximity to Creekside Bar and Grill.

Corporate Counsel, Amber Lapaich-Stalbrink stated that Mr. and Mrs. Wilson are wanting to set up a second location at KarMart Inc. 3502 ½ E. Michigan Boulevard; advising that after further review of the ordinance and some research, she is not comfortable with approving the KarMart, Inc. location.

President White asked if Mayor Parry or Vice-President Keating had any questions, comments, or concerns.

Mayor Parry stated that after further thought has no issue with approving this location.

Discussion ensued between Vice-President Keating and Counsel Lapaich-Stalbrink regarding if the second location at KarMart does not comply with the ordinance and in fact it is not outside the 300 feet barrier. Counsel Lapaich-Stalbrink stated that is correct it is not in compliance with our ordinance.

Tommy Wilson, Slam Dunk BBQ, asked if the food truck had the same hours as Creekside would the KarMart location be approved.

Discussion ensued between President White, Mr. & Mrs. Wilson, Counsel Lapaich-Stalbrink and Mayor Parry regarding the ordinance and the KarMart location.

Mr. Wilson stated that KarMart is willing to allow the food truck at their other location across from Sullair further down the street from Creekside Bar and Grill.

President White asked if Mr. Wilson had an address for that location.

Tommy Wilson stated that he currently does not have an address at this time.

Counsel Lapaich-Stalbrink suggested that the Board vote on the KarMart, Inc. location and then Mr. Wilson can file another request for the new location and come back before the Board for approval.

President White explained to Mr. Wilson that his vendor licenses has been approved to operate at the Devries location on Michigan Boulevard and not the KarMart, Inc. location due to the advice of Counsel Lapaich-Stalbrink; advising Mr. Wilson that he can come back before the Board with the new location for approval.

Vice-President Keating made a motion denying the request for the food truck to be located at KarMart, Inc. 3502 ½ E. Michigan Boulevard. The motion was seconded by President White. The request was approved by the following vote: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** NONE (0). **Motion Carries.**

City Clerk, Gale Neulieb asked the Board to make a motion to remove this item from the pending items list.

Mayor Parry made the motion to remove this item from the pending items list. The motion was seconded by Vice-President Keating and carried as follows: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** None (0). **Motion Carries.**

President White stated the next item on the pending items/unfinished business list is Brealon Hervey- Social Que BBQ and Catering, Mobile Food Truck located at 621 Franklin Street

President White stated a motion was made to approve the request conditioned on the Board receiving the dates and hours of operation at 621 Franklin Street and upon the removal of the truck at the close of each business day; asking if anything was received from Social BBQ regarding any potential hours or a timeframe when the business will start.

City Clerk, Gale Neulieb stated the Clerk's office has not received anything to date.

President White stated this matter will stay on the pending items/unfinished business list until the next meeting on October 4, 2021.

President White stated the next item on the pending items/unfinished business list is Warren Foster, 309 Chestnut, speed limit reduction on Chestnut Street

President White stated the Board approved the installation of 20 MPH signs to be installed; asking if the signs been placed in this area.

Shong Smith, Director of Central Services, stated that they placed one (1) 20 MPH sign heading eastbound and one (1) 20 MPH sign going westbound on Chestnut Street.

President White asked if there is any further action being taken in this area.

Mr. Smith stated that the request was only for the two (2) 20 MPH speed limit signs to be posted.

Vice-President Keating made the motion to remove this item from the pending items list. The motion was seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** None (0). **Motion Carries.**

Mayor Parry asked if a request needs to come before the Board to put up a speed limit sign on a street inside Michigan City, if there is currently no sign at all on that street; or can he just direct the street department to go ahead and put the speed limit sign up on White Oak.

Corporate Counsel, Amber Lapaich Stalbrink advised this matter should go before the Board of Public Works and Safety for approval.

President White stated the next item on the pending items/unfinished business list is Eileen Westerkamp 3017 Moore Road is requesting 2 stop signs on Moore Road

President White asked Jeff Wright, City Engineer if he had any information on this matter.

Eileen Westerkamp asked if there was any other way to calm the traffic or slow it down in the area.

President White asked Mr. Wright if he had any suggestions for a short-term solution to Ms. Westerkamp's concerns.

Discussion ensued between Mr. Wright and President White regarding what has already been done at that location. Mr. Wright stated the foliage was cut back, the "Stop Ahead" warning signs were posted and the stop lines were painted.

Eileen Westerkamp stated that none of those signs are on Moore Road that they are located on Westgate.

Discussion ensued between President White, Mr. Wright and Captain Jeff Loniewski, M.C.P.D. Traffic Division regarding speed limit signs. Captain Loniewski stated when this originally came up, he had recommended the installation of permanent mounted electronic speed limit signs, but there is a cost to that. Mr. Wright stated that the accident history isn't there to place stop signs on Moore Road and it would be at the discretion of the Board.

Discussion further ensued between President White and Ms. Westerkamp regarding how many stop signs there are within proximity of this area. Ms. Westerkamp explained that there is one (1) on the southbound side and three (3) on the northbound side.

President White stated that if it is the southbound side that doesn't have stop signs, that is Long Beach's jurisdiction; advising from the City's perspective we have exhausted everything that we have the ability to do, encouraging Ms. Westerkamp to keep this Board informed of the situation if you do not see any improvements.

Mayor Parry asked Ms. Westerkamp if she has gone before the Long Beach Town Council and if they have offered any help.

Eileen Westerkamp stated that they have a Long Beach has a lack of concern for the area.

Mr. Wright stated that with the Board's approval he could write a letter to Long Beach from the engineering point of view that additional signs need to be placed.

Vice-President Keating made the motion to remove this item from the pending items list. The motion was seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** None (0). **Motion Carries.**

President White stated the next item on the pending items/unfinished business list is Joseph Krchnavi 9788 N 375 W, request for "No Parking" sign to be installed on Eastside of alley between 412 and 416 Broadway Street

President White asked Shong Smith, Director of Central Services, if the signs had been installed.

Mr. Smith stated that the "Do Not Block Driveway" sign was placed about three (3) weeks ago.

Vice-President Keating made the motion to remove this item from the pending items list. The motion was seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members Parry, Keating and White (3). **NAYS:** None (0). **Motion Carries.**

President White stated the next item on the pending items/unfinished business list is Tracy Coleman, 218 Willard Avenue, concerns with speeding vehicles on Willard Avenue and children's safety

President White stated a radar trailer was placed on Willard Avenue; asking Mr. McCormick if he had any comments at this time.

Rodney McCormick stated he has no comments at this time.

Discussion ensued between President White and Captain Jeff Loniewski, M.C.P.D. Traffic Division regarding this matter. Captain Loniewski stated commented on the speed and accident history on Willard Avenue; stating after further review there does not appear to be an unusual number of speeders and the traffic volume does not support the installation of any more stop signs; explaining however there is inadequate speed limit signage in that area; recommending the installation of additional speed limit signs.

City Engineer, Jeff Wright explained the MUTCD guidelines that the City has to work with regarding the placement of stop signs.

Discussion continued between President White, Mr. Wright and Captain Loniewski regarding the installation of speed limit signs. Mr. Wright stated that it is reasonable to place speed limit signs in that area. President White asked Mr. Wright and Captain Loniewski to find the optimal spot to

place speed limit signs in the area. Mr. Wright stated that they will involve Shong Smith, Director of Central Services as well to get this matter taken care of.

Mayor Parry stated there is more than an issue than just speed on Willard Avenue; explaining they have talked about cameras and have been advised by Chief Dion Campbell, M.C.P.D. that there has been an increase in police presence in that area; advising stop light cameras are on his to do list.

Vice-President Keating made the motion to approve the installation of speed limit signs on Willard Avenue pending the investigation and placement of the signs by the City Engineer and the M.C.P.D. Traffic Division. The motion was seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** None (0). **Motion Carries.**

President White stated this matter will stay on the pending items/unfinished business list until the next meeting on October 4, 2021.

President White stated the next item on the pending items/unfinished business list is Councilman Don Przybylinski's request that signage (rough crossings) be placed at Ohio Street and Tilden Avenue CSX crossings

President White asked Mayor Parry if he had any further information on this matter.

Mayor Parry stated he has made more progress and is very optimistic that by November the crossings will be fixed.

President White stated this matter will stay on the pending items/unfinished business list as a reminder to keep the Board updated on communications between the Mayor and CSX.

President White stated the next item on the pending items/unfinished business list is Robin Tillman, Transit Director – RFP proposals for bus shelters.

President White stated that the Board is having a special workshop on this matter tomorrow.

Counsel, Lapaich-Stalbrink addressed the Board stating that tomorrow will be open dialogue about the vendors proposal and the opportunity for the Board to ask questions.

President White stated this matter will stay on the pending items/unfinished business list until the next meeting on October 4, 2021.

Discussion ensued between President White and Gale Neulieb, City Clerk regarding the Flame & Flair Halloween Festival set for October 29, 2021 event that was previously approved. Ms. Neulieb stated that it has been canceled.

PUBLIC COMMENTS

President White asked if Dave Paul was in attendance from the Water Department.

Chris Johnsen, Superintendent, Michigan City Water Department, addressed the Board on behalf of Dave Paul; stating that at the end of 2020 the Water Department had to replace a fire hydrant that required them to dig out in the street on Michigan Boulevard near the Marathon Station; explaining they need to close the street so we can do permanent street repair.

President White asked what the timeframe for the closure of the street is going to be.

Mr. Johnsen, stated that the closure is going to be on September 22, 2021 for the entire day; explaining traffic will be moved down Woodlawn Avenue to Barker Street and then over to Carroll Avenue and back up to Michigan Boulevard for eastbound traffic.

President White asked if the Water Department has the ability to place detour signs.

Chris Johnsen, Michigan City Water Department, stated that they have enough detour signs to handle this closure.

Mayor Parry made the motion to approve the street closure of E. Michigan Boulevard eastbound between South Woodland and Carroll Avenue on September 22, 2021 by Dave Pahl, Department of Water Works to repair asphalt. The motion was seconded by Vice-President Keating and carried as follows: **AYES:** Board of Public Works and Safety members White, Keating and Parry (3). **NAYS:** None (0). **Motion Carries.**

President White asked if anyone else would like to speak from the public.

Tommy Kulavik, 1316 Ohio Street addressed the Board commenting on the Cleveland Avenue extension and the defective purple lights; stating the Indiana General Assembly passed a law stating that the power and authority goes to the Council in regard to the use of golf carts throughout the state; explaining the residents in Long Beach and Lake Hills are operating their golf carts unlawfully; advising he feels that Michigan City should be like the other towns and allow golf carts with a permit fee.

Rodney McCormick, 617 Union Street addressed the Board stating that he believes the LaPorte County Commissioners passed an ordinance on golf carts; commenting on the address of Budget Cars located at 3107 E. Michigan Boulevard that falls in the township of Trail Creek; also thanking the Street Department and Mayor Parry for cleaning up the alleyway between Union Street, Emily Street, and Miller Street; further commenting on comments that were made to him on August 16, 2021 by Mayor Parry; telling the Board to keep up the good work.

Cranston Harris, Superintendent, Central Maintenance, commented on the speeding issues on Willard Avenue.

President White asked if any other public comments; there was no response

BOARD COMMENTS

President White asked if there are any Board comments; there was no response.

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 9:58 a.m. Vice-President Keating made the motion to Adjourn. The motion was seconded by Mayor Parry. **AYES: Board of Public Works and Safety members White, Keating and Parry (3).**
NAYS: None (0). Motion Carries.

Gale A. Neulieb, City Clerk