

REGULAR MEETING – September 21, 2020

The Board of Public Works, and Safety of the City of Michigan City, Indiana met in regular session on Monday morning, September 21, 2020, at the hour of 8:30 a.m., local time, hosted at Krueger Memorial Park, 801 Liberty Trail.

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

Noted present: Keith Harris, Virginia Keating, and Duane Parry (3) **Absent:** (0)

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich-Corporate Counsel
Skyler York-Planning Dept.
Andy Matanic-IT Director
Asst. Chief Cooney-Michigan City Police Department

Gale Neulieb-City Clerk
Kristina Zawacki-Assistant Deputy Clerk

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES AND ALL ITEMS THAT WERE APPROVED DURING COVID-19 ZOOM MEETINGS AND BY PRESIDENT KEITH HARRIS

Vice President Virginia Keating made the motion to ratify the decisions made at the Zoom meetings on July 20th, August 17th and September 8, 2020; also included in that motion a ratification of the decisions that were made by President Harris per the authority that was granted to him by the Board. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

CLAIM DOCKETS THAT WERE APPROVED AT THE ZOOM MEETINGS

President Harris stated that they would approve all of the claim dockets individually by date; August 3, 2020, August 17, 2020 and September 8, 2020; as well as the payroll dockets from July 31, 2020, August 14, 2020, and August 28, 2020. President Harris asked if there was a motion to approve these claims.

Vice President Virginia Keating made the motion to ratify the claims dockets from August 3, August 17, September 8, 2020; payroll docket July 31, August 14, and August 28, 2020. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

APPROVAL OF CONTRACT-Bruce Krause, Michigan City Police Commissioner, is requesting approval of a contract with Michael Brickner to administer Promotional Testing for the Michigan City Police Department; Promotional Eligibility Examination 2020 and Oral Interview Promotional Process

President Harris asked Mr. Krause if he had any comments on this matter.

Bruce Krause, stated this request is to satisfy a contractual obligation with the Fraternal Order of Police (FOP) regarding promotional testing every other year; Mr. Brickner submitted this proposal to cover the written test including all classes and study materials for the test plus the oral interview. Mr. Brickner submitted this to the previous Commissioner Mike Palmer in March and was signed by Mr. Brickner and Mr. Palmer; due to Covid-19 and various other situations. Mr. Krause asked the Board to approve the request stating Mr. Brickner has done this in the past and it's always worked out well. The cost of the written test and oral interviews are in the contract and asking for approval of the contract as submitted. President Harris asked if Mr. Krause could give these amounts. The total amount for the written phase is \$6,500 and the oral interview for those who pass the written test Mr. Brickner receives \$200 per day and his other examiner receives \$400 and it is usually completed in one day. Mr. Krause believes total cost would be between \$7,000-\$7,100.

Mayor Parry asked Mr. Krause if Michael Brickner has done this testing for the Police Department in the past and has a history with them. Mr. Krause stated that yes he has. Mayor Parry asked if there are other entities that have provided the service in other areas of government, where they are obligated to get more than one price. Mr. Krause replied to his knowledge there are other agencies that provide this service, but he isn't sure if they were solicited by the former commissioners; they are in a time constraint as these test have to be administered by a contract by November 5th. Mayor Parry addressed Mr. Krause that next year he would like to at least see one more price for this test for the right value of what they spend.

President Harris stated that he had a question for Corporate Counsel, Amber Lapaich, continuing with that the contract was previously signed this past March by the prior Commissioner Michael Palmer; he is asking if that still stands or does a new document need to be signed. Ms. Lapaich stated that if the Board voted on it and approved it it was valid at the time when Mr. Palmer was president and the Commission still wants it done.

Mayor Parry made the motion to approve the contract between Michael Brickner to administer Promotional Testing for the Michigan City Police Department for the Promotional Eligibility Examination and Oral Interview Promotional Process. The motion was seconded by Vice President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

AGREEMENT FOR PROFESSIONAL SERVICES-An agreement between the City of Michigan City, Indiana and Waggoner, Irwin, Scheele & Associates, Inc., to review and update the City's personnel policies, policy forms and procedures, and prepare a new handbook; commencing September 21, 2020 and shall be completed no later than nine (9) months thereafter; services not-to-exceed \$19,420.00 travel expenses not to exceed \$1,000

Corporate Counsel, Amber Lapaich stated that this contract was initiated by the City Controller Yvonne Hoffmaster and Personnel Director, Andrea Smith; after looking at the employee/personnel manual they believe it is in need of critical looking over and this firm has previously assisted the city in re-doing all of the job descriptions; when the job came up with the need of updating the employee manual they can offer this service. Ms. Lapaich checked with the City Controller to make sure the city had funding for this project, and it is in the budget.

Vice President Keating made a motion to approve this agreement between the City of Michigan City, Indiana and Waggoner, Irwin, Scheele & Associates, Inc., to review and update the City's personnel policies, policy forms and procedures, and prepare a new handbook commencing on September 21, 2020 and shall be completed no later than nine (9) months thereafter; services not-to-exceed \$19,420.00 travel expenses not to exceed \$1,000. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

RENEWAL AGREEMENT-A renewal agreement between the Michigan City Board of Public Works and Safety and the following vendors for the purchase and delivery of fuel for an additional one (1) year term; commencing on January 1, 2021 and expiring December 31, 2021

- Warren Oil
- Co-Alliance LLP
- Knoll Brothers, Inc.

Corporate Council Lapaich stated that a few years ago they bid out the fuel contracts and under Indiana law they bid out a fuel contract and created a pool of vendors who then submit bids when fuel is needed had to be created. When receiving the fuel documents before the Board today, the Board is not accepting the lowest most responsive bidder. Instead, the pool was created the ability to renew the contract for another year and that renewal is what is before the Board today. There were four (4) contracts last year and only three (3) have submitted a renewal thus far.

Mayor Parry made the motion to approve the renewal agreement between the Michigan City Board of Public Works and Safety and the following vendors for the purchase and delivery of fuel for an additional one (1) year term; commencing on January 1, 2021 and expiring December 31, 2021. The motion was seconded by President Harris and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

REQUEST FOR STREET CLOSURE-LaShunda Hawkins, High Praise Outreach Ministries, 301 East 9th Street, Michigan City, is requesting the closure (roadblocks) west of 9th towards Pine Street; north on Pine Street towards City Hall; west on 2nd (behind City hall); south on Washington Street towards 9th Street; east on 9th Street to High Praise Outreach Ministries on October 3, 2020 at 9:00 a.m. for a Breast Cancer Awareness Walk

Felicia Blakley representing High Praise Outreach Ministries, stated that they are aware of the time that we are in and will be practicing social distancing.

Vice President Keating made the motion to approve the street closure (roadblocks) west of 9th towards Pine Street; north on Pine Street towards City Hall; west on the 2nd (behind City Hall); south on Washington Street towards 9th Street; east on 9th Street to High Praise Outreach Ministries on October 3, 2020 at 9:00 a.m. for a Breast Cancer Awareness Walk. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

TRANSFER OF SURFACE PROS-Kyle Kazmierczak, Deputy Fire Chief, is requesting to transfer the ownership of Surface Pro's from the Michigan City Fire Department to the Michigan City I.T. Department

President Harris stated that he must abstain from this vote as he is employed with the I.T. Department.

Vice President Keating made the motion to approve the transfer of ownership of Surface Pro's from the Michigan City Fire Department to the Michigan City I.T. Department. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Keating and Parry (2). NAYS: (0). ABSTAINED: HARRIS (1) Motion Carries.**

REQUEST FOR ROADWAY ACCESS/STREETLIGHT-James Taylor, Fort Wayne, is requesting roadway access on Huron Avenue and also would like a streetlight installed

Skyler York, Planning Director, explained that Huron Avenue is a road that has not been finished yet. Huron Avenue is off of Woodlawn and goes north off of Woodlawn. Mr. York asked for some time to review this request with City Engineer Jeff Wright. Mr. York states that back in the day there should have been a bond or the road should have been built; but at that time there were probably no rules regarding that like there is now. Mr. York stated that it would be nice to see some new houses being built back there and he would like to work with Mr. Taylor, but he would like to get some professional advice from Jeff Wright on how he could get a temporary access road. Also with the light pole, Mr. York explains that if it was a street light it would be at the side of the right-a-way on the edges, but if they put a temporary road he doesn't want to put a pole in that is 15 feet into the right-of-way and then later on someone else buys a house and then end up building a whole road.

Vice President Keating made the motion to put this item on the pending items list to give Skyler York, Planning Director, Jeff Wright, City Engineer, Jeff Loniewski, Michigan City Traffic Division, Sanitation and the Water Department time to go over this request and come up with a plan. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

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	\$627,658.79
CDBG	\$36.89
Health & Life	\$396,759.65
Workers Comp	\$20,642.87
Total Claims	\$1,045,098.20

Mayor Parry made the motion to approve the claims docket for the amount stated above. 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

<u>September 11, 2020</u>	
City Payroll Total:	\$558,793.86
<u>September 1, 2020</u>	
City Pension Total:	\$221,012.53

Mayor Parry made the motion to approve the Payroll Claims for September 11, 2020 as presented. The motion was seconded by President Harris. Mayor Parry also made the motion to approve the City Pension total from September 1, 2020. President Harris seconded the motion 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 Deputy Chief Kyle Kazmierczak, MCFD-Submitting the SOP (standard operating procedures) to be on record

President Harris stated that this item has to be reviewed and approved by the Board; there was discussion to table this on the pending list and bring it back after Corporate Counsel Lapaich and the Board had a chance to review it. Corporate Counsel Lapaich stated at the last Board of Public Works and Safety meeting the question arose if this was an FYI or if the Board needs to approve. Ms. Lapaich said Indiana Law specifically, Indiana Code 36-8-3-2; Ms. Lapaich came to the conclusion that the Board needs to approve the SOP and it is not just an FYI; and she recommends that this item be removed from the pending items list and once the review is done and the Board has the opportunity to look at all of the changes then it can be brought back and put back on the agenda.

Mayor Parry made the motion to remove this request from the pending items list to give the Board the opportunity to look over all of the changes to the SOP (standard operating procedures). The motion was seconded by Vice President Virginia 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 a request from Asst. Chief David Cooney to destroy City Owned Property; AXON Cameras, charging base and power supplies; these items cannot be sold, reused or returned

Andy Matanic, I.T. Director stated that there is a possibility that the AXON cameras can be reused and that they should not be destroyed; but additional licensing does have to be purchased to continue to use these cameras. The Licensing covers the storage on the website, evidence.com, that stores all of the data; even though the City owns the cameras they need to purchase additional subscriptions to be able to use any additional devices beyond what they currently have.

Mayor Parry said he would like to see if it is something that the City could afford; he believes there could always be a possibility that another member of the Michigan City Government could have a need to document an occurrence. Mayor Parry would like to save two (2) of the cameras and obtain the licensing for them and they would be in a floating pool that anyone would be able to draw that camera and use it as they are a valuable tool in documenting in person situations if cost permitting.

Assistant Chief Cooney, Michigan City Police Department, stated that he would look into adding a couple and what they would cost. The software program that the police department uses is stored on evidence.com which is their software; and there may be other options to use and he would look into those as well; to be able to pull right from the camera instead of having to upload into a cloud system. Mr. Cooney also stated that it might be more cost effective to get two (2) new cameras to add to the cameras the Police Department already have.

Mayor Parry asked to table this request and keep on the pending items list until the next meeting giving Chief Cooney time to do research on the cameras and what will work best for the City.

President Harris stated the next item on the Pending Items List is a request from Kenneth Purze who purchased City Parcel #4601284820020000

President Harris stated that this item was kept on the pending items list as it is in the process of an appraisal being done. Corporate Counsel, Amber Lapaich stated that her office ordered the appraisal and has not received it back yet. This item will be kept on the pending items list until the next meeting on October 5, 2020.

President Harris stated the next item on the Pending Items List is a request from Bolt for the Heart

President Harris stated this item was approved at the last meeting pending receipt of the certificate of insurance no later than seven (7) days before the scheduled event. President Harris continued that the Board received their certificate of insurance and everything is complete.

Vice President Virginia Keating made a motion to remove this item from the pending items/unfinished business list as it is now complete. The motion was seconded by President Harris 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 Bonita Schaaf, Michigan City Mainstreet Assoc. approval to place artwork, Charles Westcott Park-MCMA applied for "Preserving Women's Legacy Grant" from Indiana Humanities & Office of Community and Rural Affairs

President Harris stated this item was kept on the pending items/unfinished business list; they were awarded the \$40,000 grant but approval will be needed as to where this statue will be placed; also the design of the sculpture still needed to be approved by the Public Arts Committee. Corporate Counsel, Amber Lapaich stated she will reach out to Shannon Eason who is the liaison and see where they are at with the project.

President Harris stated the next item on the Pending Items List is a request from Cora Cambridge, 220 Gladys Street, requesting NIPSCO to switch the pole around in front of 227 for the light to hang over the street and not on private property

President Harris stated that at the last meeting this item was referred to City Engineer, Jeff Wright to get an estimate from NIPSCO for the cost of putting in another pole and light.

Cora Cambridge, 220 Gladys Street, stated that she has been trying to get this light taken care of for several months now; she is requesting to know what the city is going to do for her; if she is going to get the light. Ms. Cambridge was told that the light that hangs over 227 Gladys Street yard was going to be turned around and a longer arm installed, and it has not happened. Ms. Cambridge was in touch with City Clerk, Gale Neulieb. Ms. Neulieb told Ms. Cambridge that City Engineer, Jeff Wright would be getting in contact with NIPSCO for an estimate. Ms. Neulieb called Mr. Wright for an update but he was not available.

President Harris told Ms. Cambridge that this item was still in progress and apologized for this matter taking so long; the light at 227 Gladys Street is paid for by one of the residents and not by the City and cannot have it turned. But the Board is waiting on an estimate to put a pole in front of her house; the individual from NIPSCO that provides this information was on vacation last week and should be back in the office this week and should be able to get us an estimate; unfortunately due to having to wait for an answer this item will have to be readdressed at the next Board of works meet which will be held on Monday, October 5, 2020.

President Harris stated the next item on the Pending Items List is a request from Elbert Ladd, 2826 E. Coolspring Ave. Is requesting “NO TRUCK TRAFFIC” signage to be installed on Roeske Ave; Roeske Ave and Michigan Blvd and Roeske and Coolspring Ave

President Harris stated that this item was put on the pending items list due to one of the signs being put on the south end of Roeske but the one at the north end had to be ordered and had not been received yet. City Clerk, Gale Neulieb stated that we had received an email stating that this sign had been installed and this request is complete.

Vice President Keating made the motion to remove this item from the pending items/unfinished business list due to the job being complete. 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 Pamela Utterback, representing the Shoreland Hills Property Owners Association, 203 Maplewood Trail, is requesting paving in the Shoreland Hills Subdivision

Skyler York, Planning Director, stated that as of right now there is no funding source to pave this area; this item will continue to stay on the pending items/unfinished business list until the funding becomes available. This item will be readdressed during the second meeting in October.

President Harris stated the next item on the Pending Items List is a request from John Chalikian, 609 Franklin Street-No access to property-and drainage issues

Skyler York, Planning Director, stated that there is no news on this item; they are working with the property owners. This item will stay on the pending items/unfinished business list until the second meeting in October.

President Harris stated the next item on the Pending Items list is an order to demolish – 710 W. 10th Street-Owner-Aleksandar Ristevski; Jason and Jane Straton

President Harris stated that last we heard that progress was being made on this property. Mr. Jason Straton addressed the Board stating that over 2/3rds of the project is done along with the majority of the exterior, the rough framing and the rough electrical on the inside is done. Mr. Straton said he still has some mechanical and wall patching details and items like that.

Mr. Skyler York, stated that Sue Downs, Planning Inspector could not be here for this meeting due to being at another pressing assignment; but Mr. York had a chance to speak with her and they believe that this project looks better than it has looked and is in really good shape. Mr. York said Ms. Downs is waiting on a couple more things to happen and would like to give Mr. Straton thirty (30) more days for the demo and see where he is at.

President Harris agreed to push this item out until the second meeting in October which is roughly thirty (30) days.

PUBLIC COMMENTS

President Harris asked if there were any Public comments

Hearing none, President Harris moved on to the Board Comments

BOARD COMMENTS

President Harris asked if there were any Board comments.

Hearing no Board comments President Harris moved to adjournment.

ADJOURNMENT

President Harris asked for an adjournment, and the meeting was ADJOURNED (approximately 9:19 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.**