

REGULAR HYBRID/ZOOM MEETING – NOVEMBER 1, 2021

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, November 1, 2021, 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 and hosted by “Hybrid/Zoom” and streaming 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
Skyler York, Planning Director
Terry Greetham, Events Director/Recreation Coordinator
Andrea Smith, Personnel Director
Aaron Borngaber, Assistant Planner
Christine Vanderborg, Code Enforcement Officer
Derrick Hutton, Code Enforcement Officer

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

APPROVAL OF MINUTES

Mayor Parry moved to approve the minutes of the Regular “Hybrid/Zoom” meeting of October 18, 2021, Special Labor Relations meeting October 20, 2021, Executive Session Labor Relations meeting October 26, 2021, and Special Labor Relations meeting October 26, 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 FOR STREET CLOSURE - Tim Johnson, Next Modular, LLC is requesting a street closure on Lake Shore Drive on November 12, 2021 from 8:00 a.m.- 4:00 p.m. for setting of a new modular home.

Mayor Parry addressed the Board stating that he would defer to the Planning Director, Skyler York, to see if he has any concerns.

Skyler York, Planning Director addressed the Board stating that he is okay with the street closure; advising they will only have one lane closed.

Corporate Counsel, Amber Lapaich-Stalbrink, stated all the paperwork is in order.

Mayor Parry made the motion to approve the request by Tim Johnson, Next Modular, LLC. for street closure at 1717 Lakeshore Drive on November 12, 2021 from 8:00 a.m. – 4:00 p.m. contingent on Captain Jeff Loniewski, M.C.P.D. Traffic Division’s approval. 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.**

RETIREMENT - Chief Dion Campbell, M.C.P.D. is announcing the retirement of Officer Andrew Paul, effective October 22, 2021 with 23 years of service. (NOTE: For Informational Purposes Only)

President White wished Officer Paul the best on his retirement.

INSURANCE POLICY RENEWAL - Andrea Smith, Personnel Director, is requesting acceptance of Berkley Accident and Health – EmCap Group Captive Solution Contingent Quote – Employer Stop Loss Policy – Reinsurance Agreement and Captive Agreement; effective January 1, 2022

Andrea Smith, Personnel Director addressed the Board introducing Earl McClain, UMR Administration of Claims.

Mr. McClain, UMR Administration of Claims addressed the Board stating that the request is administrative renewal for UMR Administration and Claims Stop Loss Insurance from Berkeley Accident and Health.

Vice-President Keating made the motion to approve the Berkley Accident and Health – EmCap Group Captive Solution Contingent Quote – Employer Stop Loss Policy – Reinsurance Agreement and Captive Agreement: effective January 1, 2022. 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.**

REQUEST FOR FOOD TRUCK LOCATION - Tommy and Gwen Wilson, Wilson’s Slam Dunk BBQ, 320 Cloud Street is requesting approval to operate their mobile food at 400 East US Highway 20

President White stated that in the past the Board approved the location at DeVries and denied the location at Karmart.

Skyler York, Planning Director stated that he reviewed this request and the nearest food establishment is 700 feet away to the west.

Discussion ensued between President White, Mr. York and Counsel Lapaich-Stalbrink regarding if the Elks Club falls under the category of an eating establishment. Mr. York, stated he would have to defer this to Counsel, Lapaich-Stalbrink. Counsel Lapaich-Stalbrink, stated that the ordinance does not contemplate for those types of fraternal organizations that are private clubs.

Mayor Parry made the motion to approve the request of Tommy and Gwen Wilson to operate their mobile food at Captain Ed’s, 400 East US Highway 20. 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.**

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

November 1, 2021

Municipal Claims	\$	313,065.72
CDBG	\$	0.00
Health & Life	\$	340,659.34
Workers Comp.	\$	78,300.49
Total Claims -	\$	732,025.55

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

PAYROLL DOCKET

October 22, 2021

City Payroll	\$	1,636,036.83
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Mayor Parry made the motion to approve the payroll docket for October 22, 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 Councilman Dabney/Shontelle Hogan Abrons-street sign dedication in honor of “Kamilion “Milly” Jenkins-corner of Holiday & Grace Street

President White asked if Jeff Wright, City Engineer had any information as to when the sign will be installed.

Jeff Wright, City Engineer state he had no information.

President White stated this matter will be placed on the pending items/unfinished business list until the next meeting on December 6, 2021 and until the signs are installed.

President White stated the next item on the pending items/unfinished business list is Ernie Brunswick, 221 White Oak Drive, is requesting the placement of two (2) speed limit signs-one each direction of traffic on White Oak Drive between Kildeer Avenue on the north and Gardena Street on the south

Jeff Wright, City Engineer addressed the Board stating that at one point there was a back log for getting the signs and that there are a bunch of signs on the list; advising we are waiting on Shong Smith, Director of Central Services to get them installed once they arrive.

Discussion ensued between President White and Mr. Wright regarding if he had any suggested timeframe for when the signs will arrive and can be placed. Mr. Wright stated this would be better answered by Mr. Smith.

President White explained that since the City is waiting on signs that we should not have to revisit certain items on the pending items/unfinished business list; stating we should just revisit every third meeting or until we have the signs and they have been placed.

Mayor Parry stated that these signs are not that expensive, and the City should have extras for times like these; advising there are signs behinds Central Services that are run down and knocked over or destroyed so it is common that we have to install or replace signs often; explaining we need to see what is in our inventory.

President White stated this matter will be remain on the pending items/unfinished business and revisited in three (3) meetings which is December 20, 2021.

President White stated the next item on the pending items/unfinished business list is Denise Blau, 211 Superior Street, is requesting placement of a "Stop" sign on Superior Street between Tilden Avenue and Franklin Street

President White stated this matter will be remain on the pending items/unfinished business and revisited in three (3) meetings which is December 20, 2021.

President White stated the next item on the pending items/unfinished business list is Nazir Kryvko, Dexco Corp. installation of sewer laterals on Mayfield Drive, Lot #27 and more

Jeff Wright, City Engineer addressed the Board stating that he has been back and forth with this developer and they are not able to get the laterals put in at a cost price point that they can sell the lots; advising they would like to pave and reconstruct the north/south section where the majority of the residents live; explaining they stopped construction on the east/west section and that gives the developer the rest of the winter to get the laterals put in; further stating even if they push through and pave the road the state law requires people to construct within 300 foot of a sewer to hook it up; so the City has no choice but to give them a permit to cut through the road.

Vice-President Keating made the motion to remove this matter from the pending items/unfinished business list; the installation of sewer laterals on Mayfield Drive, Lot #27 and more. 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 Mary Anne Gustufson, 116 Krueger Avenue, placement of speed limit signs between Center and Krueger Street and that stretch of road

President White stated this matter will be remain on the pending items/unfinished business and revisited in three (3) meetings which is December 20, 2021.

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 this matter will be remain on the pending items/unfinished business and revisited in three (3) meetings which is December 20, 2021.

President White stated the next item on the pending items/unfinished business list is Rodney McCormick, 617 Union Street, safety issues with several homes in his neighborhood-705 & 727 & 803 Emily Street-925 & 910 W. 7th Street

Derrick Hutton, Code Enforcement addressed the Board stating 705 Emily Street had a garage in derelict conditions with graffiti on it; advising letters were issued and they repainted the garage and took the hanging wood off the side of it; explaining that 803 Emily Street had their permits pulled two months ago and has been demolished; 727 Emily Street was part of a burnout that they reboarded the fourth floor of the entire building and repainted so we are getting the owners registered for vacant property registration.

Discussion ensued between President White and Mr. Hutton regarding if all of those properties have been brought up to code. Mr. Hutton, stated yes, they are up to code.

Christine Vanderborg, Code Enforcement addressed the Board regarding 910 W 7th Street; stating it is under a tax sale for \$13,175.33 that is owed on the property with no owner to cite unless we cite the County; advising that Code Enforcement

had Vector Control over there to clean up and remove vegetation; explaining that Vector Control also cleaned up 925 W. 7th Street and it is in the 80% stage as far as condemnation and will be demolished.

Corporate Counsel, Amber Lapaich-Stalbrink, stated that once the demolition process starts the property owners will be given notice and opportunity to be heard at an administrative hearing conducted by this Board once the paperwork is generated.

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 Councilman Don Przybylinski's request that signage (rough crossings) be placed at Ohio Street and Tilden Avenue CSX crossings

Mayor Parry stated that after further conversation CSX one individual that has stepped forward and stated that it is CSX's responsibility to take care of the tracks; advising he has a meeting with CSX this afternoon; explaining he received a proposed cost to fix the tracks at under \$200,000.00 which is unacceptable.

President White addressed the Board stating 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.

Vice-President Keating stated that if this matter is taken care of before the end of the year she will be completely satisfied; however, the tracks have been deemed an eminent danger and something needs to be done to give better notice to the public such as a sign that is lighted that says "Danger" along with other wording if this matter is not resolved before the end of the year.

Mayor Parry stated that he will direct the Street Department to try and locate a "Danger" sign and add it to the "Rough Crossing" sign because it does present eminent danger.

Vice-President Keating asked Jeff Wright, City Engineer what his recommendation would be regarding the language.

Mr. Wright addressed the Board stating that a sign can be posted at the pleasure of the Board; suggesting a sign to reduce the advisory speed to 15-20 MPH.

President White suggested that this matter should be revisited at the next meeting to address the meeting Mayor Parry will be having later this afternoon and to address Vice-President Keating's "Danger" sign suggestion; stating that he is in favor of the reduction in speed limit signs.

Vice-President Keating made the motion to approve the signage at both locations; Ohio Street and Tilden Avenue; making the signs larger and more visible; including that the "Dangerous Crossings", sign is posted and also the reduced speed limit 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.**

PUBLIC COMMENTS

President White asked if any other public comments.

Brian Gross 830 W. 6th Street addressed the Board regarding the small industrial building he owns at 212 Cook Street; advising he sent a letter out last week to everyone with his concerns of the interpretation of the City Codes and the City Codes need to be enforced as written; below is the letter as follows:

Mayor, City of Michigan City, In.
 Planning Commissioner, City of Michigan City, In.
 Building Commissioner, City of Michigan City, In.
 City Council, City of Michigan City, In.
 100 E. Michigan Blvd.
 Michigan City, In. 46360

I own my residence at 830 W 6th Street and a small industrial building at 212 Cook Street in Michigan City. I write this letter concerning the industrial property. I am in the process of renovating this property and will perform all of the work myself and apply for the relevant permits needed. As recently as December 2020 I have applied for a permit from the building department for renovation work on the property and the permits were always issued in a timely fashion.

In February of 2021 I applied for permits and my applications were denied. I talked to Sue Downs and she stated that as of 2021 the city was enforcing the city code requiring a person to be licensed in the specific trade and registered with the city to work on any property, even one they may own, excepting a property of one or two residences which they own and occupy as their primary residence. I researched the city code and found no such restrictions.

On March 22, 2021 I re-applied for the permits, enclosing the permit applications, my drawings for the work to be performed, my payment in the form of a check for the permit fees, and a letter stating my finding that as the owner of the property I was not required to be a contractor... Again, my permits were denied. The material has not been returned to me.

I have had multiple communications with Sue Downs, spoke at a city council meeting, and spoken to the Mayor (after a council meeting at which several landlords were also present concerning the same issue) and still the policy of the city administration is that I must be a contractor to work on property which I own. My impression after talking with several city council members is that they do not agree that the current interpretation is the intent of the code.

I do not argue against the city code in this letter, but in the misplaced enforcement of city code which does not exist. I find no active code requiring me to be a contractor to work on property which I own, or which restricts the issuance of permits only to contractors. Sections of the code directly state otherwise, and I have shown Sue Downs these sections of the code, but still my permits have not been issued. Words such as "Shall", "Will" (mandatory actions), "Shall Not", "Will Not" (mandatory restrictions), and "May" (discretionary) are often used in codes to define acceptable actions.

Accepting work connecting to the city's plumbing and water systems, I find no restrictive language in Chapter 22 of the Michigan City code which require licensing and registration in any of the trades for any individual, except those who are 'working for compensation'. Therefore, anyone who is not a 'contractor working for compensation' cannot be prevented from obtaining necessary permits for working on any property which they own. This applies to my case, as the owner of the property not for rent, and also to landlords who perform work on their properties themselves.

22-232 and 22-261 reinforce this by specific language for plumbing and construction, respectively. HVAC and electrical do not specifically state it, but by not specifically denying it, it is automatically allowed.

The following quoted text is copied from the online city code at emichigancity. My interpretation of the quoted code follows each. For brevity I have only quoted the text I feel is relevant to the situation. Any abbreviation of code is indicated by an ellipsis (...).

The enforcement of the current policy cannot improve the health and welfare of the residents but can only reduce it as property owners may not be able to obtain the necessary permits and will therefore decide to non-permitted and uninspected work.

I therefore request that the current policy be reviewed and be brought into alignment with the letter and intent of the city code.

Respectfully,

Brian E. Gross

Copies of this letter and attachments are filed in the City Clerk's Office.

Mayor Parry addressed Mr. Gross and asked him to call his office and make an appointment to meet and discuss this matter.

Vice-President Keating thanked Mr. Gross for his presentation and stated that this matter is not within the mandate of the Board of Works; advising the City Council can change Ordinance 4120.

Mr. Gross addressed the Board stating that he went before the City Council and they have no authority; explaining there is a code that is being enforced that does not exist; advising there is nothing to change in the code it just needs to be enforced as it is written.

President White stated that there are others in the community that are questioning this code and how it is enforced; advising it needs to be addressed and the Board will follow up with this matter.

Mike Vinson 2404 Greenwood Avenue addressed the Board stating that there is a lot of heavy discussion here at least in the last couple of months about signs; explaining the Board's answer is to post signs for everything; advising there is a speed limit sign on Greenwood that is a racetrack; speed limit signs do not do much; further stating the CSX crossing at Tilden Avenue is very dangerous and his suggestion to slow people down is maybe close that crossing all together.

President White commented on CSX and that the Mayor has a meeting with them today.

Mr. Vinson stated that the CSX crossing on Greenwood Avenue is deteriorating and the Street Department is patching the tracks and if CSX does not want to work with the City maybe our State Representative needs to get involved; further discussion ensued between Mr. Vinson and Mayor Parry regarding CSX.

Discussion ensued between Mr. Vinson and Mayor Parry regarding why this payroll was about \$1.1 million dollars more than last reported payrolls. Mayor Parry stated that with over 360 employees received an essential bonus.

BOARD COMMENTS

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

President White addressed the Board stating that he was approached by a citizen that stated they had never been notified that Greenwood Avenue would be closed for paving; advising the Board needs to make sure the City is aware of these dates; updating the website more often.

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 9:30 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