REGULAR MEETING – January 22, 2019

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Tuesday morning, January 22, 2019, at the hour of 8:30 a.m., in the Council Chambers, in the City Hall Building, located at 100 East Michigan Boulevard, Michigan City Indiana – a regular meeting room of this Board.

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

Noted present: Steve Janus, Richard Murphy and Virginia Keating (3) Absent: None (0)

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:
Amber Lapaich, Corporate Counsel
Abigale Thayer-Kutcha, Events Coordinator
Captain Jeff Loniewski, M.C.P.D. Traffic Division
Charles “Spike” Peller, City Engineer
Sue Downs, Code Enforcement / Building Commissioner
Paul Ruane, Associate Planner
Chief Randy Novak, M.C.F.D.
Kalon Kubik, Mayor’s Administrator
Robert Zondor, Superintendent, Central Maintenance
Arber Himaj, M.C. Sanitary District
David Farmer, Director, Street Department
John Gorczycka, M.C. Sanitary District
Skyler York, Assistant City Planner

Gale Neulieb, City Clerk
Kim Sliwa, Deputy City Clerk

APPROVAL OF MINUTES

President Janus asked if there were any corrections to the minutes of the Regular meeting of January 7, 2019.

Virginia Keating made the motion to approve the minutes from the January 7, 2019 Regular meeting. The motion was seconded by President Janus and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

APPROVAL OF PARTIAL STREET CLOSURE – Blanche Meriweather, 102 Sunset Drive, is requesting the closure of Sunset Drive in front of her home for a mobile game truck on Saturday, February 2, 2019 from 6:00 p.m. to 9:30 p.m.

Captain Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board explaining he did speak with Ms. Meriweather, and informed her that it has been the policy of this Board that we do not close streets for private parties; continuing that he was able to work an arrangement out in that she will still be able to park the truck on the side of the road on the City easements and will face her property, so there will not be any children running out into
the street, advising there will not be any need to actually close the street; recommending denying this request; commenting however they were able to work arrangements out to satisfy the petitioner.

Vice-President Rich Murphy made the motion to deny the request by Blanche Meriweather, 102 Sunset Drive, and move forward with the recommendation of Captain Loniewski on the agreed arrangement of the placement of the truck. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (0). NAYS: None (0). Motion Carries.

APPLICATION FOR VENDOR LICENSE – Stephanie Sheipline, Edward Jones, 107 Woodland Court, is requesting a Canvasser/Peddler/Solicitor license to go door to door to promote her business financial services for 1 year

Stephanie Sheipline, Edward Jones, 107 Woodland Court, addressed the Board introducing herself; stating she was aware of the rules and regulations with regards to a Canvasser/Peddler/Solicitor license.

Corporate Counsel Amber Lapaich, addressed the Board stating she has reviewed everything, and everything looks good with her application.

Virginia Keating made the motion to approve the application for a Vendor License for Stephanie Sheipline, Edward Jones, 107 Woodland Court, to Canvasser/Peddler/Solicitor license to go door to door to promote her business financial services for 1 year. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (0). NAYS: None (0). Motion Carries.

PARADE REQUEST & APPROVAL OF STREET CLOSURE – Johnny Stimley, Michigan City Mainstreet Association, is requesting approval to hold the Michigan City St. Patrick’s Day Parade on Saturday, March 9, 2019; along with approval for the closure of Franklin Street from 10th Street to 4th Street and one (1) lane down Washington Street for parade line up from 12:30 p.m. to 2:00 p.m.

Justin Post, representing Michigan City Mainstreet Association, addressed the Board asking for approval of the request for parade and street closures; advising they do not have a Certificate of Insurance yet, but they are working on that and that he does have a quote, and can get a certificate this week.

Discussion ensued between President Janus and Mr. Post on this being the same route as last year. Mr. Post replied it is; explaining they will have food vendors and the parade route will be the same; with the same number of floats, but they are still accepting applications.

Captain Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating this will be the same route as previous years; closing Franklin Street from 11th to 4th Street, and also closing one (1) lane of Washington Street for the parade line up; recommending approval.

Vice-President Rich Murphy made the motion to approve the request by Johnny Stimley, M.C. Mainstreet Association to hold the Michigan City St. Patrick’s Day Parade on Saturday, March 9, 2019 on Franklin Street from 10th Street to 4th Street. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.
APPROVAL OF DONATION – Abigale Thayer, Event Coordinator, is requesting approval of an $800.00 donation to the Great Lakes Celtic Association, Inc. for the Culver Pipes & Drums to perform at the St. Patrick’s Day Parade on Saturday, March 9, 2019.

Abigale Thayer, Event Coordinator, addressed the Board explaining she has provided the Board with an updated copy for the request for $800.00 for bagpipers for the St. Patrick’s Day Parade; advising the original copy did state donation, but she did speak with the organization and they updated the letter with the necessary wording.

Discussion ensued between President Janus and Ms. Thayer regarding if the Clerk’s Office has been provided with an updated copy of the letter. Clerk Neulieb advised she did have a updated copy of the letter.

Corporate Counsel Amber Lapaich stated everything looks good, and this is technically a service they are providing; this is not a donation.

Virginia Keating made the motion to approve the service fee in the amount of $800.00 to Great Lakes Celtic Association for the Culver Pipes & Drums to perform at the St. Patrick’s Day Parade on March 9, 2019. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (0). NAYS: None (0). Motion Carries.

APPROVAL OF EVENT & STREET CLOSURES – Justin Post Michigan City Mainstreet Association, is requesting approval to hold the Annual Shelf Ice Brew Fest on Saturday, February 16, 2019; along with approval for the closure of Franklin Street from 6th Street to 8th Street & 7th Street from Washington Street to Pine Street, as well as the vacant lots at 701 & 705 Franklin Street on Friday, February 15, 2019 from 12:00 p.m. to Saturday, February 16, 2019 until 7:00 p.m.

Justin Post, 201 Fogarty Street, representing Michigan City Mainstreet Association, addressed the Board asking for approval of the street closure for the Shelf Ice Brew Fest; explaining the event and event location, along with the contingency of moving from the lots owned by the Redevelopment Commission at 701 & 705 Franklin Street to the street on 7th Street if the lots are muddy at that time; further advising they did flip the event so as not to interfere with the health services company and church on the east side of the intersection.

Discussion ensued between President Janus and Corporate Counsel Lapaich regarding approval of the Redevelopment Commission lots. Corporate Counsel Lapaich advised the Redevelopment Commission would need to approve that.

Discussion ensued between Corporate Counsel Lapaich and Mr. Post regarding the Certificate of Insurance for the event; Corporate Counsel Lapaich advised the Certificate of Insurance does not include the Friday, February 15, 2019 date, which is part of this request. Mr. Post explained what he believed happened in the past but will get the Certificate of Insurance updated as requested by Corporate Counsel Lapaich.

Captain Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating he has spoken with Mr. Post, and they have their security plans and traffic plans in place; recommending approval.

Vice-President Rich Murphy made the motion to approve the request for event and street closure by Justin Post, Michigan City Mainstreet Association, to hold the Annual Shelf Ice Brew Fest on Saturday, February 16, 2019 with the approval of the said street closures on Franklin Street from 6th Street to 8th Street and 7th Street from Washington Street to Pine Street.
Street, as well as the vacant lots at 701 & 705 Franklin Street beginning on Friday, February 15, 2019 from 12:00 p.m. to Saturday, February 16, 2019 until 7:00 p.m. pending the adjustment with the insurance certificate. The motion was seconded by Virginia Keating and carried as follows: **AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.**

**INSURANCE POLICY RENEWAL** – Charles Keene, General Insurance Services is requesting approval for the City of Michigan City, along with the Sanitary District, for Worker's Compensation Insurance and Worker's Compensation Buffer Layer Excess Insurance, Policy term 01/15/2019-01/15/2020

Charles Keene, General Insurance Services, addressed the Board asking for formal approval for the Excess and Buffer Layer Worker’s Compensation Renewal policies; explaining the program background and how it is administered by four (4) different providers, and the amount that is covered for claims submitted; commenting on a meeting that was conducted on January 9, 2017 where they reviewed the TPA (Third Party Administrator) renewal terms, the excess insurance and buffer layer renewal terms; advising a presentation will be made to the Sanitary District Board tomorrow, January 23, 2019 to seek their approval of this as well; explaining the annual cost summary of the program for both the Sanitary District and the City of Michigan City is $189,049, which is an increase of roughly $8,483.00, specifically due to a large loss that happened in 2013 that went well above the City’s retention of, at that time, $500,000.00.

Discussion ensued between President Janus and Mr. Keene regarding when that claim will be finalized. Mr. Keene advised that it is still developing, and the reserves are changing on that claim; further commenting on the matter.

Mr. Keene explained the cost breakdown being roughly 79% to the City of Michigan City, and 21% to the Sanitary District; which is $149,348.00 to the City of Michigan City, and $39,701.00 to the Sanitary District; commenting on the Third Party Administration fees and the Board approved a three (3) year contract with them back in 2017, which has been included, but he is not seeking approval for that at this time as it was approved for three (3) years.

There was some discussion regarding if the Sanitary District did not approve this, would it change the City’s cost. Charles “Spike” Peller, City Engineer, advised the Sanitary District would approve this.

Mr. Keene continued that this has served the City well since 2008, and next year they will be analyzing if this is still a viable option for the City; they will be evaluating the Third-Party Administrator, whose currently York; further commenting on the matter.

Virginia Keating made the motion to approve the request for insurance policy renewal for the Excess Insurance Renewal and Buffer Layer Excess Insurance Renewal of $109,818 for Safety National for the period 01/15/2019 to 01/15/2020, and $35,661.00 Buffer Layer Excess Insurance to Great American E & S Insurance Company for the same period, 01/15/2019 to 01/15/2020.

Mr. Keene explained that is correct and does include both the City and the Sanitary District.

The motion was seconded by Vice-President Rich Murphy and carried as follows: **AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.**
RETAINAGE RELEASE REQUEST – Glenn Peterson, Professional Engineer, S.E.H. of Indiana, is requesting the partial release of retainage for payment to Reith-Riley in the amount of $8,372.71 for the Park & School Safety Improvement project.

Charles “Spike” Peller, City Engineer, addressed the Board explaining this is another step in closing out this project, with the exception of keeping $12,000.00 of the retainage from Reith-Riley to cover the landscaping, which will be checked in the spring and if it looks good they will return the remainder of the retainage amount, and if not Reith-Riley will need to fix it.

Vice-President Rich Murphy made the motion to approve the retainage release request for Glenn Peterson of S.E.H. of Indiana for the partial release of retainage for payment to Reith-Riley in the amount of $8,372.71 for the Park and Safety Improvement project. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (0). NAYS: None (0). Motion Carries.

REQUEST FOR SOLICITATION OF BIDS – Sale of 2 lots on N. Pleasant Avenue – Parcel #’s 46-01-27-357-009.000-022 & 46-01-27-357-010.000-022

Corporate Counsel Lapaich addressed the Board stating she has prepared the bid documents for the sale of these parcels; explaining that what she needs the Board to do is, as the Board has done in the past, advising there are two parcels and she has provided the Board with the most recent printout from Beacon as to the assessed values for each parcel; stating one (1) of the parcels most recent assessed value is $2,800.00, and the second (2nd) one is $2,300.00; asking the Board to make a finding that this matter should be set for public sale, that it is economically and unjustifiable to sell the tracts under Section 4 of the Indiana Code, which would require the City to obtain two (2) appraisals of the land and then the City couldn’t subligate anything lower than the two (2) appraisals; further commenting that this does not make sense given the assessed value and how the City acquired these properties; continuing in addition to making that finding, she is also asking the Board to set the offering price so that she can set this out for bid.

Steven Ray, 227 Pleasant Avenue, addressed the Board regarding the sale of the property, asking if the City would just sell the property to him instead of placing it out for bid.

Discussion ensued between Corporate Counsel Lapaich and Mr. Ray regarding Indiana Law preventing that. Counsel Lapaich explained why to Mr. Ray; advising Mr. Ray that he is welcome to bid on it.

Virginia Keating made the motion to approve the request for solicitation of bids for the sale of 2 lots on N. Pleasant Avenue; the first parcel being #46-01-27-357-010.000-022 setting the accessed bid amount at the assed valuation of $2,800; the second parcel being #46-01-27-357-009.000-022 setting the bid amount at $2,300.00 which is the assessed valuation, in addition finding that it is economically unjustifiable to sell the tracts under Section 4 of this Chapter, because of the appraised value of the land.

Corporate Counsel Lapaich explained that with her bid documents she did not bid them out separately, she bid them out collectively, so the offering price would be set at $5,100.00 even though that is the set offering price someone could bid less than that; continuing that this Board then has discretion as to whether or not they would accept it.

The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.
APPROVAL OF MEDIA ADS WITH WIMS AM RADIO – Abigale Thayer, Event Coordinator, is requesting approval of Media Advertising with WIMS AM Radio for marketing the City of Michigan City-contract term: 02/01/2019 – 10/31/2019, plus BONUS through 12/31/2019 on Monthly radio show appearance in the amount of $4,000.00

Abigale Thayer, Event Coordinator, addressed the Board requesting they approve the contract with WIMS AM Radio for advertising for 2019 in the amount of $4,000.00.

Vice-President Rich Murphy made the motion to approve the request for approval of media ads with WIMS AM Radio for the marketing of the City of Michigan City from the period of 02/01/2019 – 10/31/2019 plus BONUS through 12/31/2019 in the amount of $4,000.00. The motion was seconded by Virginia Keating and carried as follows:  AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

CHANGE ORDERS – Chief Randy Novak, MCFD, is requesting approval of Change Orders #4-Body Changes in the amount of $16,784.00 & #5-Chassis Changes in the amount of $2,149.00 for the fire truck that has been ordered through Rosenbauer for 2019

Chief Randy Novak, Michigan City Fire Department, addressed the Board stating this is a change order for the truck the Board approved at the end of 2018, but was funded for 2019; advising the change order would bring the total cost of the truck up to $595,607.00.

Discussion ensued between Corporate Counsel Lapaich and Chief Novak regarding the total price of the truck.

Virginia Keating made the motion to approve the request for change order #4 in the sum of $16,784.00 for body changes to Rosenbauer and change order #5 in the sum of $2,149.00 for changes to the chassis; that total being $596,756.00. The motion was seconded by Vice-President Rich Murphy and carried as follows:  AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

PRESENTATION – Abigale Kuchta and David Hunter of We Create media to present Michigan City’s 2019 Marketing plan

Abigale Thayer-Kuchta, Event Coordinator, addressed the Board introducing Mr. David Hunter of We Create media; stating they are excited for 2019 and the local focus they are taking this year; further stating herself along with David and Chris from We Create media are here today to present what they did last year and where they are headed this year.

David Hunter, We Create Media, addressed the Board presenting a PowerPoint presentation as the Board requested on the media campaign for the City of Michigan City; thanking the Board for retaining them for another year.

Discussion ensued between President Janus and Mr. Hunter regarding the amount of money they are spending and the return on that investment. Mr. Hunter stated it is difficult to measure; commenting on local merchants and the increase of traffic/customers in 2018 due to this marketing campaign; further commenting on the matter/public relations for the City of Michigan City; advising he will be back on a quarterly basis to present to the Board as well as the City Council.

POLICY CHANGE – Amber Lapaich, Corporate Counsel, is asking approval of changes made to the Board of Public Works & Safety Policy for Third Persons Seeking Permission
to Horizontally Directionally Drill Under any City Street, Right-of-Way, or City Owned Property, along with the Permit Application

Corporate Counsel Lapaich addressed the Board stating she has received feedback from the various departments to add some amendments to the Horizontal Directional Drill policy; advising she thought the Board had the final draft in front of them until late Friday when another department reached out to her with some additional changes; asking the Board to TABLE this, and place this on the Pending List, as she hopes to have this resolved by the next meeting.

Discussion ensued between President Janus and Counsel Lapaich regarding a requirement to replace the grass where the contractor has dug it up. Counsel Lapaich will check and make sure that is also included; stating she believes there is such language in the permit form, that everything would be restored including landscape.

Vice-President Rich Murphy made the motion to TABLE the Policy Change request by Corporate Counsel Lapaich until the next meeting and place on the pending list. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

FIRE MERIT COMMISSION – Results of Election held on January 8, 2019 – Mr. Gregory Deutscher was voted in as the replacement for the Republican candidate to the Fire Merit Commission-replacing Mr. Patrick Vance who resigned on December 6, 2018
(Note: for information purposes only)

DISCIPLINARY EXTENSION REQUEST – Chief Randy Novak, Michigan City Fire Department is requesting to investigate a disciplinary issue until January 30, 2019
(Note: for information purposes only)

RETIREMENT – The Michigan City Fire Department announces the retirement of Battalion Chief Daryl Westphal effective January 3, 2019 with 36+ years of service
(Note: for information purposes only)

President Janus “thanked” Chief Westphal for his years of service.

CLAIMS AND PAYROLL

Virginia Keating 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 Rich Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion carries.

The Board signed: Payroll items in Register of Claims for informational purposes (which Register is in the possession of the City Controller) as follows:
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:

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UNFINISHED BUSINESS

Demolitions

121 N. Porter Street

Sue Downs, Building Commissioner addressed the Board stating she thought Ms. Valerie Kubacki, Prime Real Estate, would be present today, but is not here. Ms. Downs stated there were some demolitions this past week, and there will be more presented over the next few weeks; and they are moving forward.

Corporate Counsel Lapaich stated the question is specifically regarding 121 N. Porter Street. Ms. Downs advised Ms. Kubacki is in charge of the abatement and has moved forward with the abatement of the meth portion of the property; continuing that Ms. Kubacki is moving forward.

Discussion ensued between President Janus and Ms. Downs regarding the Board condemning the building a year ago. Ms. Downs replied the only other option is for the City to take the building down, which is very costly. Ms. Downs continued that Ms. Kubacki has presented information that she is moving forward on it.

Skylar York, Assistant Planner, addressed the Board regarding the denial of the request to make improvements to the trail on Warren Road; advising he has since spoken with the Mayor and City Planner, Craig Phillips regarding this, and they would like to put this back on the Pending Item list to revisit it.

Corporate Counsel Lapaich stated the Planning Department did deny the request, advising the Planning Department can put this back on the Board’s Agenda when they are ready to present it.

Mr. York stated he would do that.

PUBLIC COMMENTS

Present Janus asked if there were any public comments.

Mr. Joshua Cox, Carra Builders and the Hardees that is going in on 5223 Franklin Street, addressed the Board asking for approval of a street closure to patch a cut that was made to connect the sanitation on Village Road; commenting on the map with the detour depicted that
he provided; stating the weather will dictate when they can actually patch the street; advising they will need a two (2) day closure to allow the concrete to cure.

Discussion ensued between Corporate Counsel Lapaich and Mr. Cox regarding what street needs to be closed. Mr. Cox advised it would be Village Road.

Discussion continued between President Janus, Corporate Counsel Lapaich and Mr. Cox regarding the time frame for the work. Mr. Cox stated the window they are looking at would be January 25, 2019 thru January 30, 2019 to start the patch work, which would be two (2) days of work weather permitting in that time frame and once they actually begin the street closure would actually be a two (2) day closure.

President Janus suggested the Board give them a two (2) week window. Corporate Counsel Lapaich agreed.

Charles “Spike” Peller, City Engineer, addressed the Board suggesting the possible closure of one (1) lane at a time, that way the road would stay open for residents of that area.

Further Discussion ensued with the Board and the City Engineer regarding this, and the motion to approve containing “weather permitting”.

Corporate Counsel Lapaich advised Mr. Cox that the Certificate of Liability needed to match what the Board’s policy states, and at this time the certificate does not name the City of Michigan City as an additional insured and does not contain the additional language that is required; advising he would need to submit an updated Certificate of Insurance immediately that contains all that information; advising he could stop by the Clerk’s Office after the meeting to get that information, and that work cannot start until that is received.

Virginia Keating made the motion to approve the request from Carra Builders for the closing of Village Road to permanently patch the street cut that was made on 12/17/2018; period weather permitting would be 01/25/2019-01/30/2019, and the method would be to close ½ of the street at one time to repair that and then close the other half; in addition the City needs the updated Certificate of Insurance. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion carries.

President Janus asked if there were any other public comments; there was no response.

BOARD COMMENTS

President Janus asked if there were any Board comments; there was no response.

ADJOURNMENT

Vice-President President Janus stated as there were no other items on the agenda to be considered by the Board at this time, declared the meeting ADJOURNED (approximately 9:31 a.m.). Virginia Keating made the motion to adjourn. The motion was seconded by Rich Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: (0). Motion Carries.