A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich, Corporate Counsel
Captain Jeff Loniewski, M.C.P.D. Traffic Division
John Gorczyca, M.C. Sanitary District
Charles "Spike" Peller, City Engineer
Skyler York, Assistant City Planner
Sue Downs, Code Enforcement / Building Commissioner
Kalon Kubik, Mayor’s Administrator
Paul Ruane, Associate Planner
Christine Vanderborg, Code Enforcement
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 22, 2019 and the Executive Session minutes of January 22, 2019.

Vice-President Murphy made the motion to approve the minutes from the January 22, 2019 Regular meeting and the Executive Session minutes of January 22, 2019. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

REQUEST TO PURCHASE CITY PROPERTY – Angel Scherrbaum, 517 Highland Avenue, is requesting to purchase City property located next to 817 Buffalo Street – parcel # 46-01-29-382-013.000-022

Angel Scherrbaum, 517 Highland Avenue, addressed the Board advising she owns the property at 817 Buffalo Street, and that her family has cared for the lot for 30+ years; explaining previously a family member did own the property, and around 2003 the City acquired it; asking the Board to let her purchase the property.

Corporate Counsel Lapaich addressed the Board explaining this would need to be put out to bid; continuing to explain she would go to all the department heads to see if there are any objections to the sale; advising she has already taken the initiative to reach out to the department heads and they all responded, and the answer is the departments are o.k. with
putting this piece of property up for sale; stating the City acquired the property around 2010 by virtue of the LaPorte County Commissioners deed; continuing with approval by this Board she will prepare the bid document and bring it before the Board at the next meeting on February 19, 2019, so the Board can set the reserves and approve the bid documents.

Discussion ensued between Ms. Scherrbaum, Corporate Counsel Lapaich and President Janus regarding the process for the sale of city property.

Discussion continued between President Janus and Corporate Counsel Lapaich regarding the process. Corporate Counsel Lapaich stated she would need to prepare the bid documents, which the Board will need to approve; along with setting the reserve price and then publish notification, and give notice to the adjacent land owners; continuing the information will be included in all the documents, and the Board will formally announce the bid award the second meeting in March; assuming all the bid documents are ready and approved at the next meeting.

Further discussion ensued between President Janus and Corporate Counsel Lapaich regarding if a vote was needed on this item. Corporate Counsel Lapaich stated a vote was not needed at this time; and she will prepare the bid documents and they can be put on the next agenda for approval.

REQUEST TO PURCHASE CITY PROPERTY – Mark Valudos, 8235 Preston Road, Suite 423, Dallas TX, is requesting to purchase City property located on Fogarty Street – parcel# 46-01-21-361-005.000-022

Rob Hart, 100 Anchor Road, addressed the Board on behalf of Mr. Valudos, to answer any questions the Board may have regarding this request.

Corporate Counsel Lapaich addressed the Board and Mr. Hart explaining this piece of property has already been bid out twice (2x’s) in previous years; advising this property does not meet the exception that the last property did; commenting on the process for the sale of Buffalo Street; explaining this property would follow the general rule where two (2) appraisals are needed, and that the Common Council has already given permission a few years ago for the Board to sell this property; continuing that she is seeking feedback again from the departments and is still waiting on a few departments to provide their feedback on this, and if they still agree that it should be put out for bid again; advising the Board of her reservations and the need for new appraisals as the last appraisals were done in 2014; further advising this matter should be placed on the Pending Item List, so that she can finish her research.

President Janus advised Mr. Hart they will start the process.

Discussion ensued between Mr. Hart and Corporate Counsel Lapaich regarding how the process will proceed. Corporate Counsel Lapaich advised at the next Board meeting she will advise the Board on whether or not she has received all the feedback from the departments; and if it is a “yes” her recommendation will be to get new appraisals; further advising Mr. Hart to follow the Board meetings or he can reach out to her secretary.

Virginia Keating made the motion to place this matter on the Pending Item list. 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.
CONTRACT APPROVAL REQUEST – Contract by and between the City of Michigan City and Global Engineering and Land Surveying, LLC for professional engineering, surveying and related services – effective January 1, 2019

Charles “Spike” Peller, City Engineer, addressed the Board stating this is similar to last year’s contract with Global, who does design and construction management of many of the City’s projects; stating he believes Corporate Counsel Lapaich has reviewed the contract, which is not to exceed $484,000.00.

Corporate Counsel Lapaich addressed the Board advising the contract is exactly the same as last year with different dates.

Virginia Keating made the motion to approve the contract between the City of Michigan City and Global Engineering and Land Surveying, LLC for professional engineering, surveying and related services-effective January 1, 2019 for the year 2019 as per the agreement the not to exceed price is $484,000.00. The motion was seconded by Vice-President Rich Murphy and carried as follows:  AYES: MEMBERS Janus, Murphy and Keating (1). NAYS: None (0). Motion Carries.

APPROVAL OF RULES/SIGNAGE – Shannon Eason, Assistant Superintendent, Michigan City Park Department, is requesting approval of signage of trail rules for the Singing Sands project – Phase I

Corporate Counsel Amber Lapaich addressed the Board stating Mrs. Eason did send out an email advising she would not be present today, and was under the impression that Craig Phillips, City Planner would be in attendance to address this item; further stating that as part of establishing this trail is that we have rules that go with; explaining the work Mrs. Eason has done devising the rules, and these are just basically setting the trail hours, pets on leashes, no motorized vehicles; further stating that herself and the various city departments have reviewed the rules, as well as our insurance provider, and they recommend approval of the request.

Vice-President Rich Murphy made the motion to approve the rules signage proposed by Shannon Eason for the Singing Sands project. 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 AGREEMENTS – Dan Legler, Energy Savings Group, is requesting approval of the Interconnection Agreement for Level 2 or Level 1 Facilities; along with the Net Metering Agreement for 1201 E. Michigan Boulevard-Michigan City Police Department, for solar panel project

Corporate Counsel Lapaich addressed the Board stating she was not advised that representatives from Energy Savings Group would not be present to address this matter; explaining this is part of the whole energy efficiency that has been approved by the Common Council and this would be for the net metering agreement at both the M.C. Police Department and the M.C. Fire Department Station No. 4; advising she has reviewed the contract and has also had our insurance company review the contracts as there are some requirements for insurance for us, which we have that insurance coverage so it won’t be an issue, but as for the details she was hoping someone from ESG would be here to further explain.

Clerk Neulieb addressed Corporate Counsel Lapaich advising she believed this was going to be addressed at the Council meeting on Tuesday.
Virginia Keating made the motion to place both matters for the M.C. Police Department, 1201 E. Michigan Boulevard and the M.C. Fire Department Station No. 4, 5000 Cleveland Avenue on the Pending Item List. 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.

REQUEST FOR SOLICITATION OF BIDS-APPROVAL OF BID PACKET – Sue Downs, Code Enforcement, is requesting approval to solicit bids for the demolition of 818 W. 7th Street, 116 Combs Street, and 834 Martin Luther King Drive Michigan City, Indiana and approval of bid packet

Sue Downs, Code Enforcement, addressed the Board asking them to approve the three (3) addresses for the solicitation of bids/approval of bid packets; stating the siding has been removed from all three (3) structures for the asbestos; advising they are ready to go with approval from the Board.

President Janus asked Corporate Counsel Lapaich if it would be legal to approve all three (3) at one time. Corporate Counsel Lapaich stated “yes” it would be o.k. to approve all three (3) at one time.

President Janus asked Ms. Downs about the hearing for these properties. Ms. Downs responded that the Board previously held the demolition hearings for all three (3) properties.

Vice President Rich Murphy made the motion to approve the request for solicitation of bids and approval of bid packets for 818 W. 7th Street, 116 Combs Street and 834 Martin Luther King Drive. The motion was seconded by Virginia Keating and carried as follows:  AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

GRIEVANCE DISPOSITION – A resolution of the grievance held in Executive Session on January 22, 2019 – AFSCME

President Janus stated the next item on the agenda is a resolution of the grievance held in Executive Session on January 22, 2019 with AFSCME that included employee #1, which was a driver and employee #2, who was a helper; further stating these need to be voted on each individually.

Virginia Keating made the motion to deny the grievance as to employee #1, the driver, and find in favor of the City; and to affirm the grievance as it applies to employee #2, the passenger, and find against the City in that matter. The motion was seconded by Vice-President Rich Murphy.

President Janus stated if he understands correctly, the Board is denying the appeal for #1, and affirming the appeal for #2.

Mrs. Keating stated that is correct.

Corporate Counsel Lapaich stated that is correct unless the Board wants to handle each one of them separately and do a vote separately on each one.

Mr. Janus agreed to have the motions made separately.

Virginia Keating amended her motion as to employee #1, the driver, to deny the grievance and find in favor of the City. 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.

Virginia Keating made the motion for employee #2, the passenger, to affirm in his favor and deny against the City. 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.

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:

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<thead>
<tr>
<th>Page</th>
<th>Date</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1 of 2</td>
<td>02/01/2019</td>
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<tr>
<td>1 of 10</td>
<td>02/01/2019</td>
<td>$570,050.85</td>
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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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<th>Date</th>
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<tbody>
<tr>
<td>1 of 7</td>
<td>02/04/2019</td>
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</table>

UNFINISHED BUSINESS

Policy for Third Person seeking permission to Horizontally Directionally Drill under any City street, right-of-way, or city owned property

Corporate Counsel Lapaich addressed the Board stating as she informed the Board at the last meeting, after they passed the Horizontal Directional Drill policy she had several of the city departments come to her to add some changes to the policy, like making the Water Department and Sanitary District additional insured, so that they are adequately covered; clarifying that if Water or Sanitary does work they do not need to pay for the permit fee; advising she has updated the policy to include that, and has presented to the Board the final amended agreement; asking the Board to approve the policy that also has the permit attached and all the attachments thereto, and make the amendment effective as of today.

Counsel Lapaich addressed the Board regarding the question they asked at the last meeting regarding the contractor making sure that the landscaping and everything was restored, and it is already in the policy.

Vice-President Rich Murphy made the motion to approve the update to the policy for Third Person seeking permission to Horizontally Directionally Drill under any City street, right-of-
way, or city owned property. The motion was seconded by Virginia Keating and carried as follows: **AYES**: **MEMBERS** Janus, Murphy and Keating (3). **NAYS**: None (0). Motion Carries.

Discussion ensued between the Board and Corporate Counsel Lapaich regarding if a vote was necessary to remove the item from the Pending Item list. Counsel Lapaich advised a vote would resolve this, but it will come off the list, so there is no need for a vote.

**Demolitions**

121 N. Porter Street

Valerie Kubacki, advising she handles the property for Fannie Mae, addressed the Board regarding the property at 121 N. Porter Street advising the property did have “meth” in it; commenting on the process that Fannie Mae takes with regard to properties such as this one; stating they did get the bids in for the “meth” clean up, because they will not demolish until that is cleaned up; advising even though the State of Indiana does not require it, Fannie Mae does; explaining the process with regard to the disposal of the contaminated materials; continuing to advise they are supposed to have the clean up for this on February 25, 2019.

Discussion ensued between Ms. Kubacki and the Board regarding how soon the property would be demolished. Ms. Kubacki stated they have gotten the bids for that, and wanted to find out if there was any possibility of not demolishing the structure; stating they were wanting to get a structural engineer in to check the property; commenting on a vacant lot versus a lot with a structure on it and how this affects the tax roll; further commenting on what needs to be done at this time to make the structure inhabitable, and that they would rather invest in making the structure inhabitable than to demolish it, and sell it; continuing to comment on the matter.

Corporate Counsel Lapaich advised Ms. Kubacki that the Board voted to demolish the structure sometime ago; and the only one that can now over-ride this order would to be go back to the Planning Department, so she would have to work with them and they would have to agree to set it aside.

Discussion ensued between President Janus and Corporate Counsel Lapaich regarding the Board’s vote to demolish the structure and what the State Statute says can be done.

Ms. Kubacki stated she will see about getting a structural engineer to look at the structure and will work with the Planning Department to get the matter cleared up; further advising she is working on this; commenting on the process.

President Janus stated this would remain on the Pending Item List for updates.

**PUBLIC COMMENTS**

Present Janus asked if there were any public comments.

John Chalikian, 609 Franklin Street, addressed the Board regarding the City’s snow removal and the snow being pushed onto his property on Frontage Road for the past six (6) years and what this has done to his property; commenting on wet lands and that the property was not a wet land back when the airport was there; continuing to comment on his conversations with Central Services regarding not placing the snow on his property as it is private property; further commenting on his issues with the city departments with respect to his properties.
Mrs. Kathy Stranski, Barker Avenue, addressed the Board expressing her concerns with the City doing away with the crossing guards at the elementary schools, and having police officers do this; commenting on the streets where children cross and the amount of traffic on those streets, and that there will be occasions when a police officer will not be able to be present to cross the children; asking to get some solar powered school warning signs to place near the schools to warn traffic.

Mrs. Kathy Stranski, Barker Avenue, addressed the Board expressing concerns brought to her attention by parents that there is a school bus that crosses US Hwy 20 and County Line Road going to Pine School and that there is no light at that intersection; asking if a flashing red/yellow light could be installed at that intersection to designate that it is a dangerous intersection.

President Janus advised that is a state highway.

Mrs. Stranski stated she was not sure where to go to address these concern; further expressing her concerns on the matters.

President Janus advised Mrs. Stranski that the City has no control over the school buses or their routes; and that she would need to contact the School Board for this.

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.

President Janus commented that in the past year or so members of the public have approached this Board under Public Comment requesting action by this Board on matters the Board has no control over; further commenting on the matter.

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

ADJOURNMENT

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 8:57 a.m.). Virginia Keating made the motion to adjourn. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: (0). Motion Carries.

_________________________________________
Gale A. Neulieb, City Clerk