REGULAR MEETING – February 19, 2019

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Tuesday morning, February 19, 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 Vice-President Rich Murphy, who presided.

Noted present: Richard Murphy and Virginia Keating (2) Absent: Steve Janus (1)

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich, Corporate Counsel
John Gorczyca, M.C. Sanitary District
Arber Himaj, District Engineer
Charles “Spike” Peller, City Engineer
Abigale Thayer Kuchta, Special Events/Rec. Coordinator
Shannon Eason, Assistant Superintendent, Park Department
Skyler York, Assistant City Planner
Sue Downs, Code Enforcement / Building Commissioner
Paul Ruane, Associate Planner
Jerry Daniels, Electrical Inspector
Bob Zondor, Superintendent, Central Maintenance

Gale Neulieb, City Clerk
Kim Sliwa, Deputy City Clerk

APPROVAL OF MINUTES

Vice-President Murphy asked if there were any corrections to the minutes of the Regular meeting of February 4, 2019.

Virginia Keating made the motion to approve the minutes from the February 4, 2019 Regular meeting. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

OPENING OF BIDS – Sale of City Property–N. Pleasant Avenue parcel #'s 46-01-27-357-009.000-022 & 46-01-27-357-010.000-022

Corporate Counsel Amber Lapaich addressed the Board explaining one (1) bid was received that was submitted to the Clerk’s Office from Mr. Steven G. Ray; that the bid is in the amount of $500.00, which is significantly less that what the Board set for the reserve, however, Indiana law does allow the City, if they deem it appropriate to award for less than what we had set the bid price at; advising this was property that was acquired by virtue of the forfeiture years ago and that she has checked with the departments, and no one has any interest in this property; stating the Board may recall that Mr. Ray has been to several of
these meetings requesting that this property be sold to him as he would like to rehab; further stating she has no objections to award this to Mr. Ray in the amount of $500.00.

Virginia Keating made the motion to award the bid of the sale of N. Pleasant Avenue, parcel #’s 46-01-27-357-009.000-022 & 46-01-27-357-010.000-022 to Mr. Steven Ray in the amount of $500.00. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

REQUEST FOR 5k/10k WALK-RUN – Christine Kiser, Runnin for Preston, is requesting approval for the annual 5k/10k walk-run on Saturday, September 21, 2019 - 7:55 a.m. to 9:45 a.m.

Christine Kiser, Co-Race Director & Co-President for Runnin for Preston, addressed the Board advising this would be their 8th Annual event; asking the Board to approve the request for the 5k/10k event on Saturday, September 21, 2019 from 7:55 a.m. to 9:45 a.m.; further advising they have secured volunteers from Michigan City and Indiana State Police and Fire personnel, so that there is no additional costs to the City; continuing that the race is for Preston Butcher who was diagnosed with cancer when he was 10 years old; further commenting that all the proceeds go for pediatric cancer research at Riley’s Hospital.

Discussion ensued between Mrs. Kiser and Vice-President Murphy regarding the event/route being the same as last year. Mrs. Kiser stated it was the same route as last year.

Corporate Counsel Lapaich advised the Board that Mrs. Kiser would still need to provide a Certificate of Insurance at the appropriate time as well; asking Mrs. Kiser if she had spoken with the Michigan City Police Department’s Traffic Division.

Mrs. Kiser advised Captain Loniewski is o.k. with the event as he knows they use non-paid personnel, and that everyone is safe.

Virginia Keating made the motion to approve the request for the 5k/10k walk-run – Runnin for Preston on Saturday, September 21, 2019 – 7:55 a.m. to 9:45 a.m.; subject to the submittal of the Certificate of Insurance. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

REQUEST FOR STREET SIGNAGE – Paul Allen, 204 California Avenue, is requesting street signage at the corner of California and Colfax for residence access going west on Colfax and that it is not a through street to Lake Shore Drive

Charles “Spike” Peller, City Engineer, addressed the Board stating he looked at the situation; advising he would recommend the installation of signage as requested to direct Police, Fire and Emergency Services; recommending signage be placed on the back of the west “Do Not Enter” sign, because it is a one-way street, that would have an arrow with a little sign that says “access to 204, 208 and 210 California”; further stating he did not believe a “No Access to Lake Shore Drive” sign was needed; explaining as you approach those addresses there is a sign that points in the direction of where LSD is and, also says it is a private road; further stating he would get with Mr. Zondor of Central Services for this.

Paul Allen, 204 California Avenue, addressed the Board regarding his request; explaining how vehicle traffic is constantly accessing this area with the assumption that they can access Lake Shore Drive; further commenting on the matter.
Mr. Peller stated there is a sign there that states “Private Drive”.

Mr. Allen stated that is correct, but it is clearly overlooked; continuing to comment on the need to address those two (2) areas of confusion, and anything the City can do will help; and that they will try to take care of anything further through the Condo Association.

Discussion ensued between Ms. Keating and Mr. Peller regarding the “Do Not Enter” signs.

Virginia Keating made the motion to approve the request for signage at the northwest corner/on the back of the west “Do Not Enter” sign, an arrow pointing to 204, 208 and 210 California, access to those areas only. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

DRILLING PERMIT REQUEST – PirTano Construction Company is requesting approval for horizontal directional drilling permit application to directional bore and place (1) 2” innerduct underground along the west side of Royal Road crossing under Northern Indiana Commuter Railroad tracks

Charles “Spike” Peller, City Engineer, addressed the Board advising as required the City has received letters from most of the department heads; advising Central Maintenance, Controller, Human Rights, Personnel, Promise Scholarship and the Senior Center have not responded; commenting that perhaps the Board might want to change the rules as some of these departments will never need to respond.

Corporate Counsel Lapaich stated she believed all the critical departments have responded.

Mr. Peller continued to comment on the responses by departments; and that is was up to the Board whether they wanted to allow this; commenting that he would like to recommend, as there is a place for a fee for inspection and that fee be placed at $800.00; continuing to comment on the concern of the Water Department and that he believes that concern has been elevated as they are only drilling under the railroad tracks and everything else is above ground; recommending approval with the $800.00 inspection fee.

Corporate Counsel Lapaich stated the only question she had was about Randy Russell, Michigan City Water Department, concerns being addressed specifically his concern on Royal Road where the cable installation crosses the west side of the roadway to the east side and back again to the west where the cable will terminate near the intersection of Royal Road and Springland Avenue; stating Mr. Russell’s question being “why can’t the entire cable be installed on the west side of the roadway of Royal Road?”

Mr. Peller stated the cable, other than going under the railroad follows existing poles, so they are going to hang the cable on existing poles.

Discussion ensued between Corporate Counsel Lapaich and Mr. Peller regarding if Mr. Peller has addressed those concerns with Mr. Russell. Mr. Peller stated he had not spoken with Mr. Russell, but thought he was o.k. with the request; continuing he didn’t think Mr. Russell originally realized that the only drilling was going to be under the railroad track.

Corporate Counsel Lapaich stated as long as the City Engineer is o.k. with that and has addressed it, that was the only concern and other then that the Board has the feedback from the critical departments; advising that she was not concerned with the Senior Center and the other non-critical departments, and that the critical departments have addressed the issue.
Mrs. Shannon Eason, Assistant Superintendent, Michigan City Park Department, addressed the Board advising the Senior Center response was included in her response to the Board.

Virginia Keating made the motion to approve the drilling permit request from PirTano Construction Company for horizontal drilling permit application to directional bore and place a (1) 2” innerduct underground along the west side of Royal Road crossing under Northern Indiana Commuter Railroad tracks to include a fee for inspection of $800.00, and according to the application the period in which this will take place is construction date of 02/11/2019 thru 04/30/2019. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

REQUEST FOR SOLICITATION OF BIDS – Corporate Counsel Lapaich requests approval for the solicitation of bids for the sale of City property (1 vacant lot) located on Buffalo Street – parcel #46-01-29-382-013.000-022; along with the approval of the Notice of Publication and Bid Form

Corporate Counsel Lapaich addressed the Board explaining there is a resident/adjourning property owner that started out this process who sent a request to the Board on January 24, 2019 wanting to purchase this property; continuing that as this Board knows the City has to bid it out, and this would fall under the special exception where the assessed value is under $15,000.00, so the Board would not have to necessarily get two (2) appraisals; explaining because the assessed value is $4,400.00, she would ask the Board to set the offering price, which the City has historically done at what Beacon’s assessed value is; in addition the Board has also set $100.00 to cover the recording fees and advertising fees as well; requesting approval of the bid documents for the sale of this property; stating the final set selling price at $4,500.00.

Virginia Keating made the motion to approve the solicitation of bids and the bid form for the sale of property, 1 vacant lot located on Buffalo Street – parcel #46-01-29-382-013.000-022, setting the offering price at $4,500.00 and finding the exception exists that it is economically unfeasible to sell the track according to Section 4 of I.C. 36-1-11-5B. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

ADVERTISING PROPOSAL – Abigale Thayer Kuchta, Special Events/Rec Coordinator is requesting approval of an Advertising Proposal with WEFM Radio for 571 thirty second commercials at $7.00 each for a total of $3,997.00

Abigale Thayer Kuchta, Special Events/Rec Coordinator addressed the Board regarding the goal for this years marketing is to keep a really strong focus on local influences here; stating the 1st item on this agenda is for the City’s contract with WEFM Radio for a total of 571 thirty second commercials on their radio station; advising the Marketing Team has submitted a schedule to them, beginning upon the Board’s approval, and they have also set up that the first Tuesday of every month herself along with various departments will be on the air talking about all the things that are happening in Michigan City; asking for approval.

Discussion ensued between Ms. Keating and Mrs. Thayer Kuchta regarding when this would begin. Mrs. Thayer Kuchta responded it would begin upon approval by the Board.

Virginia Keating made the motion to approve the request for advertising with WEFM Radio for 571 thirty second commercials, total sum of $3,997.00 beginning upon approval and ending on 12/31/2019. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.
ADVERTISING PROPOSAL – Abigale Thayer Kuchta, Special Events/Rec Coordinator is requesting approval of the City of Michigan City Branding Team 2019 News Dispatch Marketing Plan – 26 weeks (once per week) $96.00 per week – total $2,496.00

Abigale Thayer Kuchta, Special Events/Rec Coordinator addressed the Board stating the City has a contract with the News Dispatch again with the intent of really focusing on our local influences here; explaining for 26 weeks with one (1) ad per week for 6 months at $96.00 per week; advising this would be a quarter page ad and the ads would cycle through what is happening in Michigan City with various events with our partners promoting Michigan City.

Virginia Keating made the motion to approve the request of the Michigan City Branding Team for the 2019 New Dispatch Marketing Plan, which includes 26 weeks for a total sum of $2,496.00. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

ADVERTISING PROPOSAL – Abigale Thayer Kuchta, Special Events/Rec Coordinator is requesting approval of a Production Contract with Clean Zone Marketing for the production of ads to be displayed on the South Shore Cars – 05/01/2019 thru 08/31/2019 = $2,000.00

Abigale Thayer Kuchta, Special Events/Rec Coordinator addressed the Board explaining there are two (2) items on the agenda from Clean Zone; advising the $2,000.00 is for the advertising itself; explaining the ads would be on several of the South Shore Trains, which the City did last year as well, and this year they will be doing more.

Vice-President Rich Murphy stated it was his understanding that the first item is for the production of the 80 panels and the second is for the display; advising this is the way Clean Zone Marketing billed the City last year, where they create the content and that is one contract; and then the second contract is for the placement from May until August on every South Shore Train.

Mrs. Thayer Kuchta stated that was correct.

Virginia Keating made the motion, first motion, to approve the request for the production contract with Clean Zone Marketing for the production of ads to be displayed on South Shore Train cars from May 1, 2019 through August 31, 2019 in the sum of $2,000.00 and that is for the production of 80 panels; the second she would include in this motion is for the display of the panels on all South Shore Trains from May 1, 2019 through August 31, 2019 in the sum of $7,040.00 and that is also with Clean Zone Marketing. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

Vice-President Murphy stated the Board approved both the creation of the content and the advertising fee.

REQUEST FOR STREET CLOSURE – Abigale Thayer Kuchta, Special Events/Rec Coordinator is requesting the closure of the following – intersections closed for duration of parade would be 5th, 6th, 7th, 9th and 10th Street on Washington Street; along with all intersections from 10th Street to Ames Field on Franklin Street for the annual Patriotic Parade on Saturday, June 29, 2019 from 7:00 a.m. to 2:00 p.m.

Abigale Thayer Kuchta, Special Events/Rec Coordinator addressed the Board asking for approval of the proposed street closures for the annual Patriotic Parade on Saturday, June
29, 2019 from 7:00 a.m. to 2:00 p.m.; explaining the street closures are the same as last year and that Captain Jeff Loniewski of the Michigan City Police Department Traffic Division is in support of the request.

Virginia Keating made the motion to approve the request for street closure for June 29, 2019 from 7:00 a.m. to 2:00 p.m. for the annual Patriotic Parade; the closures would be 5th, 6th, 7th, 9th and 10th Street on Washington Street; along with all intersections from 10th Street to Ames Field on Franklin Street. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

Memorandum of Understanding – Shannon Eason, representing the Michigan City Public Art Committee is requesting approval of the Memorandum of Understanding between Artist and Michigan City Public Art Committee for Display of Artwork on City-Owned Property

Cynthia McKean – Libretto – southwest corner of 5th and Franklin Streets
Jim Collins – Bear Family – Washington Park Zoo entrance
Janet Austin – Waterbird – southeast corner of 5th and Franklin Streets
Gary Kulak – Whoa – northwest corner of 8th and Franklin Streets

Corporate Counsel Lapaich addressed Ms. Eason asking if these were just extending the contracts for the sculptures that are presently there?

Shannon Eason, representing the Michigan City Public Art Committee, addressed the Board stating “that’s correct”; advising the current leases are for the next four (4) items on the agenda expire on July of 2019 and they would like to renew them for another two (2) year period at a price of $1,500.00 per piece per year.

Vice-President Murphy stated he would read the items that would be subject to renewal and then the Board would make one (1) motion to cover them all; Display of Artwork on City-Owned Property Cynthia McKean – Libretto – southwest corner of 5th and Franklin Streets; Display of Artwork on City-Owned Property by Jim Collins – Bear Family – Washington Park Zoo entrance; Display of Artwork on City-Owned Property by Janet Austin – Waterbird – southeast corner of 5th and Franklin Streets; Display of Artwork on City-Owned Property by Gary Kulak – Whoa – northwest corner of 8th and Franklin Streets.

Virginia Keating made the motion to approve the Memorandum of Understandings for the following renewal period of 07/26/2019 thru 07/25/2021; all of these are subject to payments of $1,500.00 per year for a total of $3,000.00; those items are to begin with Cynthia McKeain, artist, Libretto – southwest corner of 5th and Franklin Streets; Jim Collins, artist, Bear Family – Washington Park Zoo entrance; Janet Austin, artist, Waterbird – southeast corner of 5th and Franklin Streets; Gary Kulak, artist, Whoa – northwest corner of 8th and Franklin Streets. The motion was seconded by Vice-President Rich Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

CONTRACT APPROVAL – Andrea Smith, Personnel Director, is requesting approval of the contract for the City of Michigan City Employee Assistance Program (EAP) with New Avenues – effective January 1, 2019 thru December 31, 2019

Corporate Counsel Amber Lapaich addressed the Board explaining this would just be the renewal of the City’s annual contract with New Avenues; advising there is no change from last year, and this would govern the City’s Employee Assistance Program that is available to
Virginia Keating made the motion to approve the contract for the Employee Assistance Program with New Avenues, effective January 1, 2019 thru December 31, 2019; this is a renewal of the annual contract; the cost is unchanged; the cost is $2.25 per employee per month. The motion was seconded by Vice-President Rich Murphy and carried as follows:

AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

**CONTRACT APPROVAL REQUEST** – Contract for the City of Michigan City for 2019 Engineering Services Contract with Haas & Associates, LLC for professional engineering, surveying and related services – effective January 1, 2019 - not to exceed $300,000.00

Charles “Spike” Peller, City Engineer, addressed the Board stating this is an on-going contract the City has with Haas & Associates; advising the money is coming from the Council’s appropriation for streets and sidewalks; explaining basically what Haas & Associates, LLC will be performing for the City is designing some of these works, some of which may be part of the Community Crossing Project; further commenting on the matter and that the Attorney has reviewed this contract; asking for approval.

Virginia Keating made the motion to approve the contract for the City of Michigan City for 2019 Engineering Services with Haas & Associates, LLC, effective January 1, 2019, not to exceed $300,000.00. The motion was seconded by Vice-President Rich Murphy and carried as follows:

AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

**REQUEST TO REMOVE N.I.P.S.CO. LIGHT & POLES** – Charles “Spike” Peller, City Engineer, is requesting approval for the removal of 13 N.I.P.S.Co. owned street lights in the parking lot of the Michigan City Senior Center as requested by Dan Legler of E.S.G. (Energy Savings Group)

Charles “Spike” Peller, City Engineer, addressed the Board regarding his request; advising this is part of the on-going program with the City and E.S.G. to minimize the City’s cost for electricity, heating and ventilating; further commenting on the work that has been done at the Michigan City Sanitary District changing out the blowers; referring to his request and the 13 lights and poles they would like to have retired.

Virginia Keating made the motion to approve the request to remove N.I.P.S.Co. lights and poles in the parking lot of the Michigan City Senior Center that being 13 poles. The motion was seconded by Vice-President Rich Murphy and carried as follows:

AYES: MEMBERS Murphy and Keating (2). 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 Murphy and Keating (2). 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

Mark Valudos/Rob Harte, purchase of City property on Fogarty Street.

Corporate Counsel Amber Lapaich addressed the Board stating she has checked with all the City departments; advising they are all o.k. with putting Fogarty Street up for sale again; however; she needs updated appraisals; explaining it has been several years since the Board had gotten appraisals; asking the Board for permission to get two (2) new appraisals on the property.

Virginia Keating made the motion to approve the request to get updated appraisals on this property. The motion was seconded by Vice-President Rich Murphy and carried as follows:

AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

Vice-President Murphy stated Dan Legler, Energy Savings Group, was TABLED on February 4, 2019.

Corporate Counsel Amber Lapaich addressed the Board stating Mr. Legler had reached out to her advising he could not be present for this meeting today but asked if the Board would TABLE it again until the March 4, 2019 meeting and keep it on the pending list.

Discussion ensued between Corporate Counsel Lapaich and Vice-President Murphy regarding keeping this on the pending item list. Corporate Counsel Lapaich advised it could just be kept on the list.

Vice-President Murphy stated the next item is the demolition of 121 N. Porter Street; stating the representative was present at the last meeting, and that there is no update on this property at this time.

PUBLIC COMMENTS

Vice-Present Murphy asked if there were any public comments.
Corporate Counsel Amber Lapaich addressed the Board stating she did have a request, stating she was sorry it did not make the agenda; stating she would ask for permission for approval for “on-call” legal services; explaining she has three (3) firms who would be interested in assisting her as needed throughout the year on various matters, which could be areas of expertise that she might need to draw from, certain things that might arise, nothing in particular, but she would like to have everyone on stand-by so she is not rushing when the time would come; further explaining the firms she has reached out to that would be interested in assisting her would be Newby Lewis Kaminski Jones, LLP, Johnson & Bell, and Attorney John Espar; continuing to explain she would like a “pool” just in case attorney’s have conflicts, things arise where they cannot assist based on those conflicts; further commenting on the matter; asking permission to approve those three (3) firms, and she would get the Board their engagement letters.

Virginia Keating made the motion to approve the request for a “pool” of three (3) legal firms; those being Newby Lewis Kaminski Jones, LLP, Johnson & Bell, and Espar & Associates to be as needed “on-call” as needed. The motion was seconded by Vice-President Rich Murphy and carried as follows: **AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.**

Vice-President Murphy asked if there were any other public comments; there was no response.

**BOARD COMMENTS**

Vice-President Murphy asked if there were any Board comments; there was no response.

**ADJOURNMENT**

Vice-President Murphy stated as there were no other items on the agenda to be considered by the Board at this time, declared the meeting ADJOURNED (approximately 9:03 a.m.). Virginia Keating made the motion to adjourn. The motion was seconded by Vice-President Rich Murphy and carried as follows: **AYES: MEMBERS Murphy and Keating (2). NAYS: (0). Motion Carries.**

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Gale A. Neulieb, City Clerk