REGULAR MEETING – May 20, 2019

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, May 20, 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: Rich 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
Kalon Kubik, Administrator, Mayor’s Office
Charles “Spike” Peller, City Engineer
Christine Vanderborg, Code Enforcement
Bob Zondor, Superintendent, Central Services/Maintenance
Paul Ruane, Associate Planner
Kevin Urbanczyk, Assistant Chief, M.C.P.D.
Randy Novak, Fire Chief, M.C.F.D.
Shannon Eason, Assistant Park Superintendent
Gale Neulieb, City Clerk
Dawn Debald, Assistant Deputy Clerk

APPROVAL OF MINUTES

Vice-President Murphy asked if there were any corrections to the minutes of the Regular meeting of May 6, 2019, and the Special Meeting on May 10, 2019.

Virginia Keating made the motion to approve the minutes from the May 6, 2019 Regular meeting, and the Special meeting on May 10, 2019. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

AWARDING OF BID – 609 Benton Street

Corporate Counsel, Amber Lapaich addressed the Board stating Smith & Sons Excavating, Inc. was the lowest most responsive bidder in the amount of $7,500.00; recommending approval.

Virginia Keating made the motion to approve the awarding of the bid for 609 Benton Street to Smith & Sons Excavating, Inc. in the sum of $7,500.00. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.
REQUEST FOR PARADE PERMIT AND STREET CLOSURE – Sergeant Chris Yagelski, M.C.P.D., is requesting the closure of Franklin Street from 8th Street to 4th Street and 7th Street from Washington to Pine Streets for the 5th Annual Michigan City Kiddie Parade on Saturday, June 22, 2019 from 12:00 p.m. – 4:00 p.m.

Kevin Urbanczyk, Assistant Chief, M.C.P.D., addressed the Board stating this is an annual event; recommending approval.

Virginia Keating made the motion to approve the request for the parade permit and street closure of Franklin Street from 8th Street to 4th Street and 7th Street from Washington to Pine Streets for the 5th Annual Michigan City Kiddie Parade on Saturday, June 22, 2019 from 12:00 p.m. – 4:00 p.m.; and approval to restrict parking from 12:00 p.m. – 3:30 p.m. on Pine and Washington Streets. The motion was seconded by Vice-President Murphy and carried as follows:  AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

MICHIGAN CITY FARMER’S MARKET AGREEMENT – Abigale Thayer-Kuchta, Event Coordinator, is requesting approval of the 2019 Farmer’s Market Agreement between the City of Michigan City and the following Vendor's:

- Kim Kadis & Devona Peace
- Jill Grabowski
- Kimberly Grosse – Sevick Gardens
- John Cataldo – Bruno Ardore Pizza

Corporate Counsel, Amber Lapaich, addressed the Board stating she reviewed the agreements and the Certificates of Insurance and they are acceptable; advising they will be tabling Jill Grabowski’s agreement to the next meeting on June 3, 2019.

Virginia Keating made the motion to approve the request for the Farmer’s Market Agreements from Abigale Thayer for Kim Kadis & Devona Peace, Kimberly Grosse – Sevick Gardens and John Cataldo – Bruno Ardore Pizza; and to table the matter concerning Jill Grabowski. The motion was seconded by Vice-President Murphy and carried as follows:  AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

REQUEST FOR RUMBLE STRIPS – Councilman Bryant Dabney, 405 Thomas Street, is requesting the placement of rumble strips for public safety on Walker Street going east/west to alert drivers of upcoming stop sign at the intersection of Walker and Grace Street

Councilman Bryant Dabney, 405 Thomas Street, addressed the Board regarding his request.

Steve Wilson, 711 Walker Street addressed the Board with his views and concerns regarding this request.

Charles “Spike” Peller, City Engineer, addressed the Board stating he has no problem with this request; advising he will add it to the paving marking contract.

Virginia Keating made the motion to approve the request for rumble strips on Walker Street going east/west to alert drivers of the upcoming stop sign at the intersections of Walker and Grace Street; advising this matter is to be added to the pavement marking contract. The motion was seconded by Vice-President Murphy and carried as follow:  AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.
AMENDMENT TO SERVICE AGREEMENT – Chief Randy Novak, M.C.F.D., is requesting approval to the 2019 Service agreement by Public Safety Medical (PSM) for the Fire Department physical exams

Chief Randy Novak, M.C.F.D., addressed the Board stating they have added a mandatory pulmonary function test to the agreement; advising this test is mandated by OSHA; asking for approval.

Virginia Keating made the motion to approve the amendment to the service agreement for the Michigan City Fire Department by Public Safety Medical (PSM) for the physical exams. The motion was seconded by Vice-President 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- Artist -Ruth Aizuss Migdal; in the amount of $3,000.00 (located at the Skate Park at Route 12 and Willard Avenue)

Virginia Keating made the motion to approve the Memorandum of Understanding between the Michigan City Public Art Committee and Artist Ruth Aizuss Migdal for the sculpture “Ascending” to be placed at the Skate Park at Route 12 and Willard Avenue from 06/22/19 thru 06/22/21; in the sum of $3,000.00; advising this sculpture will replace “Faust” which will move to the 1st landscaped Island south of 4th Street in front of Neif Dimensions (midblock 4th and 5th Streets). The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion Carries.

Discussion ensued between Vice-President Murphy and Virginia Keating regarding if all four (4) Memorandums are for similar time frames. Ms. Keating responded yes. Vice-President Murphy asked Ms. Keating to amend her motion to include the next three (3) Memorandum of Understandings.

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- Artist – Fischer Stolz; in the amount of $3,000.00 (located at the corner of Michigan Boulevard and Route 12)

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- Artist – Sunny Han; in the amount of $3,000.00 (located at the corner of Northwest corner 9th and Franklin Street)

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- Artist – Charles Pilkey; in the amount of $3,000.00 (located at the corner of 7th and Franklin Street)
Virginia Keating amended her motion to include the Memorandum of Understanding between the Michigan City Public Art Committee and Artist Fischer Stolz for the sculpture "Clairvoyance" to be placed at the corner of Michigan Boulevard and Route 12 from 06/22/19 thru 06/22/21; in the sum of $3,000.00; also the Memorandum of Understanding between the Michigan City Public Art Committee and Artist Sunny Han for the sculpture "Crystal Effect" to be placed at the Northwest corner of 9th and Franklin Street from 06/22/19 thru 06/22/21; in the amount of $3,000.00; and the Memorandum of Understanding between the Michigan City Public Art Committee and Artist Charles Pilkey for the sculpture "Motor City" to be placed at 7th and Franklin Street from 06/22/19 thru 06/22/21; in the sum of $3,000.00; advising this sculpture will replace "Fifth Circle" which is moving to the Northwest corner of 6th and Franklin Street; also approving the donation of "Scarff" a gift sculpture that will be placed at the Northwest corner of 9th and Wabash Street (Barker Mansion). The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Murphy and Keating. 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 second 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:

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<th>Page</th>
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<tr>
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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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UNFINISHED BUSINESS

Vice-President Murphy stated the first item on the Pending Item List is addition of 30 MPH speed limit signs – South Gate neighborhood – requested by Captain Jeff Loniewski.

Located at: Village Road and Franklin Street; Village Road and Ohio Street; Southwind Drive and Ohio Street; South Court and Ohio Street; Southwind Drive and Kieffer Road.

Robert Zondor, Superintendent, Central Maintenance, addressed the Board stating this has been completed.
Virginia Keating made the motion to remove this item from the pending items/unfinished business list. The motions were seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion carries.

Vice-President Murphy stated the next item on the Pending Item List is Employee Payroll Deductions – Kris Pate, United Way of LaPorte County, is requesting modification of the City policy regarding employee payroll deductions for United Way contributions.

Vice-President Murphy stated the Controller’s Office is still in the process of researching this matter; stating he will have an update when they have completed the research; recommending this item stay on the pending items/unfinished business list.

Vice-President Murphy stated the next item on the Pending Item List is a request for John Ryszka, The Rising Phoenix Gallery, LLC, is requesting the closure of the sidewalk along Franklin and DeWolf Streets for sidewalk sales on Sundays starting on May 19, 2019 thru October 27, 2019 from 10:00 a.m. till 2:00 p.m.

John Ryszka, The Rising Phoenix Gallery, addressed the Board stating he worked with Skyler York, Assistant City Planner to put together a plan and address concerns.

Corporate Counsel, Amber Lapaich stated Mr. York did approve this.

Charles “Spike” Peller, City Engineer, addressed the Board stating he has reviewed the sketch and it is ADA Compliant; recommending approval.

Virginia Keating made the motion to approve the request from John Ryszka, The Rising Phoenix Gallery for sidewalk sales along Franklin and DeWolf Streets from May 2019 thru October 2019; and removing this matter from the pending item/unfinished business list. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion carries.

Vice-President Murphy stated the next item on the Pending Item List is a request for Signage – James Tomcheck, St. Paul Lutheran School, is requesting a “school zone speed limit sign(s) fifteen (15) MPH when children are present” posted for child safety on 8th, 9th and Pine Street.

Kevin Urbanczyk, Assistant Chief, M.C.P.D., addressed the Board stating he has no update; advising Captain Jeff Loniewski will provide an update at the next meeting on June 3, 2019.

Vice-President Murphy stated the next item on the Pending Item List is a request for use of City Streets – Julie McGinnis and Shellie Kermin, Pedal Pub Michiana, is requesting permission to be allowed to operate on the streets of Michigan City from May 2019 thru December 2019 from 9:00 a.m. – 10:00 p.m.

Corporate Counsel, Amber Lapaich addressed the Board stating the Planning Department and M.C.P.D. met last week; advising they have questions and have referred them to her office; explaining she is still researching this and not ready to make a decision one way or the other at this point in time.
Vice-President Murphy stated the next item on the Pending Item List is a request for the sale of Fogarty Street Property – Parcel #460121361005000022 (this was tabled from the last meeting)

Corporate Counsel, Amber Lapaich addressed the Board stating at the last meeting there were remonstrators who indicated they were against the sale of Fogarty Street; explaining the Board tabled the matter for further consideration and review; advising the Board can move forward with the sale of the property or remove it from sale.

Craig Phillips, Planning Director, addressed the Board stating there has been some confusion regarding this matter and he is recommending the postponement of the sale of this property; advising there needs to be more communications with the neighborhood.

Discussion ensued between Vice-President Murphy, Virginia Keating and Mr. Phillips regarding this item staying on the pending items list for six (6) months.

Virginia Keating made the motion to keep this item on the pending items list for six (6) months or whenever the meeting is six (6) months from now. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Murphy and Keating (2). NAYS: None (0). Motion carries.

Vice-President Murphy stated the next item on the Pending Item List is a request for Sean Fitzpatrick – request for street lights on Pahs Road for pedestrian safety

Charles “Spike” Peller, City Engineer addressed the Board stating he is still researching this; advising they are in negotiations with the County; this will be revisited at the next Board of Public Works and Safety meeting on June 3, 2019.

Vice-President Murphy stated the next item on the Pending Item List is a request for the order to demolish 111 Franklin Street

This item was continued for 60 days; will be revisited at the Board of Public Works and Safety meeting on July 1, 2019.

Vice-President Murphy stated the last item on the Pending Item List is +WeCreate Media-Marketing Contract for 2019 – the 60-day update will be on the July 1, 2019 at the B.O.W. meeting.

PUBLIC COMMENTS

Vice-President Murphy asked if there were any public comments.

Craig Phillips, Planning Director addressed the Board stating at the Special meeting on May 10, 2019 the Board approved the closure of parking spaces and the sidewalk from 7th Street to the alley adjacent to 711 Franklin Street; advising when work was done to remove some of the masonry on 709 Franklin Street it appears to have weakened the wall unexpectantly; explaining he is requesting an emergency extension of the closure that was initially approved (dates May 12-17, 2019 for stone removal & May 27th – June 7th, 2019 for demolition) to fill in the gap of time between May 17th and May 27th, 2019.
Virginia Keating made the motion to extend the time for the work to be done; closing the parking and the sidewalk on the west side of Franklin Street at 7th Street and the alley at 711 Franklin Street; the location of work being done is at 709 Franklin Street. The motion was seconded by Vice-President Murphy and carried as follows: **AYES: MEMBERS Murphy and Keating (2). NAYS: (0). Motion Carries.**

**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 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 Murphy and Keating (2). NAYS: (0). Motion Carries.**

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Gale A. Neulieb, City Clerk