REGULAR MEETING – July 1, 2019

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in\nREGULAR SESSION on Monday morning, July 1, 2019, at the hour of 8:30 a.m., in the\nCouncil Chambers, in the City Hall Building, located at 100 East Michigan Boulevard,\nMichigan City Indiana – a regular meeting room of this Board.

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

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

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich, Corporate Counsel
Charles “Spike” Peller, City Engineer
Shannon Eason, Assistant Park Superintendent
Chief Randy Novak, M.C.F.D.
John Gorczyca, M.C. Sanitary District
Abigale Thayer Kuchta, Event Coordinator
Robert Zondor, Superintendent Central Maintenance
Sue Downs, Building Commissioner
Skyler York, Assistant City Planner
Kalon Kubik, Mayor’s Administrator
Gale Neulieb, City Clerk
Dawn Debald, Assistant Deputy Clerk

APPROVAL OF MINUTES

President Janus asked if there were any corrections to the minutes from the Regular meeting of June 17, 2019 and the Executive Session held on June 17, 2019.

Vice-President Murphy made the motion to approve the minutes from the Regular meeting of June 17, 2019 and the Executive Session meeting on June 17, 2019. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: (0). Motion Carries.

CONTRACT APPROVAL – Tom Weinmann, Haas & Associates, is requesting approval of the Construction Contract for the 2019 City Wide Pavement Repair Project between the Michigan City Board of Public Works and Safety and Rieth-Riley Construction Company, Inc. in the amount of $104,200.00

Corporate Counsel, Amber Lapaich addressed the Board asking for approval of the Construction Contract with Rieth-Riley Construction Company, Inc. in the amount of $104,200.00; recommending the award is subject and contingent to a change order to reduce it to what the budget is for the project which is $100,000.00.
Virginia Keating made the motion to approve the contract for the 2019 City Wide Pavement Repair Project between the City of Michigan City Board of Public Works and Safety and Rieth-Riley Construction Company, Inc. contingent on a change order being submitted to the budget amount of $100,000.00. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: (0). Motion Carries.

CONTRACT APPROVAL – Tom Weinmann, Haas & Associates, is requesting approval of the Construction Contract for the 2019 City Wide Sidewalk Repair Project between the Michigan City Board of Public Works and Safety and Walsh & Kelly, Inc. in the amount of $375,661.00

Corporate Counsel, Amber Lapaich addressed the Board asking for approval of the Construction Contract with Walsh & Kelly, Inc. in the amount of $375,661.00; stating this project also exceeds what the budget is set at; recommending the award is subject and contingent to a change order to reduce it to what the budget is for the project which is $275,000.00.

Vice-President Murphy made the motion to approve the contract for the 2019 City Wide Sidewalk Repair Project between the City of Michigan City Board of Public Works and Safety and Walsh & Kelly, Inc. contingent on a change order being submitted to the budget amount of $275,000.00. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: (0). Motion Carries.

CONTRACT APPROVAL – Tom Weinmann, Haas & Associates, is requesting approval of the Construction Contract for the 2019 Community Crossings Matching Grant (CCMG) Eastport Resurfacing project between the Michigan City Board of Public Works and Safety and Walsh & Kelly, Inc. in the total amount of $95,763.50

• Division 1- Pleasant Avenue from Michigan Boulevard to Holliday Street - $44,087.00
• Division 2- Ridgeland Avenue from Michigan Boulevard to Holliday Street- $51,676.50

Corporate Counsel, Amber Lapaich addressed the Board recommending approval of the Construction Contract with Walsh & Kelly, Inc. in the total amount of $95,763.50 – Division 1 and Division 2.

Virginia Keating made the motion to approve the contract for the 2019 Community Crossings Matching Grant (CCMG) Eastport Resurfacing Project between the City of Michigan City Board of Public Works and Safety and Walsh & Kelly, Inc. for both Division 1 and Division 2 in the total sum of $95,763.50. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

CONTRACT APPROVAL – Martin Bobcek, Global Engineering and Land Surveying, is requesting approval of the Construction Contract for the 2019 Michigan City Grant Paving Project – Community Crossings Matching Grant (CCMG) between the Michigan City Board of Public Works and Safety and Rieth-Riley Inc. in the total amount of $1,860,690.91
• Division 1 – Springland Avenue from IN-212 to Royal Road- $476,591.99
• Division 2 – Tall Timbers Drive from Springland Avenue to South Dead End- $112,153.59
• Division 3 – Tall Timbers from Tall Timbers Drive to West Dead End-$71,793.43
• Division 4 – Willow Springs Drive from Springland Avenue to South Dead End- $99,166.14
• Division 5 – Willow Springs Drive from Willow Springs Drive to West Dead End- $65,592.06
• Division 6 – White Birch Drive from Tall Timbers Drive to Willow Springs Drive- $91,990.21
• Division 7- Barker Avenue from West Dead End to Woodland Avenue-$761,254.55
• Division 8 – Vail Street from Michigan Boulevard to Springland Avenue-$182,148.94

Corporate Counsel, Amber Lapaich addressed the Board recommending approval of the Construction Contract with Rieth-Riley Construction Company, Inc. in the total contract amount of $1,860,690.91 – Division 1-8.

Vice President Murphy made the motion to approve the contract for the 2019 Michigan City Grant Paving Project – Community Crossing Matching Grant (CCMG) between the City of Michigan City Board of Public Works and Safety and Rieth-Riley Construction Company, Inc. for Divisions 1-8 in the total sum of $1,860,690.91. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

OPENING OF BIDS – Demolition of 816 Pine Street

President Janus asked if there was anyone present wishing to render a bid at this time; there was no response.

Virginia Keating made the motion to close the acceptance of bids for the demolition of 816 Pine Street. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

Corporate Counsel, Amber Lapaich addressed the Board advising two (2) sealed bids were received as follows:

- Actin Contracting, LLC. $13,700.00
- Chem Check, Inc. $10,780.00

Virginia Keating made the motion to refer the bids for the demolition of 816 Pine Street to the appropriate City Departments for their review and recommendation at the next meeting on July 15, 2019. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

Discussion ensued between President Janus and Corporate Counsel, Amber Lapaich regarding who can make changes to the Demolition process. Counsel Lapaich recommended President Janus speak to Sue Downs, Building Commissioner, regarding the status of the demolitions and where the City is at with them.
REQUEST FOR STREET CLOSURE – Jessica O’Brien, The Salvation Army of Michigan City is requesting the closure of Springland Avenue between Karwick Road and Carroll Avenue that includes portions of Pottawatomie Park for the 3rd Annual Red Shield Run 5K on Saturday, October 12, 2019 from 7:00 a.m. – 10:00 a.m.

Jessica O’Brien, The Salvation Army of Michigan City addressed the Board stating this is the same route that was used the last two (2) years; advising she will contact the Insurance Company to get an updated Certificate of Insurance.

Captain Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating this is the same route that has been used the last (2) years; recommending approval.

Vice-President Murphy made the motion to approve the request for street closure of Springland Avenue between Karwick Road and Carroll Avenue that includes portions of Pottawatomie Park for the 3rd Annual Red Shield Run 5K on Saturday, October 12, 2019 from 7:00 a.m. – 10:00 a.m. contingent on the receipt of the updated Certificate of Insurance. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

CERTIFICATE APPROVAL- William McLinden, Dunescape at Beachwalk, LLC. is requesting approval of the proposed amended Administrative Resubdivision of the Whisper Dunes (Secondary Plat) located in the Whisper Dunes Development.

Skyler York, Assistant City Planner addressed the Board stating this is an administrative plat to correct some easements; advising everything else is the same; explaining this is adding more conservation easements to the plat.

Virginia Keating made the motion to approve the proposed amended Administrative Resubdivision of the Whisper Dunes (Secondary Plat) located in the Whisper Dunes Development. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

REQUEST FOR STREET CLOSURE – Johnny Stimley, Zoological Society, is requesting to hold the annual “Running Wild for Washington Park Zoo 5K” on Sunday, July 14, 2019 beginning at 7:45 a.m.; utilizing the same route that was used in 2018.

Captain Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating this is the same route that has been used in previous years; advising there has never been any issues; recommending approval.

Vice-President Murphy made the motion to approve the request for street closure by Johnny Stimley, Zoological Society for the annual “Running Wild for Washington Park Zoo 5K” on Sunday, July 14, 2019 beginning at 7:45 a.m. utilizing the same route that was used in 2018; contingent on the receipt of their Certificate of Insurance. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

REQUEST FOR STREET CLOSURE – Doris Mitchell, Pleasant Hill M.B. Church, is requesting the closure of Maple Street between 10th and 11th Streets on Saturday, August 10th and Sunday, August 11th, 2019 from 10:00 a.m. – 5:00 p.m. for a youth back to school bash to help children in the Community with back to school supplies.
Doris Mitchell, Pleasant Hill M.B. Church, 717 E. 10th Street, addressed the Board stating this is a back to school bash to help with school supplies and uniforms.

Captain Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating they have had no issues in the past; recommending approval.

Virginia Keating made the motion to approve the request for street closure from Pleasant Hill M.B. Church, 717 E. 10th Street; the closure of Maple Street between 10th and 11th Streets on Saturday, August 10th and Sunday, August 11, 2019 from 10:00 a.m. – 5:00 p.m. for a youth back to school bash to help children in the Community with back to school supplies; contingent on the receipt of their Certificate of Insurance. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

SPECIAL PURCHASE – Chief Randy Novak, M.C.F.D. is requesting approval to purchase one (1) 2019 Ford F150 4X4 SuperCab Styleside pick-up truck for the Michigan City Fire Department through the State Qualified Purchase Agreement (QPA) process; pursuant to I.C. 5-22-10-15

Chief Randy Novak, M.C.F.D. addressed the Board stating last year in the budget the M.C.F.D. was given money to purchase a Ford Interceptor; advising the cost of the Interceptor’s has gone up; explaining they will stay close to the budgeted amount purchasing the pick-up truck.

Vice-President Murphy made the motion to approve the request for one (1) 2019 Ford F150 4X4 SuperCab Styleside pick-up truck for the Michigan City Fire Department through the State Qualified Purchase Agreement (QPA) process. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

RESIGNATION – Michigan City Fire Department announces the resignation of Michael Hamby effective July 2, 2019
(Note: for informational purposes only)

APPROVAL OF SUPPLEMENTAL AGREEMENT – Shannon Eason, Assistant Park Superintendent is requesting approval of Supplemental Agreement No. 2 Railroad Coordination Des No. 1601869 between the City of Michigan City Board of Public Works and Safety and Butler, Fairman and Seufert, Inc. for the Development of Contract Plans for the construction of the Singing Sands Trail – Phase 3; adding $12,900 to the original agreement; not to exceed $875,925.00

Corporate Counsel, Amber Lapaich addressed the Board stating the Engineers for the project need to provide the Railroad Coordination services for Phase 3; advising this is the reason for the additional $12,900.00 being added to the contract; this is not to exceed $875,925.00; explaining we are still under the budgeted amount.

Shannon Eason, Assistant Park Superintendent addressed the Board advising that previously INDOT did Railroad Coordination for all trail projects that were funded by them; stating they no longer do that; explaining INDOT now requires the consultants have a certified Railroad Coordinator on staff; further advising NIRPC has agreed to pay eighty (80) percent of this; further stating the cost to the City is $2,580.00; further explaining no additional funding is needed.
Virginia Keating made the motion to approve the Supplemental Agreement No. 2 Railroad Coordination Des No. 1601869 between the City of Michigan City Board of Public Works and Safety and Butler, Fairman and Seufert, Inc. for the Development of Contract Plans for the construction of the Singing Sands Trail – Phase 3; adding $12,900.00 to the original contract; not to exceed $875,925.00. The motion was seconded by Vice-President Murphy 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 June 17, 2019; pertaining to the grievance that was received on February 25, 2019 – Central Services / Street Department

Corporate Counsel, Amber Lapaich addressed the Board stating the Board needs to make a final decision on the disposition of the grievance.

Virginia Keating made the motion to find in favor of the grievant in this matter. The motion was seconded by Vice-President 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 second by Vice-President 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:

<table>
<thead>
<tr>
<th>Page</th>
<th>Date</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1 of 12</td>
<td>06/21/2019</td>
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<tr>
<td>1 of 2</td>
<td>07/01/2019</td>
<td>$230,336.51</td>
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</table>

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:

<table>
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<th>Page</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1 of 7</td>
<td>$2,051,222.25</td>
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UNFINISHED BUSINESS

President Janus stated the first item on the Pending Item List – Mayor Ron Meer requesting ADA Parking spots in front of High Praise Ministries Church – 301 E. 9th Street

Charles “Spike” Peller, City Engineer addressed the Board stating this has been completed; recommending this matter is removed from the pending items/unfinished business list.
Virginia Keating made the motion to remove this matter of the signage to be placed for ADA parking in front of the High Praise Ministries Church located at 301 E. 9th Street from the pending items/unfinished business list. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

President Janus stated the next item on the Pending Item List is a request from Mayor Ron Meer requesting crosswalks for pedestrian safety on Franklin Street at Charles and Homer Streets.

Charles “Spike” Peller, City Engineer addressed the Board stating this has been completed; recommending this matter is removed from the pending items/unfinished business list.

Vice-President Murphy made the motion to remove this matter of crosswalks for pedestrian safety on Franklin Street at Charles and Homer Streets from the pending items/unfinished business list. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

President Janus stated the next item on the Pending Item List is his request for a possible 4-way stop at Garfield and York Streets.

President Janus stated he has seen that the buses at the Social & Learning Institute have been moved back.

Charles “Spike” Peller, City Engineer addressed the Board advising M.C.P.D. Traffic Division does not recommend a 4 way stop at Garfield and York Streets.

President Janus made the motion to remove this matter of a 4 way stop at Garfield and York Streets from the pending items/unfinished business list. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

President Janus 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 research is still ongoing; advising he will have an update soon; recommending this item stay on the pending items/unfinished business list.

President Janus 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 working with the County on this request; advising it is down to preparing a Memorandum of Understanding between Michigan City and the County.

Discussion ensued between Corporate Counsel, Amber Lapaich, Mr. Peller and Virginia Keating regarding who is preparing the Memorandum of Understanding. Mr. Peller responded SEH of Indiana. Ms. Keating asked what the cost will be. Mr. Peller stated this is to be determined; explaining along with the Memorandum of Understanding there will be a list all of the street lights that will be going in. Counsel Lapaich advised she needs to review any drafts.
of the Memorandum of Understanding. Ms. Keating asked about the time frame. Mr. Peller stated the Memorandum of Understanding should be ready this week.

President Janus stated the next item on the Pending Item List is a request for the order to demolish 111 Franklin Street – 03/28/19

Sue Downs, Building Commissioner addressed the Board advising they are working on the building; stating she wants to give them another 60 days; advising this will be the first meeting in September which is September 3, 2019.

Discussion ensued between Virginia Keating and Ms. Downs regarding if there is a deadline. Ms. Downs responded yes, they are having an open house on the 4th of July; advising they are having issues with the sanitation lines; stating in order to make the connection, they may have to close Franklin Street; explaining they don’t want to close the street this time of year, maybe after Labor Day; stating this is why she is asking to continue this matter.

Discussion continued between Skyler York, Assistant City Planner and Virginia Keating regarding the deadline. Mr. York responded there is a proposed deadline in October which they are exceeding.

Mike Connor, Blue Harbor Development addressed the Board stating there has been a lot of work done to the building; advising they have exceeded the timeline; explaining if there wasn’t an issue with the sewer, the project would be done by now; further stating worst case scenario the work should be done in 25-30 days; further advising they are in dialog with Amtrack.

Further discussion continued between President Janus, Ms. Downs and Mr. York regarding if the road north of the facility is public or private property. Ms. Downs responded the section President Janus is referring to is owned by the Railroad. Mr. York stated to his knowledge there are no easements for that road for the Railroad or anyone on the property of 111 Franklin Street; advising this is a private curb cut.

Vice-President Murphy made the motion to continue this matter to the September 3, 2019 meeting. The motion was seconded by Virginia Keating and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: None (0). Motion Carries.

President Janus stated the next 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.

Abigale Thayer Kuchta, Event Coordinator addressed the Board with regards to what has been done over the last several months in the way of Marketing with WeCreate Media.

Chris Kribbs, Videographer, Project Manager, Michigan City WeCreate Media addressed the Board and gave a presentation of what has been happening the last quarter.

Discussion ensued between President Janus and Mr. Kribbs regarding who is visiting the websites. Mr. Cribbs responded it is a majority of Michigan City residents that are visiting the website and social media.

Vice-President Murphy addressed the Board adding that Mr. Cribbs has regular calls with Google and Facebook; stating that has enabled us to guide our strategies so we get the
most bang for our buck; thanking Abigale Thayer Kuchta and Mr. Kribbs for all their work on this project.

President Janus asked that they come back the first meeting in October to give another 60-day update.

President Janus stated the next item on the Pending Items List is Attorney Barry McDonnell, representing McDonald’s Real Estate Company, requesting acceptance of Deed of Dedication for new public right-of-way (alley)

Skyler York, Assistant City Planner addressed the Board giving an update on this matter; stating the Planning Department should have a building schedule of construction for the alley soon; advising it is being surveyed now; explaining when it is completed the Planning Department will inspect it and make sure it is built to standards; further stating this will be brought back before the Board in a timely matter; asking for a continuation until it is constructed.

Corporate Counsel asked for this matter to stay on the pending item/unfinished business list until it is finalized.

President Janus stated the last item on the Pending Item List is a request for the sale of Fogarty Street Property – Parcel #460121361005000022 (this was tabled from the May 6, 2019 meeting)

This item will stay on the pending items/unfinished business list for six (6) months – report back at the November 18, 2019 meeting.

PUBLIC COMMENTS

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

BOARD COMMENTS

President Janus asked if there were any Board comments.

Discussion ensued between President Janus and Skyler York, Assistant City Planner regarding who is responsible for cutting the grass on the Pine Street property. Mr. York stated it is Redevelopment; advising he is meeting with Dave DeLeau and John Doyle onsite this week; explaining his goal is to have it cut before the holiday weekend.

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 9:13 a.m.). Virginia Keating made the motion to adjourn. The motion was seconded by Vice-President Murphy and carried as follows: AYES: MEMBERS Janus, Murphy and Keating (3). NAYS: (0). Motion Carries.

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Gale A. Neulieb, City Clerk