

# REGULAR MEETING – February 18, 2020

The Board of Public Works and Tuesday morning, February 18, 2020, 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 Harris, who presided.

**Noted present:** Keith Harris, Virginia Keating and Duane Parry (3) **Absent:** None

## A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich, Corporate Counsel  
John Gorczyca, M.D. Sanitary District  
Captain Jeff Loniewski, M.C.P.D. Traffic Division  
David Cooney, Chief of Operations, M.C.P.D.  
Chris Yagelski, Mayor's Administrator  
Yvonne Hoffmaster, City Controller  
Skyler York, Planning Director  
Sue Downs, Building Commissioner  
Christine Vanderborg, Code Compliance Officer  
Jeremy Kienitz, Park Superintendent  
Craig Krivak, Fire Chief, M.C.F.D.  
Jeff Bruder, Fire Marshall, M.C.F.D.

Gale Neulieb, City Clerk  
Dawn Debald, Deputy Clerk

## APPROVAL OF MINUTES

President Harris asked if there were any corrections to the minutes from the Regular Meeting of February 3, 2020.

Vice-President Keating made the motion to approve the minutes from the Regular Meeting of February 3, 2020. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**REQUEST FOR STREET CLOSURE – Bennie Edwards, Director, Patch Harborside Heritage Organization is requesting street closure of one portion of Michigan Boulevard in front of Westcott Park (one lane) the eastbound and westbound lanes will be open except for the one lane farthest from the curb for the 17<sup>th</sup> annual Celebration on Saturday, August 15, 2020 from 9:00 a.m. – 9:00 p.m.**

Captain Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating he recommended approval of this request at the last meeting; advising this was referred to the Park Department because of other requests being made such as picnic tables, Port a Pots, etc. by Mr. Edwards.

Corporate Counsel, Amber Lapaich addressed the Board stating this request differs slightly because the last request did not request street closure; explaining the Board is approving the street closure along with the original request; advising the correct Certificate of Insurance naming the City of Michigan City as additional insured is needed at least thirty (30) days prior to the event; further advising they are also asking that alcohol be brought on the premises and our Insurance Company recommends liquor liability as well; further stating this is tied in with the request at the end of the meeting that falls under pending items/unfinished business.

Mayor Parry made the motion to approve the request. The motion was seconded by Vice-President Keating to approve the request for street closure of one portion of Michigan Boulevard in front of Westcott Park (one lane) the eastbound and westbound lanes will be open except for the one lane farthest from the curb for the 17<sup>th</sup> annual Celebration on Saturday, August 15, 2020 from 9:00 a.m. – 9:00 p.m. the motion carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**REQUEST FOR VENDOR/PYROTECHNICIAN – Howard Fagre III, J & B West Roofing, 760 N. Highway 212, is requesting approval for a vendor/pyrotechnician to perform a fireworks display for an employee and family picnic party located at J & B West Headquarters on Saturday, June 27, 2020 from 4:00 p.m. – 11:00 p.m.**

Howard Fagre III, representing J & B West Roofing, 315 Lincoln Avenue addressed the Board in regard to his request.

Corporate Counsel, Amber Lapaich addressed the Board stating she has not had the opportunity to speak with the M.C.F.D. as to why this request is on the Board of Public Works and Safety agenda; asking the Board to table this request so she can speak with the Fire Department; advising there is

an ordinance that speaks about regulations of fireworks and when they can and cannot happen; explaining part of exceptions when they can happen refers back to state law.

Mayor Parry explained to Mr. Fagre that this is standard procedure for this type of request being many of the details in regard to the request are unknown.

Vice-President Keating made the motion to table (place the matter on the pending items/unfinished business list at the March 2, 2020 meeting) the request for a vendor/pyrotechnician to perform a firework's display for an employee and family picnic located at J & B West Headquarters on Saturday, June 27, 2020 from 4:00 p.m. – 11:00 p.m. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**APPROVAL OF BEER GARDEN- Councilman Johnny Stimley, representing the St. Patrick's Day Parade group, is requesting approval to have a beer garden on March 7, 2020 from 12:00 p.m. – 3:00 p.m. at the corner of 7<sup>th</sup> and Franklin Street to benefit the "Irish Garden" in Friendship Gardens**

Johnny Stimley, 3205 Tilden Avenue, representing the St. Patrick's Day Parade group addressed the Board stating this year the St. Patrick's Day Organization is trying something different; advising they are having a fundraiser at the corner of 7<sup>th</sup> and Franklin Street (Redevelopment's property); explaining he did get Redevelopment's approval at their last meeting; further stating they are having a small beer garden from 12:00 – 3:00 p.m. on March 7, 2020; this is to coincide with the St. Patrick's Day Parade.

Corporate Counsel, Amber Lapaich addressed the Board stating we need the necessary Certificate of Liability Insurance with liquor liability included; also naming the City of Michigan City and Redevelopment as additional insured; advising we also need the necessary state permits.

Skyler York, Planning Director addressed the Board stating the Redevelopment Commission approved this request.

Mayor Parry made to motion to approve the request pending receipt of their Certificate of Insurance. The motion was seconded by Vice-President Keating to approve the request to have a beer garden on March 7, 2020 from 12:00 p.m. – 3:00 p.m. at the corner of 7<sup>th</sup> and Franklin Street to benefit the "Irish Gardens" in Friendship Gardens; the motion carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**REQUEST FOR 5K/10K WALK/RUN – Christin Kiser, Runnin for Prestin, is requesting approval for the 9<sup>th</sup> annual 5K/10K walk/run to raise awareness and funds for pediatric cancer research on Saturday, September 19, 2020 from 8:00 a.m. – 9:45 a.m.**

Christine Kiser, 6666 W. Michael Place, addressed the Board explaining her request; stating she has received the Park Board's approval; advising they do not incur any additional financial liability to the City as far as financial because they use volunteer EMT, Police and Fire Department Officers.

Corporate Counsel, Amber Lapaich addressed the Board stating the Certificate of Insurance will be provided closer to the event.

Vice-President Keating made the motion to approve the request for the 9<sup>th</sup> annual 5K/10K walk/run to raise awareness and funds for pediatric cancer research to be held at Washington Park on Saturday, September 19, 2020 from 8:00 a.m. - 9:45 a.m. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**CONTRACT APPROVAL – 2020-2021 Union Contract between Local 228/Council 962 American Federation of State, County and Municipal Employees, AFL-CIO and the Civil City of Michigan City, Indiana**

Corporate Counsel, Amber Lapaich addressed the Board stating late last year she sat down with the Personnel Director, Director of Central Services, the Controller's Office and the Union to negotiate changes to the contract; going over briefly some of the changes; advising this is still a two (2) year contract.

Vice-President Keating made the motion to approve the 2020-2021 Union Contract between Local 228/Council 962 American Federation of State, County and Municipal Employees, AFL-CIO and the Civil City of Michigan City, Indiana. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**REQUEST FOR DESTRUCTION OF CITY PROPERTY/APPROVAL TO TRADE EQUIPMENT – David Cooney, Chief of Operations, M.C.P.D., is requesting approval for the following:**

- Destruction of computer and video equipment the City's I.T. Department has deemed unusable
- Destruction of vehicle equipment from fleet vehicles the M.C.P.D. no longer owns and cannot use in future vehicles

- **Requesting that some items from the fleet vehicles that can be traded for equipment to outfit the M.C.P.D. Command center with LED lighting – no extra fees**

Corporate Counsel, Amber Lapaich addressed the Board stating Chief Cooney provided two (2) lists to the Board; advising one (1) is a short list and the second list is a longer list; explaining the short list is all computer and video equipment the City's I.T. Department deemed unusable; further stating these assets are in the possession of the M.C.P.D. and Chief Cooney is asking for approval of the short list for destruction; further advising on the second list (the longer list) some of the items need to be pulled out as to what is being traded in and what is being destroyed; further explaining Chief Cooney is asking that the Board take no action on the second list at this time; continuing to explain Chief Cooney will come back before the Board and provide an amended list specially delineating what will be traded in and what will be destroyed. Discussion ensued between Mayor Parry, David Cooney, Chief of Operations, M.C.P.D., and President Harris regarding the short list he provided for destruction. Mayor Parry thanked Chief Cooney for the responsible action he took; advising he had no knowledge of what was on the list for destruction; asking Chief Cooney what the method of destruction will be used for this equipment. Chief Cooney responded he is not sure of what methods were used in the past, but he will look into it. Mayor Parry stated if the equipment has memory capabilities, we need to make sure it is destroyed. Chief Cooney advised he will get an answer regarding this. President Harris explained that with electronics that have memory or some type of storage all of the hard drives are removed from the computers or any other piece of equipment; advising those are held by I.T. until I.T. requests destruction; stating at that time they are physically destroyed; further explaining the M.C.P.D. will be only be destroying the shell of the equipment.

Discussion ensued between President Harris and Counsel Lapaich regarding him being an employee of the I.T. Department; asking if he should he abstain from the vote. Counsel Lapaich responded, yes he should abstain since he has direct involvement in it.

Mayor Parry made the motion to approve the destruction of the short list. The motion was seconded by Vice-President Keating to destroy the following: Nikon Coolpix P90, Laser Labs TM200, CST-610/V, CST-610/V, Dell Optiplex 3040, HP 505BMT, HP Prodesk 400, Tactical video box – custom green box, Tactical video box – custom black box, Tactical video box – custom sand box; the motion carried as follows: **AYES: MEMBERS Keating and Parry (2). ABSTAIN: Harris (1).**

**Motion Carries.**

**FINAL APPROVAL OF CONTRACT – Skyler York, Planning Director is requesting final approval for the contract with Bakertilly Municipal Advisors for completion of State reporting for DLGF regarding Annual Tax Increment Finance (TIF) services – consulting and financial advisory services**

Corporate Counsel, Amber Lapaich addressed the Board stating she had spoken to Skyler York, Planning Director; advising that technically this is a Redevelopment Commission contract and should be approved by the Redevelopment Commission and not the Board of Public Works and Safety; explaining the Board does not need to do anything further.

**APPROVAL OF AGREEMENT – Approval of an Agreement for Professional As-Needed Engineering Services for 2020 by DLZ Indiana, LLC. and the Michigan City Board of Public Works and Safety; effective thru December 31, 2020; the maximum amount is limited to \$15,000.00 per month**

Corporate Counsel, Amber Lapaich addressed the Board stating she is fine with the Board accepting this contract.

Vice-President Keating made the motion to approve the Agreement for Professional As-needed Engineering Services for 2020 by DLZ Indiana, LLC. and the Michigan City Board of Public Works and Safety; effective thru December 31, 2020; at a maximum limit of \$15,000.00 per month. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

Mayor Parry commented for the public's benefit that Michigan City has several local Engineering firms that they deal with; advising these contracts are exactly what they are stated to be (as needed basis); explaining there is no scope of work stated; explaining the City does this because they show no partiality, favoritism or bias against any firm that does business with Michigan City; stating there will be a couple other contracts that will be coming in front of the Board for approval and they will be treated the same way; further advising the City is counting dollars vigilantly but we do need resources when we have an immediate need to call someone and give them the authorization to do work for us.

**CITIZEN RECOGNITION – Jeff Bruder, Fire Marshall, M.C.F.D., is requesting Citizen Recognition for Brett DeMorrow, a City resident that had done a good deed and needs to be commended**

Jeff Bruder, Fire Marshall, M.C.F.D. addressed the Board introducing Brett DeMorrow; stating he is standing before the Board in extreme appreciation to an individual that placed his own agenda aside to lend more than just a hand for his Community; advising in the mid-morning hours of February 5, 2020 the Fire Department received a structure fire call at Imagination Station; explaining there was smoke in the building and they were attempting to evacuate; further stating when the first two (2) engines arrived there were approximately fifteen (15) staff members and about forty (40) to fifty (50) children from the ages of one (1) to five (5) standing outside with the widest of smiles and finger pointing at the arriving fire trucks; further explaining the teachers and

staff members were doing an outstanding job keeping the kids corralled, including his grandson; continuing to explain it was getting colder and snow was predicted in the forecast for early afternoon; stating one staff member was allowed to return inside with a Firefighter as an escort to retrieve coats and blankets for the infants and toddlers; some clinging onto staff members for warmth; explaining a school bus was summoned from the bus barns but they did not have an exact time table for their arrival; LaPorte County EMS was on scene and started filling their rig with infants and toddlers along with caretakers and the vehicle got crowded very quickly; then arrived Mr. DeMorrow who was driving by and saw fire trucks and excitement arrived and through all of the excitement he realized the kids needed shelter; pulling his work bus onto the drive at Imagination Station he came up and offered his warm bus to the kids and staff; although the bus couldn't hold everybody he managed to place about ten (10) kids and four (4) adults in the warm bus until the all clear was given; explaining Mr. DeMorrow did not hesitate one (1) second when he saw a need to step in and help his fellow man even if it meant his job; he expressed his concern after the fact that his employment could be jeopardized; but at that point he had already known he was doing the right thing; stating the Michigan City Fire Department would like to express their sincere thanks and gratitude for his unselfish act to help his Community in need; thanking Mr. DeMorrow.

President Harris thanked Mr. DeMorrow and also thanked the leadership from the Michigan City Fire Department for coming publicly to acknowledge this; stating it would be wonderful to see more of this; advising he hopes that this presentation will be done at the monthly Fire Merit Commission meetings as well.

**CLAIMS AND PAYROLL**

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:

<b>CLAIMS DOCKET</b>	<b>Municipal Claims</b>	<b>\$315,011.87</b>
	<b>Medical Trust Claims</b>	<b>\$110,225.38</b>
	<b>CDBG</b>	<b>\$24,414.69</b>
	<b>Total Claims</b>	<b>\$449,651.94</b>

Vice-President 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. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

<b>PAYROLL DOCKET</b>	<b>City Payroll Total:</b>	<b>\$873,816.72</b>
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Mayor Parry made the motion to approve the Payroll Claims as presented. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**UNFINISHED BUSINESS – NOMINATIONS - The Board of Public Works and Safety has one (1) appointment to the Michigan City Plan Commission (expired 01/01/2020) – Incumbent: Ms. Faye Moore**

Mayor Parry nominated Michael Gresham. The motion was seconded by Vice-President Keating.

President Harris asked if there were any other nominations; there was no response; asking all in favor to signify by saying "AYE" all responded "AYE"; those opposed; there was no response; President Harris stated Mr. Gresham is the Boards appointment to the Michigan City Plan Commission.

**UNFINISHED BUSINESS**

**President Harris stated the first item on the Pending Items List is a request from Bennie Edwards, Patch Harborside Heritage Organization- Use of Westcott Park**

President Harris stated this matter was referred to the Park Department at the last meeting for their review and recommendations.

Jeremy Kienitz, Park Superintendent addressed the Board stating historically the Park Department has supported this event with getting the tables, trash cans and Port A Pots onsite for the event; advising that if the Board of Public Works and Safety if the Board approves this request, the Park Department fully supports and approves the event on their end.

Mayor Parry made the motion to approve the request pending the receipt of the Certificate of Insurance. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

Mayor Parry made the motion to remove this matter from the pending items/unfinished business list. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**President Harris stated the next item on the Pending Items List is a request from Cora Cambridge, 220 Gladys Street, requesting lighting on Gladys Street**

President Harris stated at the last meeting it was decided to keep this matter on the pending items/unfinished business list until it was decided where the money would come from to pay for it.

**President Harris stated the next item on the Pending Items List is proposed property access – John Chalikian, 609 Franklin Street, is requesting the Board of Public Works and Safety look into the agreement made with Mr. DellaPortas at the December 5, 1996 Board of Public Works & Safety meeting**

President Harris asked if the Planning Director or City Engineer had anything to add to this.

Skyler York, Planning Director addressed the Board stating that Jeff Wright, City Engineer and himself have talked about this and he has engaged with an Engineer to start the preliminary scope of what they are going to do with the road; advising they will probably have to core it to see how it is made; explaining now that Mr. Wright has some of the contracts in order we can send someone out to core the road and move forward with the process; further stating Mr. Wright and himself have had talks about a new design of the road; further advising they will not know much until they see how it was built.

Discussion ensued between President Harris and Mayor Parry regarding if the Mayor had a chance to meet with Mr. Chalikian. Mayor Parry stated that he didn't have a chance to meet with Mr. Chalikian after the last meeting, but he was scheduled to go out and look at the site with him this morning.

Mr. York stated this has always been a priority for the Redevelopment Commission to get this road eventually connected as a frontage road; advising they are back on exploring this; explaining hopefully they can take care of the entire road.

President Harris stated this matter will stay on the pending items/unfinished business list for the time being.

**President Harris stated the next item on the Pending Items List is Lori Dudek, Director of Human Resources, Franciscan Health – request to move current bus stop**

Chris Yagelski, Mayors Administrator addressed the Board stating that shortly after the last Board of Public Works and Safety meeting he met with Robin Tillman, Transit Director and there was some confusion on the Paratransit portion of the request; advising residents must qualify to ride the bus which means you must have a handicap; explaining it is not open to just anyone; explaining that in speaking with Robin Tillman, the Mayor and Mr. Mazzoni (Franciscan Health) they all agreed to revert back to the original plan which was the normal bus route where there is twelve (12) bus stops a day on a regular basis at the hospital; dropping off and picking up near the Emergency Room; further advising since the hospital has been open there have been no complaints from riders or citizens of Michigan City in reference to the stops; asking this matter be removed from the pending items/unfinished business list and they will carry out with our traditional bus stop.

Corporate Counsel, Amber Lapaich addressed the Board stating at the last meeting there was a motion that was made to approve the recommendation by Ms. Tillman; explaining the Board formally voted on it; advising if we are going to revert back to the way it was originally done technically there should be a motion made today to set aside the recommendation that was previously made.

Mayor Parry commented in addition to what Mr. Yagelski had stated; advising he had a meeting with Mr. Mazzoni (the head of Franciscan Hospital) and it was explained to him the City's position that the Paratransit bus will not serve the needs of the Community; stating since the hospital has been open the Transit Department has made over 3000 runs out to the hospital without a single incident or complaint; explaining we are going to continue to stop near the Emergency Room entrance as the route was additionally designed to do until something can be done on Franciscan's side; further stating Mr. Mazzoni said that he understood and he will take this back to the drawing board with his members of his team; further advising that eventually we will come up with something that will be workable to both sides; further explaining until we come up with something that works, we are going to continue the route as originally designed.

Vice-President Keating moved to set aside the previous decision regarding the Paratransit bus at the Franciscan Hospital location and also moved to revert back to the regular bus schedule with the regular bus. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

Mayor Parry made the motion to remove this matter from the pending items/unfinished business list. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

**President Harris stated the next item on the Pending Items List is Harvey Pokorny, 905 Colfax Avenue – request to place gravel in alleyway**

President Harris this matter will be addressed at the **March 2, 2020** meeting.

**President Harris stated the next item on the Pending Items list is an order to demolish – 710 W. 10<sup>th</sup> Street – Owner Jason & Jane Straton**

President Harris advised we will keep this matter on the pending items/unfinished business list until **March 16, 2020**.

**PUBLIC COMMENTS**

President Harris asked if there were any public comments.

Faye Moore, 515 Grace Street addressed the Board asking why her nomination was not accepted; advising she submitted her request.

Discussion ensued between Mayor Parry and Ms. Moore regarding this matter. Mayor Parry stated this is a position that is filled by the Board of Public Works; advising he put Mr. Gresham's name in for nomination because he has served on the Planning Commission before and his level of qualifications for the type of business the Planning Commission handles is very high. Ms. Moore explained to Mayor Parry some of her qualifications and mentioned that she has been very active in the Community and other areas; explaining that Mr. Gresham and herself served on the Planning Commission together. Mayor Parry asked that Ms. Moore stay active in the Community; continuing to explain that he envisions her being on another Board, but not this Board at this time.

**BOARD COMMENTS**

President Harris asked if there were any public comments.

Kathy Stransky, 223 E. Barker Avenue addressed the Board thanking Mayor Parry for coming to the food drive; stating she thought it was a great for the people of the Community to see the Mayor cared enough to come out and help work and distribute the food for them.

Discussion ensued between Mayor Parry and Ms. Stransky regarding the food drive. Mayor Parry commented that it was a very eye-opening experience; stating he had never done this before, but he will continue to participate knowing how many people in Michigan City need both physical and emotional support. Ms. Stransky stated there were 317 residents in line who received food and a total of 12,175 members of families that would be fed; advising they had over 12,000 pounds of meat.

**ADJOURNMENT**

President Harris stated as there were no other items on the agenda to be considered by the Board at this time, declared the meeting **ADJOURNED** (approximately 9:11 a.m.). Vice-President Keating made the motion to adjourn. The motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS Harris, Keating and Parry (3). NAYS: (0). Motion Carries.**

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Gale A. Neulieb, City Clerk