

REGULAR MEETING – JANUARY 22, 2008

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Tuesday, morning, January 22, 2008, at the hour of 9:00 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 Anthony Metzcus, who presided.

Noted Present: Anthony Metzcus, President; Mayor Charles Oberlie, Member; and John Schaefer, Member (3).

Absent: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL OF MINUTES

Mr. Schaefer moved the Minutes of the Regular Meeting of January 7, 2007 be approved as printed. The Motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

Also noted in attendance:

Jim Elwell, Superintendent, Central Services
Jack Kahn, Director, Street Department
Cpl. Jeff Loniewski, Traffic Division, M.C.P.D.
Al Walus, General Manager, Sanitary District
Joe Siegel, Zoning Administrator
Russ Hatfield, Code Inspector
John Pugh, Director, Planning & Inspection
Boyd Phelps, City Engineer
Jennifer Evans, City Attorney
Thomas Fedder, City Clerk
Kim Sliwa, Assistant Deputy Clerk

STATUS REPORT – 509 E. 9th Street, John Hayes owner

Russ Hatfield, Code Enforcement Officer submitted the following letter to the Board:

RE: 509 East 9th Street

This property was damaged by fire on February 12, 2007. I have had several correspondences with the Hayes' family regarding the status of this property. On January 10th, 2008, I spoke with John Hayes, the son of Evelyn Hayes. At that time, Mr. Hayes informed me of his mothers passing and that he and his sister have acquired this property. Mr. Hayes also informed me that the insurance has refused to pay the fire damage claim. In spite of the insurance companies' decision, the Hayes Family will be rehabilitating this home. Mr. Hayes and myself will be attending the next Historical Review Board meeting that is scheduled for January 28th, 2008, and

he will be presenting his schedule for work to be done and also establishing guidelines that conform to the Historical Districts standards. I will keep the Board of Public Works and Safety up to date on this properties progress as this project gets under way.

The Board asked if the property was secured; Inspector Hatfield confirmed the structure to be secured. (This is for informational purposes only.)

STREET LIGHT REQUEST

The following is an excerpt from the December 26, 2007 Board Meeting:

Mayor Oberlie stated the Planning Office is in the process of doing a review for overhead lights the entire distance of Hwy 421 from Hwy 20 South to 400 North. Mayor Oberlie requested a report from John Pugh, Planning and Inspection Director at the January 22, 2008 Board meeting regarding this matter.

John Pugh, Director, Planning and Inspection gave each Board member and the Clerk's office a map of Franklin Street with the proposed street lights indicated; Mr. Pugh gave his recommendations to the Board regarding the overhead lighting. Currently there are no overhead street lights in the area; the map indicates locations at designated city intersections.

Mayor Oberlie moved to have the Clerk's office make a request of NIPSCO to install the standard overhead street lights at the intersections designated. The motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

PROPOSED PARK DEPT. OFFICE BUILDING

Bill Phelps, City Engineer addressed the Board with regards to the proposal from Fanning & Howey that he forwarded to each of the Board members for the Park Department Office Building; specifically Phase I – Schematic Documents. Mr. Phelps asked the Board for approval.

Mayor Oberlie stated the Board of Public Works and Safety is the contracting entity on the project; but the design and scope of the building will have major input from the Park Department personnel and their Board. In the future, a committee of Council members may also be composed. Mayor Oberlie moved to accept the proposal for Phase I; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

ANNUAL TOWER RUN

Arnold Bos, representing Tower Organization for Ryan Bos-Tower Run Director, requesting permission to use the same format as before-approximately a mile of Lakeshore Drive-for the 16th Annual Tower Run. Ms. Bos provided break-down information on the statistics of the race. The Tower Run will be the first leg of a Biathlon, possibly a Triathlon-which Al Walus has been coordinating with Ryan Bos.

Al Walus, General Manager, Sanitary District addressed the Board regarding the events that took place around/during the time of last years Tower Run, which included the first Canoe Fun Float on Trail Creek. The Biathlon will include the Tower Run and the Canoe Fun Float events for 2008. Also under consideration, is scheduling a Beach Volleyball Tournament for that same day; this would make it a three (3) event physical fitness Triathlon. Both the Park Board and the Board of Public Works and Safety have been contacted for permits for these events.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division spoke on behalf of the Michigan City Police Department. Sgt. Loniewski suggested the Board accept the date and time recommended by Mr. Bos. Mayor Oberlie moved to approve subject to the normal receipts of insurance liability coverage; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

5TH ANNUAL SAMARITAN SKEDADDLE 5K RACE

Karl O. Roessler, 2010 Sommerset Road, wrote the following on January 14, 2008:

The Samaritan Center would like to request permission for our 5th Annual Samaritan Skedaddle 5K Race on April 26, 2008.

Last year, our race entertained 500 runners and raised over \$20,000 for the Samaritan Center. This money helped many people get the counseling help that they needed.

The race will keep the same course as last year. We will start on Washington and Eighth Street, turn on Ninth, run down Pine, then through Washington Park, and finish down Washington to Eighth Street. We will host the after race part in the parking lot of the Presbyterian Church immediately after the race (following the same format as last year).

Thank you for all your support last year.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division spoke on behalf of the Michigan City Police Department. Sgt. Loniewski suggested the Board accept the date and time recommended by Mr. Roessler. John Schaefer made the motion to approve; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

STREET CLOSING-ST. PATRICK'S DAY PARADE

Johnny Stimley, 401 Franklin Street, wrote the following letter on January 8, 2008:

The Michigan City St. Patrick's Day Parade will be on Saturday, March 15, 2008 at 1:00 p.m. (standard time). Requesting Franklin Street to be closed from 11th to 4th Street from 12:30 p.m. to 2:00 or 2:30 p.m.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division spoke on behalf of the Michigan City Police Department. Sgt. Loniewski suggested the Board accept the date and time recommended by Mr. Stimley. Mayor Oberlie made the motion to authorize the date and time requested; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST FOR PARKING SPACES

Johnny Stimley, 401 Franklin Street, wrote the following letter on January 8, 2008:

Requesting to have parking across from the old Central Fire Station on the south side. This would help the courthouse as well as the Ritz Club and Ryan's Irish Pub.

Sgt. Loniewski addressed the Board regarding the request for the parking spaces; the Traffic Division has no problem with that but defers to the Planning Department.

The Board discussed the location of the proposed parking request; Mayor Oberlie stated the south side of the street has an alley that can not be closed for emergency access. Mayor Oberlie made the motion to authorize the Traffic Division to work with Mr. Stimley to resolve the parking issue; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3).** **NAYS: None (0).** **Motion carries.**

LETTER OF UNDERSTANDING

Tony Metzcus presented the following:

LETTER OF UNDERSTANDING BETWEEN THE DEPARTMENT OF WATER WORKS OF MICHIGAN CITY, INDIANA AND THE MICHIGAN CITY BOARD OF PUBLIC WORKS AND SAFETY REGARDING THE CONSTRUCTION OF THE WATER SYSTEM IMPROVEMENTS IN THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, the Department of Water Works of Michigan City, Indiana (Department), desires to make certain improvements known as the Shore-well Structure over the West 48" and East 48" Water Intake Line's in the area known as Washington Park; and,

WHEREAS, the Board of Public Works and Safety of Michigan City, Indiana (Board), as the contracting entity of the City of Michigan City, has been provided with an appropriation of funds to assist the Department in implementing its plan to improve and construct the Shore-well Structure over the West 48" and East 48" Water Intake Line's;

NOW, THEREFORE THE DEPARTMENT AND THE BOARD AGREE AS FOLLOWS:

- Section 1. That the Department will construct through private contract the water system improvements as funding exists; it is agreed that this project is not all inclusive and may be amended as necessary by the Department with notice to the Board.
- Section 2. That after the Department has received formal bids for the private construction, the Department will proceed with construction.
- Section 3. That the Department may invoice the Board in lump sum or as the work progresses; However; the Boards financial liability under this agreement is limited to ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS AND NO CENTS (\$1,800,000.00). The Department will, provide all engineering and project administration and any additional funds, at their cost.

Mayor Oberlie informed the Board that this is Phase 4 of the water improvements on the Lakefront. This agreement would cover building the new pump house; the maximum amount with liability to the Civil City would be 1.8 million dollars. John Schaefer made the motion to approve; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

CONTRACT AGREEMENT - ECONOMIC DEVELOPMENT CORPORATION

Tony Metzcus presented the following:

CONTRACT FOR
PROFESSIONAL COMMUNITY AND ECONOMIC DEVELOPMENT SERVICES
BY AND BETWEEN
THE CITY OF MICHIGAN CITY AND
THE MICHIGAN CITY ECONOMIC DEVLEOPMENT CORPORATION

THIS CONTRACT, entered into as of 1st day of January, 2008, by and between the City of Michigan City, Indiana, acting by and through the Board of Public Works and Safety of “Michigan City,” and the Michigan City Economic Development Corporation, (hereinafter referred to as the “Corporation”).

WHEREAS, Michigan City has a need for professional consultant services to perform community and economic development activities in Michigan City, Indiana; and

WHEREAS, Michigan City desires to engage in certain activities necessary for development of the community and economic base of Michigan City, Indiana; and

WHEREAS, Michigan City desires to engage the Corporation to render such professional consultant and marketing services for Michigan City;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

A. SCOPE OF SERVICES

The Corporation shall assist and advise Michigan City in economic development activities, and shall coordinate economic development activities for Michigan City, which shall include the following:

1. Industrial Recruiting and Plant Expansions:

The Corporation shall work with, and act as, the coordinator of industrial

recruiting and expansion activities for the City of Michigan City. These activities shall include actively seeking new industry to locate in Michigan City and assisting local industry with plant expansions.

The primary objective of this activity is:

- (a) To retain the jobs currently located in Michigan City;
- (b) Provide expansion opportunities to local industry that will result in more city jobs;
- (c) Recruit new industry to locate in Michigan City resulting in an expanded tax base; and
- (d) Increase in job opportunities for residents.

2. Infrastructure Development:

The Corporation shall work with Michigan City to develop plans to address efforts to return vacant, abandoned or depressed lands and properties, including “brownfield sites, “ to economic viability, as related to the overall community and economic development of Michigan City.

3. Tax Abatement:

- (a) Assist the Common Council in its oversight responsibilities of tax abatement recipients, including collection, compilation and report of State Forms, *CF-1* and *SB-1* for compliance with the recipient’s *Statement of Benefits*.
- (b) Submit a semi-annual report to the Common Council and/or Board of Public Works and Safety, detailing new investment activity and visits to existing companies.

B. TIME OF PERFORMANCE

The services of the Corporation are to commence on January 1, 2008 and shall be completed in a timely manner as required by the Common Council or Board of Public Works and Safety, but shall not extend beyond December 31, 2008.

C. COMPENSATION

This is a fee for services contract. As compensation for the services rendered, Michigan City shall pay the Corporation for the performance of such categories or

projects set forth in Exhibit “A” attached hereto and incorporated herein; provided that, the total amount for such services during the term of this contract shall not exceed the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00). The Corporation shall submit invoices to the Michigan City Controller for the services performed on a periodic basis, not more often than quarterly, utilizing claim forms acceptable to the Indiana State Board of Accounts and the Michigan City Controller, identifying and designating the performance, in part or in whole, of such projects as are set forth in Exhibit “A.”

D. REIMBURSABLE EXPENSES

The Corporation will be responsible for the payment of all expenses incurred in fulfilling the obligations of the Corporation under the terms of this Contract. However, parties recognize that the Corporation may wish to pursue extraordinary opportunities to recruit international or interstate businesses to the City of Michigan City, either by direct solicitation of such businesses or by participation in trade shows offering general promotional access to multiple business of the same industry. The parties anticipate that additional compensation to reimburse for extraordinary expenses incurred by such activities may be independently authorized by joint agreement of the Corporation and Board of Public Works and Safety on a case-by-case basis. Such changes which are mutually agreed upon by and between Michigan City and the Corporation shall be incorporated in written addenda to this contract.

E. CHANGES

Michigan City may, from time to time, request changes in the Scope of Services, Section A of this Contract, to be performed by the Corporation hereunder. Such changes, including any increase or decrease in the amount of the Corporation’s compensation, which are mutually agreed upon by and between Michigan City and the Corporation shall be incorporated in written addenda to this contract. The Corporation may request a change in the maximum amount payable by Michigan City

in the event that said maximum amount does not provide just compensation for services provided hereunder. Such changes which are mutually agreed upon by and between Michigan City and Corporation shall be incorporated in written addenda to this contract.

F. PERSONNEL

The Corporation represents that it will be responsible for execution of services under this Contract. All services required hereunder will be performed by the Corporation for its agent and all individuals engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such services.

G. CORPORATION RECORDS MAINTENANCE

The Corporation shall maintain accounts and records, including personnel, and financial records, adequate to identify and account for all costs pertaining to this contract and such other records as may be deemed necessary to assure proper accounting. These records will be made available for audit purposes and will be retained for three (3) years after the expiration of this Contract unless permission to destroy them is granted.

H. FINDINGS CONFIDENTIAL

All of the reports, information, data, etc., prepared or assembled by the Corporation under this Contract are confidential and the Corporation agrees that they not be made available to any individual or organization without prior written approval of the City of Michigan City.

I. COPYRIGHT

No report, maps or other documents produced in whole or in part under this contract shall be the subject of an application for copyright by or on behalf of the Corporation.

J. COMPLIANCE WITH LOCAL LAW

The Corporation shall comply with all applicable laws, ordinances and codes of the state and local government.

K. TERMS AND TERMINATION

This Contract shall expire December 31, 2008.

IN WITNESS WHEREOF, the City of Michigan City by the Board of Public Works and Safety and Corporation have executed this Contract as of the date of first written above.

EXHIBIT “A”

<u>PROJECT</u>	<u>FEE FOR SERVICE</u>
Business Visitation Program Retention & Expansions	\$12,000
Economic development representation at targeted industry trade shows and conferences and with site selectors	\$15,000
Michigan City Recognition Events	\$18,000
Infrastructure development	\$10,000
Tax abatement compliance and review	\$15,000
Promotions/advertising and research	\$20,000
Brownfield redevelopment grant management services and program administration	\$10,000
ANNUAL CLAIMS FOR ALL SERVICES	\$100,000

Mayor Oberlie explained to the Board that this is a renewal of a contract with the terms and conditions being the same as before and moved to approve; the motion was seconded by John Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

CLAIMS AND PAYROLL

John Schaefer, City Controller 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 Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (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:

Page	Date	Amount
1 of 7	01/18/2008	\$409,024.15

Allowance of claims as set forth in the Register of Claims as follows:

Page	Date	Amount
1 of 4	01/22/08	\$3,270,761.26

HANDICAP SIGN REQUEST

1119 Cedar Street - Barbara Glick had requested a handicap sign and the curbing in front of her handicap residence be lowered to accommodate the loading and unloading of her Haveround chair. John Pugh, Director, Planning and Inspection Department gave his recommendation to the Board regarding the lowering and replacement of the sidewalk; a handicap sign has been placed in front of the residence. Mayor Oberlie made the motion to approve the recommendation for the sidewalk improvements as funds allow; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

Brian Glick addressed the Board and expressed his appreciation for their help with this; and thanked the Board for the sign.

STOP SIGN REQUEST

Three (3) way Stop Request at Hawkins playground located at 8th Street and Hancock Avenue - John Pugh, Director, Planning and Inspection Department gave his findings and recommendations to the Board regarding the type of signage to be used and the placement of those signs; as well as painting pedestrian cross walks when the weather permits.

Mayor Oberlie made the motion that the Neighborhood Watch sign should be separate from the stop sign and playground sign installation; and to wait on painting the cross walks until the weather permits – possibly May. The motion was seconded by John Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

STREET LIGHT REQUEST

Request for Overhead Street Light at Salem Court and Welnetz Road - John Pugh, Director, Planning and Inspection Department, gave his findings and recommendations to the Board regarding the placement of a street lamp at this intersection. Mayor Oberlie made the motion to table; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST FOR STREET LIGHTING IN THE CANADA NEIGHBORHOOD - John Pugh, Director, Planning and Inspection, gave his findings and recommendations to the Board regarding placement and relocation of street lights in the Canada neighborhood. Mayor Oberlie moved to proceed with the three (3) recommended installations were there are poles identified and get estimates from NIPSCO for the installation of the other two (2); the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST FOR ANGLE PARKING on the south side of 1517 Franklin Street - John Pugh, Director, Planning and Inspection, gave his findings and the recommendation to not approve this request. Mayor Oberlie moved to accept the recommendation; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

PROPOSED PETITION for Developmental Variances/Special Use - City Attorney Jennifer Evans addressed the Board regarding an upcoming Petition for Developmental Variances/Special Use that has been filed with the Board of Zoning Appeals. This petition is requesting a number of developmental standard variances and one (1) special use for two (2) parcels of property that are owned by the city. The locations of these properties are at: US Hwy 421 and Franklin Street, and US Hwy 20 and Cleveland Avenue. Photos were distributed to the Board for viewing. This petition is specifically seeking authorization for relocating two (2) Billboards which are currently located at Michigan Blvd. and Jackson Street; as well as Franklin and Homer Streets. Utilities will need to sign off on the petition/proposal. This is for informational purposes only at this time.

MEMORANDUM OF UNDERSTANDING between the Michigan City Board of Public Works and Safety and the Indiana Plan – Mayor Oberlie addressed the Board requesting authorization to negotiate and sign, a not to exceed \$50,000 commitment to the Indiana Plan. This would help in bringing the Indiana Plan to Michigan City for the development of pre-apprenticeship training programs. John Schaefer made the motion to approve; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

Scope of Work Project for the South Shore Line Heritage – Mayor Oberlie made the motion requesting the Board for the signature of its President to a Scope of Service Agreement with John P. Hankey, a Historian/Cultural Resource Consultant, to review the existing approved application of a South Shore Rail Car restoration venue construction project to include an analysis of feasibility for expansion of the project including Federal funds; the motion was seconded by Tony Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

ADJOURNMENT

The presiding officer inquired whether there was anything else to be considered by the Board at this time and, there being none, declared the meeting ADJOURNED (approximately 9:47 a.m.).

Thomas F. Fedder, City Clerk