

REGULAR MEETING – APRIL 21, 2008

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, April 21, 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.

Also noted in attendance:

John Espar, Corporate Council
Sgt. Jeff Loniewski, Traffic Division, M.C.P.D.
Al Walus, General Manager, Sanitary District
John Pugh, Director, Planning & Inspection
Jack Kahn, Street Director, Central Services
Jim Elwell, Superintendent, Central Services
Bill Phelps, City Engineer
Dave Lamb, Fire Chief, M.C.F.D.
John Kintzele, Asst. Chief, M.C.P.D.
Mark Swistek, Asst. Chief, M.C.P.D.
Shelley Dunleavy, Personnel Director

Jason Miller, The News Dispatch

Thomas Fedder, City Clerk
Kim Sliwa, Assistant Deputy City Clerk

APPROVAL OF MINUTES

Mr. Schaefer moved the Minutes of the Regular Meeting of April 7, 2008, be approved as printed. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

OPENING OF BIDS

FIR STREET IMPROVEMENT PROJECT-from Eighth Street to Vail Street

Three (3) bids were received, as follows:

D & M Excavating, Inc.	\$ 94,998.00
Woodruff & Sons, Inc.	\$119,788.00
HRP Construction, Inc.	\$128,318.00

John A. Doyle & Associates provide the engineer’s estimate \$163,700.00

Mayor Oberlie moved to refer the bids to the City Engineer, the Consulting Engineer for tabulation, and the EEO Office; and reported back at the next meeting. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST STREET LIGHT INSTALLATION

The following correspondence was received in the Clerks Office on April 11, 2008 from Annie L. Wilke:

I am writing to you in request that a street light be posted at the end of the street located on the 900 block of Martin Luther King Drive between Fern Street and Tryon Road. This being a dead end street, it’s very dark at night, not to mention surrounded by woods, I would appreciate greatly if you could take this matter serious and have one posted immediately.

Mark Swistek, Asst. Chief, M.C.P.D., addressed the board with regards to their findings on this request stating that a street light placed approximately half the way down the 900 block of Martin Luther King Drive will allow for increased visibility and improve the comfort and security of the residents who live on this stretch of road.

Mayor Oberlie moved to have the Planning Department identify a pole and notify N.I.P.S.CO of installation. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

The following correspondence was received in the Clerks Office on April 15, 2008 from Daisy Lamberg, 129 N. Dickson Street:

I am writing to you in request that a street light be posted at the end of the Street located on the 600 block of Hobart Street between North Porter and School Street and Vail Street as it’s very dark at night. Not to mention surrounded by tall trees, and would draw a lot of crimes, and vandalism. I would appreciate greatly if you would take this matter serious and have it posted immediately.

Mark Swistek, Asst. Chief, M.C.P.D., addressed the board with regards to their findings on this request stating that there is currently a street light in place at Hobart and North Porter Streets. The light is currently out and has been placed on the list to be replaced.

The area was checked and no dark locations were found or any other justifications for a street light in this particular area.

Mayor Oberlie moved to accept the report from the Michigan City Police Department. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

APPROVAL OF AMENDMENTS

Mrs. Shelley Dunleavy, Director, Personnel Department, submitted the following amendment to the Employee Policy and Procedure Manual, policy number 218, for Use of Equipment and Vehicles:

POLICY & PROCEDURE MANUAL
Section: Employment
Policy: Use of Equipment and Vehicles
Policy No: 218
Effective: 1-1-04
Revised: 4-21-08

USE OF EQUIPMENT AND VEHICLES

Certain job positions allow for the personal assignment of a City vehicle. As a general rule, personally assigned vehicles are to be driven home by employees for the sole purpose of garaging and safekeeping the vehicles. Personal use of the vehicles driven home by employees, other than police and elected officials, is prohibited. Pursuant to rules promulgated by the Internal Revenue Service, employees will be assessed a daily commuting usage charge for the value of not having to drive their personal vehicle to and from work.

The privilege of using a City vehicle in conformity with the policies set forth in this Section provides a valuable benefit to the individual employee not otherwise reflected in the usage charge calculated by the Internal Revenue Service. Due to the substantial and sustained increase in the cost of fuel, any employee who elects to participate in this policy authorizing the personal assignment of a City vehicle shall be required to reimburse the City a predetermined sum to offset the cost of fuel. The fuel reimbursement rate shall be \$15.00 per month for employees residing within the Civil City of Michigan City and \$25.00 per month for employees residing outside of the Civil City of Michigan City. Any employee who elects to participate in this policy authorizing a City employee to drive vehicles to and from their City employment shall consent in writing to the payment of the fuel reimbursement charge as a payroll deduction.

This fuel reimbursement charge applies to all general fund departments of the City of Michigan City, excluding police, fire and emergency management and is in addition to the current \$3.00 per day taxable benefit, presently recognized pursuant to IRS regulations. Payroll deductions for this charge will be effective June 1, 2008.

Employees who operate a City vehicle will conduct a daily inspection of the vehicle prior to departing with the vehicle from its parked location. The inspection will include, but not be limited to, a fuel check, brake pedal check, oil dip-stick check, tire inspection for low air pressure, body inspection for dents or damages on the paint or metal and check odometer reading. After each use, the same items will be inspected and notations made of any changes in conditions.

Equipment and tools essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines. Employees

should notify their supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

Employees who operate City vehicles will be required to maintain a valid driver's license or CDL. Payment of speeding and/or parking tickets is the sole responsibility of the employee driving the vehicle. Employees who are arrested for vehicle violations when operating a City vehicle will be subject to an investigation and corrective action, up to and including termination of employment. An employee whose Bureau of Motor Vehicle records indicate a pattern which may jeopardize public safety and/or negatively impact the City's insurance premiums may be removed from his/her position.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in corrective action, up to and including termination of employment.

Mayor Oberlie informed the Board that this will go into effect on June 1, 2008; and moved to approve the amendments. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

HANDICAPPED PARKING REQUEST – 118 E. WILLIAMS STREET

John Pugh, City Planner, addressed the Board with regards to this request stating that at this time his recommendation is to place a Handicapped Parking Sign in front of 118 E. William Street and replacing the present deteriorated No Parking sign at the end of the street with a new No Parking This Side of Street sign; and not cutting into the curb or making any other construction improvements.

Mayor Oberlie moved to accept the recommendations of the Planning Department. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

LETTER OF UNDERSTANDING

Al Walus, General Manager of the Sanitary District of Michigan City, Indiana, addressed the Board regarding a Letter of Understanding that was presented last year between the Board of Works and the Sanitary District, for the Lake Hills Storm Water Separation Project-identified as Division I-which was started, but due to budget constraints the storm water drainage was not done. Through the budget process last year the City approved the Division II-construction of storm water drains-in the Lake Hills Project area. Mr. Walus proposed the following Letter of Understanding to the Board:

A LETTER OF UNDERSTANDING BETWEEN THE SANITARY DISTRICT OF MICHIGAN CITY AND THE MICHIGAN CITY BOARD OF PUBLIC WORKS & SAFETY REGARDING THE CONSTRUCTION OF THE LAKE HILLS SEWER SEPARATION PROJECT, DIVISION II

WHEREAS, the Sanitary District of Michigan City (herein after referred to as the "District") desires to improve surface drainage within an area of the City of Michigan City generally bounded by Wayne Street on the West, Washington Park Boulevard to the south, Loran Road on the east and Lake Hills Road on the north; and,

WHEREAS, the District has recently completed certain sanitary sewer infrastructure Upgrades within the project area in 2007 as part of the Lake Hills Project, Division I, and the construction of the storm sewer infrastructure is desired to be performed this year in 2008 as part of the Lake Hills Project, Division II; and,

WHEREAS, the budget of the City of Michigan City contains appropriations for the Construction of new underground infrastructure, with said fund being administered by the Board of Public Works and Safety (herein after referred to as the “Board”).

NOW, THEREFORE the District and Board agree as follows:

Section 1: That the District will provide engineering services and construction supervision for the Lake Hills Sewer Separation Project as described in the where clauses of this letter.

Section 2: That the District will obtain bids for the project and proceed with construction. It being understood that a project of this magnitude will require a Common Construction Wage pursuant to Indiana Law and conformance to the City’s Affirmative Action-Equal Employment Opportunity Program.

Section 3: That prior to awarding the construction contract the District will present the final plans and specifications to the Board for review and approval.

Section 4: That after the District has reviewed and approved periodic claims From the contractor, the District will forward said claims to the Board for payment; However, the Board’s financial liability under this agreement shall not exceed \$725,000 with all designated for construction and engineering services.

Mr. Walus informed the Board the drawings they previously used for this project last year were used to re-bid the storm sewer part of the project; and went on to explain the project costs and specifics of the Letter of Understanding to the Board for the Division II part of this project. If approved by the Board of Works, Mr. Walus will take the Letter of Understanding to the Sanitary Board at their next regular meeting.

Mayor Oberlie moved to accept the Letter of Understanding presented by the Sanitary District. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

NO PARKING SIGN REQUEST-WALKER STREET PLAYGROUND

Mark Swistek, Asst. Chief, M.C.P.D., addressed the board with regards to the request for a No Parking Sign to be posted in front of the Walker Street playground; which is on the north side of the 800 block of Walker Street. Asst. Chief Swistek informed the Board that since the last Board of Works meeting when this request was first submitted to the Board the Police Department has had numerous calls for service, mainly in reference to motorist who were blocking the roadway in front of the park, as well as numerous problems with parking in front of the park. At this time it is the Police Departments recommendation to go forward with the placement of No Parking Signs in front of the park parcel.

5th Ward Councilman Willie Milsap, 601 S. Dickson Street, addressed the Board regarding this matter stating that his 5th Ward Office has received several complaints as to the parking and loitering taking place there. Mr. Milsap went on to explain to the Board the various acreages of the different parks located in the City, with this park being the smallest (not a drive to park); and that he supports the posting of No Parking Signs in front of the Walker Street playground.

Mr. Schaefer moved to accept the recommendation to install No Parking Signs in front of the Walker Street playground. The motion was seconded by Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

MEMORANDUM OF UNDERSTANDING-LaPORTE COUNTY LITERACY COUNCIL

Mayor Oberlie brought before the Board the annual renewal of the Memorandum of Understanding with the Literacy Council of LaPorte County; they work through the Barker Woods Enrichment Center to provide a special needs reading program specifically targeting young people with dyslexia. Attached to the proposed Memorandum is the report from 2007 showing the years statistics.

MEMORANDUM OF UNDERSTANDING BETWEEN THE MICHIGAN CITY BOARD OF PUBLIC WORKS AND SAFETY AND THE LITERACY COUNCIL OF LAPORTE COUNTY

THIS MEMORANDUM OF UNDERSTANDING, dated as of the 21st day of April, 2008, is made and entered into between **THE CITY OF MICHIGAN CITY, INDIANA, BY AND THROUGH THE BOARD OF PUBLIC WORKS AND SAFETY** (“City”) and the **LITERACY COUNCIL OF LAPORTE COUNTY** (“LCLC”).

WHEREAS, the City and LCLC agree that in order to help Citizens of Michigan City achieve their full potential through literacy, a special needs program relating to dyslexia is needed; and

WHEREAS, the LCLC will canvas Michigan City Area Schools for potential students and provide support to parents and/or guardians to determine if the student has dyslexia; and

WHEREAS, equal consideration will be given to all without regard to race, color, national origins, sex, political belief or religion.

NOW THEREFORE, in consideration for the mutual covenants hereinafter stated, the parties agree that the City shall assist in funding this special needs program in an amount not to exceed Fifty Thousand and 00/100 (\$50,000.00).

The undersigned parties by their signatures below agree to abide and be bound by the terms of this agreement as hereinabove set forth.

IN WITNESS WHEREOF, the Parties have duly executed this Memorandum of Understanding as of the date first above written.

The Mayor moved to authorize to execute the Memorandum of Understanding for the LaPorte Literacy Council program. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CLAIMS AND PAYROLL

Mr. Schaefer, 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 Mr. Metzcus 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 8	04/11/2008	\$405,113.61
1 of 3	04/11/2008	\$ 80,735.43
1 of 1	04/11/2008	\$ 10,696.39
1 of 1	04/11/2008	\$ 2,314.50

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

Page	Date	Amount
1 of 5	04/21/2008	\$1,714,620.02

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 9:50 a.m.).

Thomas F. Fedder, City Clerk