

REGULAR MEETING – August 18, 2008

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, August 18, 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.
Jim Elwell, Superintendent, Central Services
Jack Kahn, Street Director, Central Services
Al Walus, General Manager, Sanitary District
John Pugh, Director, Planning & Inspection
Bill Phelps, City Engineer
Charlie Cate, Superintendant, Central Maintenance

Rick Richards, The News Dispatch
Ron Miller, WEFM Radio

Gale Neulieb, Deputy Clerk
Kim Sliwa, Asst. Deputy City Clerk

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of August 4, 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.**

RETIREMENT

The following correspondence was received in the Clerks Office on August 12, 2008 which read:

Dear Sirs: I, Johnnie Hudson, herewith tender my retirement from the Michigan City Police Department, after having served over twenty-four years with this department. It is requested that my retirement be effective after the close of business on the 13th, day of September, 2008. I further petition the Trustees of the Police Pension Board that I be placed on a twenty-four and a half year pension.

Note: This is for informational purposes only.

CORRESPONDENCE – Request for Street Closing

The following correspondence was received in the Clerks Office on August 12, 2008, from General Garner, 117 Case Street, M.C.:

To Whom It May Concern: The Garner' Day is just around the corner. I'm once again Requesting the street be closed off on the corner of Case and Holliday to the Alley. Dates are Aug. 30 – Sept. 1. Thanking you in advance.

Sgt. Jeff Loniewski, Traffic Division, M.C.P.D. addressed the Board regarding this request, stating that this is an annual event and recommends approving the request, however, based on the length of the request covering two (2) days the Traffic Division requests permission to withdrawal the approval if any problems present themselves during the event.

John Schaefer made the motion to approve the request with the provisions made by the Traffic Division. The motion was seconded by Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE – Request for Street Closing

The following correspondence was received in the Clerks Office on August 12, 2008, from John Pease, 134 Concord Drive, M.C.:

On behalf of neighbors on Concord Drive, I am requesting that Concord Drive be blocked on August 24th from 3:00 to 7:00 p.m. for our annual block party. Additional info. Contact John Pease, 134 Concord Drive, phone (219) 874-6157

Sgt. Jeff Loniewski, Traffic Division, M.C.P.D. addressed the Board regarding this request, stating that this is an annual event and recommends approval of the request for the safety of the pedestrians that are attending this event.

Mayor Oberlie made the motion to approve the request. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE – Request to Hang Banner

The following correspondence was received in the Clerks Office on August 12, 2008, from John Fanson, of The Heart of Art Committee, LaPorte County Visitors and Convention Bureau:

The Heart of Art Committee in association with the LaPorte County Visitors and Convention Bureau would like to ask permission to install a banner across Franklin Street between 7th and 8th Streets. The banner will be approximately 20 feet long by 2 ½ feet tall. The banner will read: **9TH Annual Heart of Art Tour October 18-19, 2008.** We would like to place the banner during the first week of September, 2008 and keep it up through the 19th of October, 2008. The reason we would like to place the banner at this location is that we will be utilizing various storefronts in the downtown area between 8th Street and the library for artists to display their works. We are hoping to have approximately 20 artists located throughout the downtown area displaying their art. Thank you.

Mayor Oberlie addressed the Board stating that the City's General policy does not permit overhanging signs across streets due to liability issues. Mayor Oberlie made the motion to refer this to the Planning Director and ask that he work with the Committee to find an alternative. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE – Handicapped Parking Request

The following correspondence was received in the Clerks Office on August 14, 2008, from Rev. Walter M. Ciesla, Pastor, Saint Stanislaus Church, 109 Ann Street, M.C.:

To Whom It May Concern: For the benefit of our handicapped members, Saint Stanislaus Church requests permission for the installation of designated handicapped parking spots in the front of the church on Washington Street and on the Ann Street side of the church. if you have any questions, we may be reached at 219-879-9281. Thank you for your kindness and consideration.

John Pugh, Director, Planning & Inspection, addressed the Board stating that the Planning Department had just received this request and asked the Board for some time to investigate the matter.

Mayor Oberlie made the motion to refer the request to the M.C.P.D. Traffic Division and the Planning Department, and to report back to the Board at their convenience. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

MEMORANDUM OF UNDERSTANDING

Between the Michigan City Board of Public Works & Safety and the Michigan City Area Schools – Police/Schools Liaison Officers Agreement

Mayor Oberlie addressed the Board explaining the annual agreement, this being a continuation, and moved to accept the Agreement. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

AGREEMENT – Between the Michigan City Board of Public Works & Safety and Butler, Fairman and Seufert, Inc. for the Woodland Avenue and Barker Road Traffic Study

John Pugh, Director, Planning & Inspection, addressed the Board regarding this agreement, of which we are a grant recipient on the H.S.I.P. Program (which is a safety program to help City's complete or finish problems at troublesome intersections). This grant came through NIRPC; Butler, Fairman and Seufert, Inc. Mr. Pugh recommended the Board's approval of this, so the process can be started.

John Schaefer made the motion to approve the agreement as recommended by the Planning & Inspection Department. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

SINGING SANDS–LIGHTHOUSE TRAIL

Agreement for Investigation and Trail Routes

Bill Phelps, City Engineer, reported to the Board that he has negotiated an agreement with Butler, Fairman and Seufert, Inc., for the investigation and analysis of alternate trail routes in order to avoid new crossings of the Amtrak railroad tracks. Mr. Phelps recommended the approval of this agreement to the Board.

Mayor Oberlie and Mr. Phelps discussed the four (4) years that have been put into this since the Federal Grant has been approved. Butler, Fairman and Seufert, Inc. have been the design firm since then; and made the motion to approve the agreement. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ADDENDUM AGREEMENT – South Shore Line Heritage Museum Project

Between the City of Michigan City and John P. Hanke, Project Advisor

Mayor Oberlie addressed the Board regarding the original contract with John P. Hanke, who was investigating the feasibility of restoring the South Shore Line Car; and pursuant to the original grant providing a venue for the shilling of those cars. This Addendum will allow for an additional six (6) months to develop a formal application for the funding with I.N.D.O.T. of that alternative under T.E. The Mayor made the motion to approve the agreement. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

RESOLUTION

John Schaefer, City Controller, addressed the Board explaining the Resolution proposed between the Michigan City Board of Public Works and Safety providing for Agreement with the Town of Pottawattomie Park, Indiana, for the purchase of Gasoline supplies. Mr. Schaefer explained the clarification that needs to be made to the Resolution as we bid our fuel each time we purchase and there is no bulk contract with any specific vendor. Mr. Schaefer made the motion to approve the Resolution. The motion was seconded by Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

RESOLUTION NO. [2793](#)

A RESOLUTION OF THE MICHIGAN CITY BOARD OF PUBLIC WORKS & SAFETY PROVIDING FOR AGREEMENT WITH THE TOWN OF POTTAWATTOMIE PARK, INDIANA, FOR THE PURCHASE OF GASOLINE SUPPLIES

WHEREAS, the Town of Pottawattomie Park (the “Town”) was incorporated as a Town under the laws of the State of Indiana on January 22, 1927, and pursuant thereto, provides for law enforcement through the services of a Town Marshal and maintains

ownership of a Town Police squad car, more particularly described on Exhibit “A” attached hereto, and referred to hereafter as the “squad car,” and

WHEREAS, because of the limitation of its resources, the Town must purchase gasoline fuel for the squad car from the local retail market, thus resulting in significant economic disadvantage to the taxpayers of the Town, and

WHEREAS, the City of Michigan City (the “City”) through its Board of Public Works and Safety (the “Board”) has the resources and economic power to purchase gasoline fuel for its vehicle fleet in bulk, and does so in compliance with Indiana State purchasing laws, and

WHEREAS, the Town has, by its Resolution No. 2008-2 adopted August 4, 2008, petitioned the City, through the Board, to permit the Town to purchase gasoline from the City’s bulk supply under the terms and provisions set forth therein, attached hereto as Exhibit “B”, and

WHEREAS, the amount of fuel required annually by the Town’s squad car is so insignificant as to have no adverse effect upon the City’s annual fuel supplies, and

WHEREAS, favorable action on said petition by this Board and the adoption of a Board Resolution containing identical terms and provisions to those set forth in said Resolution No. 2008-2, will constitute an agreement under the terms of IC 36-1-7-12, and will provide another feature to the history of cooperation between the City and the Town

NOW THEREFORE BE IT RESOLVED by the Michigan City Board of Public Works and Safety as follows:

- (1.) That upon approval and adoption of this Resolution by this Board containing terms identical to those in said Resolution 2008-2, the Town shall be allowed to purchase gasoline for its squad car, and only for that squad car, from the City at the same price per gallon as that stated as the most currently approved City’s vendor invoice contract with the City’s vendor.
- (2.) That the term “squad car” in this resolution shall mean only the vehicle described on Exhibit “A” attached hereto, which shall be used only for the purpose of law enforcement.
- (3.) That this duration of this agreement shall be one (1) year from the date of approval by the Board; the Agreement may be renewed annually by mutual agreement prior to its expiration date by approval and adoption by the Board and Town Council, of simple Resolutions, identical in form and making reference to the two (2) Resolutions which constitute this Agreement.
- (4.) The City will issue to the Town Clerk-Treasurer an access card and account which shall be used to obtain fuel only for the squad car and only by the Town Marshal, and the record of its use maintained by the City shall be deemed the final statement of the Town’s account by the City Controller for invoice purposes.
- (5.) The City Controller shall issue an invoice to the Town Clerk-Treasurer not oftener than once a month and said invoice shall be paid immediately by the Town Clerk-Treasurer.
- (6.) The City shall allow access to the Town Marshall to its bulk gasoline fuel supply, and the Town shall provide funds for the cost of said fuel in its annual budget.

(7.) Favorable action on this Resolution by this Board will constitute a written Agreement between governmental units under the terms of IC 36-1-7.

INTRODUCED BY: /s/ John Schaefer

CLAIMS AND PAYROLL

Mayor Oberlie, 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

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

Page	Date	Amount
1 of 5	08/18/2008	\$1,773,576.24

OTHER BUSINESS

TOWER RUN/TRIATHLON EVENT

Sgt. Jeff Loniewski addressed the Board regarding the Park Departments request for the M.C.P.D. Traffic Division to assist them in developing routes for the Triathlon Events to be held on September 6th & 7th, 2008. Sgt. Loniewski went on to explain the routes for each days events, as well as information on who will be assisting the Traffic Division with Traffic Control for the two (2) day event.

Mayor Oberlie made the motion to approve the routes recommended by the M.C.P.D. Traffic Division. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ITEM TO BE PLACED ON AGENDA FOR NEXT B.O.W. MEETING

Mayor Oberlie addressed the Board stating the City has received a letter from ALCO (channel 97 TV) asking that the City consider expanding the Government Channel programming into Channel 99, which presently serves as the City's Public Access Channel. The Mayor will file the letter in the Clerks Office to be placed on the Agenda for formal consideration at the next meeting.

THANK YOU ON BEHALF OF POTTAWATTOMIE PARK

Attorney Patrick E. Donoghue, thanked the Board for their consideration on behalf of the Town of Pottawattomie Park for the purchase of fuel for their squad car.

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 9:28 a.m.).

Thomas F. Fedder, City Clerk