

REGULAR HYBRID/ZOOM MEETING - June 20, 2023

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Tuesday, June 20, 2023, at 8:30 a.m., hosted by "Hybrid/Zoom" and streaming live on "My Michigan City" Facebook page.

The meeting was called to order by President, Virginia Keating, who presided.

Noted present in person: Virginia Keating, Michael Vinson, and Mayor Parry (3), **Absent:** None (0)

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich Stalbrink, Corporate Counsel
Andrew White, Alco TV
Chris Yagelski, Mayor's Administrator
Christine Vanderburg, Code Enforcement Officer
Brian Wright, MCPD Traffic
Skyler York, City Planner
Shannon Eason, Assistant Park Superintendent
Brad Minnick, Interim City Engineer
Terry Greetham, Events Director
Eric Williams, Assistant Event Director

Gale Neulieb, City Clerk
Amanda Pickens, Assistant Deputy Clerk.

APPROVAL OF MINUTES

President Keating asked if there were any corrections to the minutes of the Regular "Hybrid/Zoom" meeting of June 05, 2023, there was no response.

Vice President Vinson made a motion to approve the minutes as read of the Regular "Hybrid/Zoom" meeting of June 05, 2023; seconded by Mayor Parry and was approved by the following vote: **AYES:** Board members, Mayor, Vinson, and Keating (3). **NAYS:** None (0). Motion Carries.

President Keating read the following item on the agenda.

AMENDMENT TO PURCHASE AGREEMENT - Amendment to Purchase between MacQueen Emergency and the City of Michigan City, Indiana for the purchase of a Pierce Enforcer 100 Foot Rear Mount Platform Aerial Fire Truck in the amount of \$1,995,000.00 .

City Attorney Lapaich Stalbrink addressed the board stating that the purpose for the amendment is to clarify that a payment will be due upon delivery of the vehicle and the vendor insurance will adequately protect the vehicle while in transit so the City would not be responsible for damages as the City will take the title and insurance once its delivered.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the board had any questions or comments, there was no response.

Mayor Parry made a motion to approve the Amendment to Purchase between MacQueen Emergency and the City of Michigan City, Indiana for the purchase of a Pierce Enforcer 100 Foot Rear Mount Platform Aerial Fire Truck in the amount of \$1,995,000.00., second by Vice President Vinson and the motion carried by the following vote: **AYES:** BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries.**

President Keating read the following item on the agenda.

MEMORANDUM OF UNDERSTANDING - Shannon Eason, representing the Michigan City Public Art Committee is requesting approval of a Memorandum of Understanding between Janet Austin (Artist) and Michigan City Public Works to place her art titled

“Waterbird” on the SE corner of 5^h Street and Franklin Street in the amount of \$3,000.00.

President Keating stated this already came before the board, but no vote was taken.

Shannon Eason, representing the Michigan City Public Art Committee addressed the board stating this is for a two (2) year renewal for a total of \$3,000.00 and is located across the street from Horizon Bank on 5th and Franklin Street.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the board had any questions or comments,

Vice President Vinson made a motion to approve the Memorandum of Understanding between Janet Austin (Artist) and Michigan City Public Works to place her art titled “Waterbird” on the SE corner of 5h Street and Franklin Street in the amount of \$3,000.00., second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

APPLICATION FOR VENDOR LICENSE - Jesus Tapia, Tacos My Fren, is requesting a vendor license to set his food truck up in the Walmart parking lot to participate in the Children’s Miracle Network Campaign on the following dates June 18th, June 24th, July 1st, and July 2nd 2023 starting at 10: a.m .- 8:00 p.m.

President Keating stated we do have a letter of approval from Walmart.

City Attorney Lapaich Stalbrink stated she has a few questions as to the exact location as this request needs to be approved specific to Walmart, also the vendor needs to provide proof of signage as he did not have any attached to his application, also his driver’s license need to be approved through MCPD as this is an international license.

Corporal Wright stated he will run a check on the international driver’s license and report back at the next meeting.

President Keating asked if there were any comments from the public, there was no response

President Keating asked if the board had any questions or comments, there was no response.

Vice President made a motion to put the vendor license request to set his food truck up in the Walmart parking lot to participate in the Children’s Miracle Network Campaign on the following dates June 18th, June 24th, July 1st, and July 2nd 2023 starting at 10: a.m.- 8:00 p.m. on the pending item’s list until the July 3, 2023 meeting., second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

APPLICATION FOR VENDOR LICENSE - Michael Schick, Foodwheels LLC, is requesting a vendor license to set his food truck up at 4411 Inn & Suites, Sunday - Saturday from 7:00 a.m. through 4:00 p.m .

President Keating stated this application does not reflect a beginning or ending date

City Attorney Lapaich Stalbrink, stated to the board she recommends on this application to only approving this to 4411 E U.S. Highway 12 and of any additional location they should come back before the board, they also need to amend insurance and resubmit with the changes that are necessary.

President Keating asked if there were any comments from the public, there was no response

President Keating asked if the board had any questions or comments,

Vice President Vinson stated to the board that the vendor's Food Establishment permit expires at the end of this year.

Michael Schick 224 Cook Street, stated for this season this food trailer will only be at this location.

City Attorney Lapaich Stalbrink stated the Certificate of Insurance will need to be amended to reflect there is no general liability, the additional insurance is not correct, and you will also need to submit an amended food handlers permit when your current one expires.

Michael Schick stated he can get those corrections fixed.

Mayor Parry made a motion to approve the vendor license to set his food truck up at 4411 Inn & Suites, Sunday -Saturday from 7:00 a.m. through 4:00 p.m. pending the changes and approval of insurance., second by Vice President Vinson and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

APPROVAL FOR ADDITIONAL EMPLOYEES - William Maynard, Phantom Fireworks Eastern Region LLC, is requesting approval to hire additional employees on his vendor license .

Sarah Staples 2920 Wrobel Avenue addressed the board stating she is here today to hire three (3) additional employees.

City Attorney Lapaich Stalbrink stated that everything is in order.

President Keating asked if there were any comments from the public, there was no response

President Keating asked if the board had any questions or comments, there was no response.

Vice President Vinson made a motion to approve William Maynard, Phantom Fireworks Eastern Region LLC, is requesting approval to hire additional employees on his vendor license., second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

REQUEST FOR STREETLIGHTS - Brad Minnick, Haas & Associates , is requesting for NIPSCO to furnish and install 3 streetlights in the alleyway between Emily and Miller Streets, east of E Street as a safety enhancement to the Neighborhood .

Brad Minnick, Haas & Associates, addressed the board stating in your packet there is a map of the exact location where the lights will be placed in the alleyway.

President Keating asked if there were any comments from the public,

Rodney McCormick 617 Union Street addressed the board stating unfortunately over the weekend there were shots fired in the alleyway, since then the tree brush has been cut down that was in the way of the current lighting on Union Street.

President Keating asked if the board had any questions or comments, there was no response.

Vice President Vinson made a motion to approve for NIPSCO to furnish and install 3 streetlights in the alleyway between Emily and Miller Streets, east of E Street as a safety

enhancement to the Neighborhood., second by President Keating and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries.**

President Keating read the following item on the agenda.

USE OF CITY PROPERTY - Brealon Hervey, Social Que BBQ, is requesting to utilize Redevelopment owned property at 7th and Franklin Street for a Kidpreneur event during First Fridays for the months of July and September .

Brealon Hervey 1705 Springland Avenue addressed the board stating he has been working with the kids and the RDC and just making sure that we follow the proper steps to make sure we have the approval to host these events for the kids.

President Keating if there were any street closure involved.

Brealon Hervey, responded no

City Attorney Lapaich Stalbrink, stated that Redevelopment has approved for use of this lot and asked Mr. Hervey what events will be going on?

Brealon Hervey responded that the kids are coming out as their vendors and helping them be entrepreneurs and showing them how to become business owners as many different businesses in the City have donated tables, tents, and chairs.

City Attorney Lapaich Stalbrink stated that bouncy houses should be prohibited due to it being a liability and the City insurance would not allow us to have that, also that a Certificate of Insurance to be provided.

President Keating if there were any comments from the public, there was no response

President Keating asked if the board had any questions or comments, there was no response.

Mayor Parry made a motion to the use of the Redevelopment owned property at 7th and Franklin Street for a Kidpreneur event during First Fridays for the months of July and September pending the approval of the Certificate of Insurance., second by Vice President Vinson and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries.**

President Keating read the following item on the agenda.

USE OF CITY PROPERTY - Kalvon Hawkins, 325 Village Road, is requesting to use the "You Are Beautiful " lot on Saturday July 29,2023 and requesting to close 2nd Street starting at 11:00 a.m. - 8:00 p.m. for their annual "Car Audio Battle ".

Kalvon Hawkins, 325 Village Road, addressed the board stating this is his 12th annual audio show all proceeds will be going to his deceased daughter's foundation and the baby bumper bowling league, he has have received permission from RDC and provided insurance with the \$2,000,000.00 liability.

City Attorney Lapaich Stalbrink asked Skyler York if the RDC approved the audio portion of this as the City does have an noise Ordinance.

Skyler York Planning Director stated we did not comment on the audio portion of it.

Kalvon Hawkins stated this event has been put on in different locations throughout the City and is no louder than the boat show or the other festivals.

Corporal Wright, MCPD Traffic, stated there is no issue with the road closure as far as the noise goes, If MCPD receives any complaints, they will address Mr. Hawkins accordingly and work with him not against him.

President Keating asked if there were any comments from the public,

Rodney McCormick 617 Union Street said he hopes this same ordinance applies when the public hears the music blasting from Zorn Brewery so this ordinance will be enforced to everyone.

President Keating asked if the board had any questions or comments, there was no response.

Mayor Parry made a motion to approve the to use the “You Are Beautiful” lot on Saturday July 29,2023 and requesting to close 2nd Street starting at 11:00 a.m. - 8:00 p.m. for their annual “Car Audio Battle” pending the approval of the Certificate of Insurance., second by Vice President Vinson and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries.**

President Keating read the following item on the agenda.

REPAIR OF DRIVEWAY APRON - Tom Orlowski, 208 Southwood Drive , is requesting for his driveway apron to get repaired to its original angle due to previous construction performed by the City.

Tom Orlowski, 208 Southwood Drive, addressed the board stating a number of years ago when the City redid the sewers, they broke the apron where the driveway meets the street, the City did fix his but with a standard curve not to the original angle, so he is asking for this to be repaired.

Brad Minnick, Haas & Associates addressed the board stating he went to the residence, and he does have a four-inch drive over curb and its consistent with the other driveways in the area, the contractor has not mobilized the street yet, he is asking for time to review Google earth images in previous years of the conditions of the driveway.

President Keating asked how long will this review take?

Brad Minnick stated the contractor will review in the next 10 days, so the next meeting.

President Keating asked if the public had any questions or comments, there was no response.

President Keating asked if the board had any questions or comments.

Mayor Parry stated he would make a motion to table until the next meetings for Brad Minnick assessment.

Further conversation ensued between Brad Minnick, Vice President Vinson, and Mayor Parry, regarding the apron and the standard curbs in the neighborhood.

Mayor Parry made a motion to table the matter of the driveway apron at 208 Southwood Drive to get repair being returned to its original angle due to previous construction performed by the City until the next meetings for Brad Minnick assessment., second by Vice President Vinson and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries.**

President Keating read the following item on the agenda.

SPECIAL EVENT REPORT - Terry Greetham, Special Event Director - updates and details as to all events per BOW Resolution No . 2836

Terry Greetham, Events Director, gave an overview of the Signing Sands Festival and an update of the upcoming events for the summer.

President Keating read the following item on the agenda.

AWARDING OF BIDS - MCPD- 2023 Three (3) year Lease program for nine (9) Dodge Durango’s Police Pursuit package fully outfitted.

City Attorney Lapaich Stalbrink stated she spoke with Chief Corley, and we would recommend the award for LaPorte Chrysler in the amount of \$369,801.00.

President Keating asked if there were any comments from the public, there was no response.

President Keating asked if the board had any questions or comments, there was no response.

Mayor Parry made a motion to approve the Three (3) year Lease program for nine (9) Dodge Durango's Police Pursuit package fully outfitted for MCPD to Laporte Chrysler in the amount of \$369,801.00., second by Vice President Vinson and the motion carried by the following vote: **AYES**: BOW members Mayor, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

President Keating read the following item on the agenda.

AWARDING OF BIDS - DEMOLITION of 925 W. 7th Street, 425 N. Woodland Avenue, 207 Hendricks Street.

City Attorney Lapaich Stalbrink stated she has reviewed all the documents, everything is in order and recommends the following approval for the demolitions if planning is okay with the decision,

President Keating stated the first demolition is for 925 W. 7Th Street- Pavey Excavating, Inc in the amount of \$26,680.00

City Attorney Lapaich stated Pavey would need to submit a signed agreement and Certificate of Insurance.

Christine Vanderborg Code Enforcement Inspector stated she agrees.

Mayor Parry asked with all the properties we are demolishing, is there any way to recover the cost from the property owners?

City Attorney Lapaich stated that once the demolition is completed a bill will be sent to the property owners if they do not pay a lien will be placed on the City property.

Vice President Vinson made a motion to approve first demolition for 925 W. 7Th Street- Pavey Excavating, Inc in the amount of \$26,680.00 pending a signed agreement and Certificate of Insurance., second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Parry, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

425 N. Woodland Avenue- there are 2 bids- awarding Pavey Excavating in the amount of \$18,385.00.

City Attorney Lapaich stated Pavey would need to submit a signed agreement and Certificate of Insurance.

Christine Vanderborg Code Enforcement Inspector stated she agrees.

Vice President Vinson made a motion to approve second demolition for 425 N. Woodland Avenue- to Pavey Excavating in the amount of \$18,385.00 pending a signed agreement and Certificate of Insurance., second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Parry, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

207 Hendricks Street there two bids- Smith & Sons Excavating, In the amount of \$24,000.00

City Attorney Lapaich stated Smith and Sons was the lowest and most responsive, they did submit a signed agreement, but their Certificate of Insurance needs to be amended to reflect to the additional insured would be the City of Michigan City.

Christine Vanderborg Code Enforcement Inspector stated she agrees.

Vice President Vinson made a motion to approve the third demolition for 207 Hendricks Street to Smith & Sons Excavating, In the amount of \$24,000.00 and a amended

Certificate of Insurance., second by Mayor Parry and the motion carried by the following vote: **AYES**: BOW members Parry, Vinson, and Keating (3) **NAYS** (0) **Motion carries**.

CLAIMS AND PAYROLL

President Keating read the BOW Claim Docket for June 20, 2023:

PAYROLL DOCKET	<u>June 2, 2023</u>	
	City Payroll	\$ 1,455,787.67
	<u>June 16, 2023</u>	
	City Payroll	\$ 812,698.86
CLAIMS DOCKET	<u>June 20, 2023</u>	
	Municipal	\$ 4,176,512.48
	Health & Life Ins. Fund	\$ 91,527.85
	CDBG	\$ 12,283.48
	WORKERS COMP TRUST	\$ 0.00
	Total Claims:	\$ 4,290,323.81

Vice President Vinson made a motion to approve the City Payroll Dockets and the Claims Docket in the amount of \$4,290,323.81 second by Mayor Parry and carried as follows: **AYES**: BOW members Parry, Vinson, and Keating (3). **NAYS**: None (0). **Motion Carries**.

UNFINISHED BUSINESS

President Keating stated there is no unfinished business.

PUBLIC COMMENT

President Keating stated that the City 's Website has the forms and explains the requirements and procedures for being placed on the Board Agenda. The forms are also available from the Clerk's office. Also called attention to the Board 's Resolution #2823 enacted on December 6, 2021 and reading in pertinent part that Public Comment is limited to three (3) minutes. All comments are addressed to the Board President not to the individual Board members. All comments must be germane to and within the mandate authority of this Board.

President Keating asked if there were any public comments,

Rodney McCormick, 617 Union Street, stated he would like to say thank you to Brealon Hervey for keeping the young people busy, next thing is there a way for the City to take over the land so that we don't lose the funds during a tax sale? At the last meeting he felt the president treated him rudely as he was stating facts, he felt rushed, is this a standard that applies to everyone or just him?

Martha Moss 418 Hobart Street, stating she is a landlord they are resurfacing Hobart Street she is seeking help trying to get the sidewalk to the street that is cracked replaced as her tenant is disabled.

Brad Minnick Haas & Associates, stated he visited the address with the contractor, how they do it is move in to demo then follow back to do the work then pour it, the demo crew is already gone and working on the next project but no carriage walk was performed, as there is a picture to describe this, however the contractors will not be taking on any extra work as they are swamped.

President Keating stated just to clarify it is too late as far as the demolition crew is done and the crew can not take on no more work at this time.

Tommy Kulavik, 1316 Ohio Street, stated the demo property owners will not pay and once it hits the tax sale the judge will sign the lien to be waved and the City will be on the hook for the demolitions.

BOARD COMMENT

President Keating asked if there were any Board comments, there was no response.

ADJOURNMENT

The presiding officer inquired whether there was anything else to be considered by the Board at this time and, there being none, asked for a motion to **ADJOURN** the meeting at approximately 9:20 a.m. Vice President Vinson made the motion to Adjourn. The motion was seconded by Mayor Parry. **AYES**: Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS**: None (0). **Motion Carries** .

Gale A. Neulieb, City Clerk