

# REGULAR MEETING - NOVEMBER 20, 2000

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, November 20, 2000, 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:** Mayor Sheila Brillson, Anthony Metzcus, and City Controller Charles Oberlie (3).

**Absent:** None (0).

**Note:** Mayor Brillson entered the meeting during the opening of bids for the Municipal Coach bus.

## A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Deputy City Attorney John Espar  
Sanitary District Superintendent Al Walus  
Police Traffic Division Cpl. Al Green  
City Engineer Boyd Phelps  
Code Inspector Ron Plencner  
City Planner John Pugh  
Police Traffic Division Cpl. Kenneth Havlin  
Vector Control Director Dave Morlan  
Police Cpl. Mike Elkins, C.O.P.  
Emergency Management Director Don Siddall  
Fire Chief Ralph Martin  
Municipal Coach Director Walter Gipson  
Street Department Director Terry Farmer  
Police Cpl. Matthew Zolvinski  
Deputy City Clerk Pat Larsen

Kathy Ceperich, News-Dispatch

## APPROVAL OF MINUTES

Mr. Oberlie moved the minutes of the Regular Meeting of November 6, 2000, be approved as printed. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

## AWARDING OF BID - Per Resolution No. 2739-A - One bus for Municipal Coach

One bid was received, as follows:

Midwest Transit ..... \$96,404.61

Mr. Oberlie moved to refer the bid to Municipal Coach, the Engineer, and Human Rights to review and report back at the next meeting. Mayor Brillson seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

## DEMOLITION STATUS REPORT

Mr. Plencner reported as follows:

### Demolition - Status Report Week Ending 11 - 17

142 Hendricks	All required paper work completed for presentation to the Board of Works for demolition, with the exception of addressing all the liens, discussed with Deputy City Attomey advised to discuss at Board of Works meeting. Ready to present at Dec. 4 <sup>th</sup>
832 Tennessee	Board of Works approved the advertising of bids to demolish, bids due Dec. 4 <sup>th</sup> , Arrow Pest Control started first treatment on 11-14. they will follow up with two more applications a week apart.
834 Emily	Ordered title work, started dem olition process, will present Dec. 4 <sup>th</sup> . Requested control burn of this structure due to the contamination of animal and human waste, request denied by the Fire Department

### Demolition completed by City

305 Helen  
234 Pleasant  
216 E. 9<sup>th</sup>  
810 W. 4<sup>th</sup>  
412 Lincoln

1111 W. 9<sup>th</sup> - Contractor removed driveway, and hauled away  
 347 Lincoln - Woodruff completed to code specifications  
 1016 Holliday - Salat completed to code specifications  
 702 Lake Shore Dr. Wagoner completed demolition, will meet specifications  
 2021 Plum - G.E. Marshall completed to specifications  
 220 W. 6<sup>th</sup> - G.E. Marshall completed to specifications

**Properties being reviewed for future demolition**

1117 W. 9<sup>th</sup>  
 1027 W. 9<sup>th</sup>  
 231 Helen  
 612 Willard  
 824 Emily

**Demolition completed by property owners**

Six ( 6 ) properties to date

Concerning 142 Hendricks Street, Mr. Plencner reported difficulty in getting in notifying lien holders. He can't find names and addresses. Mr. Espar suggested he be allowed an opportunity to look in it and to advise the Board of Works regarding Mr. Plencner's obligations in this situation.

**STREET LIGHT**

Councilman Willie Milsap has requested a street light in the 3000 block of Wrobel Avenue.

Mr. Pugh reported they found an existing street light in mid-block. It was heavily overgrown with tree limbs. NIPSCO is going to run a circuit test and the Street Department has started to remove the undergrowth. There is no need for a new light; this one can be repaired.

Mr. Oberlie moved to deny the request, seconded by Mayor Brillson. The motion carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

**HANDICAP PARKING**

Mildred Price, 414 East Seventh Street, has requested handicapped parking in front of her house (Boulevard Gardens).

Mr. Pugh said they looked at the area and noted one car with a handicapped placard. They contacted the Housing Authority, who agreed with the request and would like to have three spaces in the area, based on the needs of the residents. Planning has no objection to this request.

Mayor Brillson moved to approve the recommendation. Mr. Oberlie seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

**RESOLUTION**

Attorney Patrick E. Donoghue was given permission to address the Board; he stated he represents the Michigan City Parks and Recreation Board.

Attorney Donoghue referred to Resolution No. 509, adopted by the Michigan City Parks and Recreation Board on October 19, 2000, **A RESOLUTION RESPECTING THE DISPOSITION OF SURPLUS REAL ESTATE TO MICHIGAN CITY AREA VOCATIONAL SCHOOL BUILDING TRADES CORPORATION**, and to the authority granted to the Park Department to take such action pursuant to Indiana Statutes, I.C. 36-1-11-1, and the Attorney filed a copy of said Resolution No. 509 with the Board. Attorney Donoghue said he had discussed the matter with City Attorney Larry Allen and it is their opinion that the property can be conveyed by the Board of Public Works and Safety, upon resolution and signing of a Quit Claim Deed, which Deed would also be approved by the Mayor. Therefore, he asked that the following Resolution, **RESOLUTION OF THE MICHIGAN CITY BOARD OF PUBLIC WORKS & SAFETY RE: Conveyance of Real Estate (Surplus Park Land) by the Civil City of Michigan City to Michigan City Area Vocational School Building Trades Corporation (Tall Timbers Subdivision)**, accepting the basic terms of the conveyance.

Based on Attorney Donoghue's presentation, Mr. Oberlie moved that the Board of Public Works and Safety execute Quit Claim Deed to Michigan City Area Vocational School Building Trades Corporation, an Indiana Non-Profit Corporation, of Michigan City, Indiana, for real estate known as vacant park land abutting and east of Tall Timbers Playground, on Springland Avenue, at Tall Timbers Drive, all as set forth in the form of the Resolution (Resolution No. 2739) quoted below. The motion was seconded by Mayor Brillson and carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

RESOLUTION NO. **2739**

**RESOLUTION OF THE MICHIGAN CITY  
 BOARD OF PUBLIC WORKS & SAFETY**

RE: Conveyance of Real Estate (Surplus Park Land) by the Civil City of Michigan City to Michigan City Area Vocational School Building Trades Corporation (Tall Timbers Subdivision)

WHEREAS, the City of Michigan City is the owner of certain vacant real estate which is under the jurisdiction of the Michigan City Parks and Recreation Board (the "Park Board") which real estate is more particularly described as follows, to-wit:

Parcel 3 in Tall Timbers Subdivision, which is recorded in Plat Book 12, page 39, in the office of the Recorder of LaPorte County, Indiana.

Said real estate being vacant real estate originally conveyed to the City for park and playground purposes; and

WHEREAS, it has been reported by the Park Board to this Board that said real estate has never been used for park and recreational purposes by the City since its conveyance to the City in 1997, and said property is not now, and has never been, a part of the Comprehensive Master Plan for the Parks and Recreation Department; and

WHEREAS the original intended use of said property for park or playground purposes is impossible or impractical due to its location and terrain; and

WHEREAS, this Board has been advised that the Park Board received a request for a donation type conveyance of said vacant and surplus real estate from Michigan City Area Vocational School Building Trades Corporation ("Vocational") pursuant to which Vocational would eventually subdivide said real estate into approximately six (6) lots, construct single family affordable housing residences on said lots, and offer the same for sale for single family residential use.

WHEREAS, the Park Board has determined that because Vocational enjoys the status of a 501(c)(3) corporation it is eligible to receive such a conveyance under the terms of IC 36-1-11-1 and therefore the Park Board has entered into a written agreement entitled "Letter of Understanding" with Vocational in order to undertake said conveyance of title.

WHEREAS, said written agreement contains the following features, among others:

- (a) Vocational shall pay the Park Department a release fee of \$450.00 per lot at the closing of each future sale of each of the subdivided lots.
- (b) Vocational agrees to provide the Park Department with construction services, excluding purchase of materials, on a mutually agreeable basis for future Park Programs.
- (c) a commitment to pay all expenses related to the proposed exchange of real estate.

WHEREAS, the Park Board had determined in its Resolution No. 509 that said written agreement meets all requirements of the relevant statutory provisions; that the conveyance and exchange of said real estate will enhance both the properties of the Park Department and the economic development of the City; and the Park Board therefore approved and executed said agreement and recommended to the Board of Public Works and Safety that said Board issue its Quit Claim Deed to Vocational, to transfer title to the vacant real estate described above.

WHEREAS, this Board finds that it is in the best interests of the City of Michigan City, and its citizens, that said real estate be conveyed as recommended by the Park Board upon the terms and conditions hereafter stated.

BE IT AND IT IS HEREBY RESOLVED by the Board of Public Works and Safety of Michigan City as follows:

- 1. That a transfer of real estate be completed by the Civil City of Michigan City, Indiana, acting by and through the Michigan City Board of Public Works and Safety to Michigan City Area Vocational School Building Trades Corporation, an Indiana Non-Profit Corporation.
- 2. That the real estate referred to in this Resolution is more particularly described as follows:  
Parcel 3 in Tall Timbers Subdivision, which is recorded in Plat Book 12, page 39, in the office of the Recorder of LaPorte County, Indiana.
- 3. That said real estate be conveyed by this Board upon the satisfaction of the following conditions:
  - (a) That said real estate transfer shall be by Quit Claim Deed.
  - (b) That said Quit Claim Deed will be accepted by Vocational as conveyance of title to said real estate.

(c) That Vocational shall be responsible for payment of all expenses of acquisition including title fees, attorney fees, and recording fees.

4. That the members of this Board are hereby authorized to execute such documents and take such other action as may be necessary to complete the transfer contemplated hereby, and this Board is authorized to execute said Quit Claim Deed.

5. That the Quit Claim Deed submitted by Attorney Patrick E. Donoghue is hereby approved, executed by this Board and tendered to said attorney for submission for examination and approval by the Mayor and thereafter, Attorney Patrick E. Donoghue is authorized to deliver said Deed at such times as he is satisfied that Vocational has completed the pre-closing requirements for the conveyance to Vocational, and has provided for, or made payment of, all costs and expenses relating to this transfer on its part to be defrayed.

6. That this resolution is hereby adopted this 20<sup>th</sup> day of November, 2000, pursuant to I.C. § 36-1-11.

INTRODUCED BY: /s/ CHARLES OBERLIE

**RESOLUTION**

Mr. Oberlie introduced the following Resolution and moved for its adoption:

**RESOLUTION NO. 2740**

**A RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR THE PURCHASE OF ONE PUMPER FOR THE FIRE DEPARTMENT OF MICHIGAN CITY, INDIANA**

**BE IT RESOLVED** by the Board of Public Works and Safety of the City of Michigan City, Indiana, that said City solicit bids for the purchase of **A TRIPLE COMBINATION PUMPER** for the Fire Department of Michigan City.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause a notice to be published once each week for two consecutive weeks in the News Dispatch, a daily newspaper of general circulation published in Michigan City, notifying the public and contractors that said Board will receive sealed bids for said bus until the hour of 9:00 a.m., local time, on the 18<sup>th</sup> day of December, 2000, at the City Clerk's Office, located in the City Hall building, 100 East Michigan Boulevard, Michigan City, IN 46360.

All bids shall be submitted on the prescribed forms which may be obtained from the City Clerk's office.

Bids shall contain the usual statutory noncollusion affidavit. Each bidder shall be required to file with each bid a certified check or bidder's bond in an amount equal to ten percent (10%) of the amount of the bid. A certified check shall be filed with each bid by a bidder not having his principal place of business in Indiana. A bidder's bond shall be filed with each bid by a bidder having his principal place of business in Indiana

Each bidder must submit a written affirmative action program with said bid, which program shall include specific goals and timetables for the employment and training of minorities and of lower income residents of the project area. Each bidder must ensure that all employees and applicants for the employment are not discriminated against because of race, creed, color, sex, handicap, or national origin.

The Board of Public Works and Safety herewith reserves the right to waive any formality, informality, or irregularity in any bid or bids received and to reject any and all bids received.

INTRODUCED BY: /s/ Charles E. Oberlie

Chief Martin explained that this pumper would be in keeping with the vehicle replacement schedule.

Mayor Brillson seconded the motion, which carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

**EXECUTION OF AGREEMENT**

Mr. Pugh explained that this agreement is an extension of an existing agreement with A&F Engineering for traffic engineering services and traffic studies on an as-needed basis.

Mayor Brillson moved to execute the agreement. Mr. Oberlie seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

### **STOP SIGN**

Ellen Canen, Resident Manager, Garden Estates West, has requested that a YIELD sign at the exit of Pine Tree Court be replaced with a STOP sign.

Mr. Oberlie moved to refer the matter to Traffic, Engineering, and Planning. Mayor Brillson seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

### **FIRE STATIONS**

Chief Martin advised that the Inspection and Training Divisions had been moved to Central Fire Station. The station on Michigan Boulevard will be winterized and checked during the winter, in an effort to save heating two partially-used buildings. This is the first time in several years the staff has been housed in one building.

### **MATERIALS & SUPPLIES**

Mr. Oberlie introduced the following Resolution:

#### **RESOLUTION NO. 2741**

##### **A RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR THE PURCHASE OF MATERIALS AND SUPPLIES FOR THE CITY OF MICHIGAN CITY, INDIANA, FOR THE YEAR 2001**

**BE IT RESOLVED** by the Board of Public Works and Safety of the City of Michigan City, Indiana, that said City solicit bids for the purchase of **MATERIALS AND SUPPLIES** for the City of Michigan City, in accordance with specifications on file in the office of the Clerk of the City.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause notice to be published once each week for two consecutive weeks in the News-Dispatch, a daily newspaper of general circulation published in Michigan City, notifying the public that said Board will receive sealed bids for said materials and supplies until the hour of 9:00 a.m., local time, on the 28th day of December, 2000, at its office located in the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

All bids shall be submitted on prescribed forms which may be obtained from the Office of the City Clerk, containing the usual statutory noncollusion affidavit, and each bidder shall be required to file with each bid a certified check or bidder's bond in an amount of \$100.00. A certified check shall be filed with each bid by a bidder not having his principal place of business in Indiana. A bidder's bond shall be filed with each bid by a bidder having his principal place of business in Indiana.

Each bidder must submit a written affirmative action program with said bid, which program shall include specific goals and timetables for the employment and training of minorities and of lower-income residents of the project area. Each bidder must ensure that all employees and applicants for employment are not discriminated against because of race, creed, color, sex, or national origin.

The Board of Public Works and Safety herewith reserves the right to waive any formality, informality, or irregularity in any bid or bids received and to reject any and all bids received.

INTRODUCED BY: /s/ Charles E. Oberlie

Bids will be opened at a special meeting at 9:00 a.m., Thursday, December 28, 2000. Mr. Oberlie moved to adopt, seconded by Mayor Brillson. The motion carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

Mayor Brillson and Mr. Oberlie pointed out that paving will be held to a later time, at the request of Mr. Phelps.

### **FAMILY MEDICAL LEAVE**

Mr. Oberlie stated that, with reference to a request for extension of family medical leave, the Board had met with the employee. The facts are considered confidential law, but the Board is required to act in a public session. He moved that the request for medical leave as presented through an October 30 communication from the employee be denied. Mayor Brillson seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

### **832 TENNESSEE STREET**

John Chalikian, 609 Franklin Street, requested permission to enter the home at 832 Tennessee Street to see if it would be possible to rehabilitate the building and help Mr. Martinez to return to his home. He was granted to enter the building at 9:00 a.m., the following morning. Mr. Oberlie pointed out that, in order to stop demolition, Mr. Chalikian would have to have a

licensed contractor ready to apply for permits, with a specific schedule to remedy the deficiencies, and to post a bond for the cost of demolition.

**CLAIMS AND PAYROLL**

Mayor Brillson 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 Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

The Board signed: Payroll Items in Register of Claims for informational purposes (which Register is in the possession of the City Controller) as follows:

<b>No.</b>	<b>Date</b>	<b>Amount</b>
498	11-8-00	\$96.00
499	11-13-00	\$1,081.01
500	11-14-00	\$26,796.65
501	11-14-00	\$60,368.45
502	11-14-00	\$427,396.79
		\$515,738.90

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

<b>Page</b>	<b>Date</b>	<b>Amount</b>
1 of 1	11-3-00	\$24,592.06
2 of 2	11-3-00	\$276,677.26
1 of 1	11-15-00	\$92,591.40
3 of 3	11-16-00	\$2,334,463.46
4 of 4	11-17-00	\$1,354,695.39
		\$4,083,019.57

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 9:35 a.m.).

\_\_\_\_\_  
Thomas F. Fedder, City Clerk