The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, November 1, 2001, 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).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

- John Espar, City Attorney and Board Counsel
- Ron Plencner, Code Inspector
- Joe Siegel, Zoning Administrator
- Cpl. Al Green, Traffic Commander
- Jim Kintzele, Refuse Department Superintendent
- Mark Tomsheck, Cemetery Superintendent
- Bill Phelps, City Engineer
- John Pugh, City Planner
- Al Walus, Sanitary District General Manager
- Jim Elwell, Central Services Superintendent
- Terry Farmer, Street Department Director
- Roy Romine, City Hall Maintenance Director
- Sgt. Matthew Zolwinski, COP
- Tom Fedder, City Clerk
- Pat Larsen, Deputy Clerk
- Kathy Ceperich, News-Dispatch
- Ron Miller, Radio Station WEFM
- Chuck Lungren, First Ward Councilman

**APPROVAL OF MINUTES**

Mayor Brillson moved the minutes of the Regular Meeting of October 22, 2001, be approved as printed. The motion was seconded by Mr. Oberlie and carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

**PRESENTATION**

Stuart Summers, Indiana Street Light Alliance, Valparaiso, made a presentation on reducing utility costs - specifically, street light costs. He also presented an agreement with the Indiana Street Light Alliance, LLC, who will work to reduce the costs of street lighting in Michigan City for a commission based upon the dollars saved.

Mayor Brillson moved to refer the agreement to the attorney to analyze and make sure there are no additions, deletions, or corrections that need to be made in the contract and then proceed, at the next meeting, to sign the contract. Mr. Oberlie seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

**DEMOLITION HEARINGS**

1027 West 9th Street - L. B. Hatchel & Jerry Hatchel, owners — Held over from October 22 meeting.

Mr. Plencner read the following letter from Building Inspector Thomas Przybylinski into the record:

**FIELD INSPECTION REPORT**

**ADDRESS:** 1027 W. 9th St.

**INSPECTION DATE:** 10-31-2001

1. **Foundation:**
   - a) Foundation of this home appears to be in good condition.
   - b) All window framing in foundation walls are rotted and should be replace.
   - c) Main center support beam is bowed and need to be replace.
2. Sill Plate and Top Plate:
   a) Sill plate appears to be dry rotted and all of the sill plate should be replaced with new treated lumber.
   b) All anchor bolts should be checked and replaced as needed.
   c) Top plate to support all roof rafters need to be replaced due to weather and dry rot.

3. Front porch foundation:
   a) Porch foundation is falling away from main foundation wall. Porch walls are being used for bearing walls. Which made the porch foundation separate from the main foundation.

It appears that if someone were to rebuild the home, all exterior, interior and roof would have to be replaced with all new material. Also the front porch foundation would have to be removed and a new foundation wall poured being tied in to the original foundation. In my opinion the only portion of this home that could be saved and reused is the main foundation.

Mr. Plencner then submitted recent photos of the house and answered questions from members of the Board.

Curtis Shepherd and Suzette Bradley were again present to plead for a chance to rehab the house. They had not produced plans, a bond, and proof of transfer of ownership of the property. They argued that, for the price of the bond, they could buy materials for rehabbing the house.

John Chalikian told the Board they should not pick and choose the buildings they demolish.

Mr. Oberlie moved to proceed with the advertising for demolition bids, in a 30-day process. Mr. Oberlie advised he would not be voting because of previous working experiences with the owner. Mayor Brillson seconded the motion.

Also speaking to this subject were Sgt. Zolinski, Mr. Siegel, and Ms. Ceperich.

The motion carried as follows: **AYES: MEMBERS Brillson and Metzcus (2). NAYS: None (0). ABSTAINING: MEMBER Oberlie (1).**

**DEMOlITION HEARING – 1424 East Michigan Boulevard - Jerusalem Missionary Baptist Church**

Rev. Willie Bogan was present and advised that the church will demolish the building. They have a price from Bailey Trucking and Excavating of $35,000.00.

Mr. Oberlie moved to continue this hearing to the next meeting, during which time Rev. Bogan can get documentation and even start the demolition. Mayor Brillson seconded the motion, which carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

**DEMOlITION REPORT**

Mr. Plencner gave the following report:

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Demolition - Status Report Week Ending 11 - 2 - 2001
133 E. Barker                      Demolition completed
1117 W. 9th                        Awaiting decision by the Board of Works on awarding of bid
1027 W. 9th                        Board of Works tabled order to seek demolition bids, granting owner time to prepare work-scope, funding, and completion time table.
1424 Mich. Blvd.                   Preparing for demolition hearing, scheduled for the November 5th Board of Works meeting
915 Michigan Blvd.                 Board of Works tabled until 11-19 - 01 meeting allowing time for the heirs to present plans for either rehabilitation or demolition
1021 W. 9th                        Ordered title work, will present to Board of Works for demolition November 19th
1147 Michigan Blvd.                Owner to demolish

Demolition completed by City 2001
142 Hendricks                      Demolition completed to specification
8th & Hwy 12                       Greenhouse (UEA)
834 Emily                          Demolition completed to specification
824 Emily                          (Emergency) demolition
231 Helen                          (Emergency) demolition
819/823/825 Chicago                Demolition completed

Properties being reviewed for future demolition
612 Willard
1128 W. 9th
409 Lincoln
1111 Garfield (Schmock Bldg.)

Demolition completed by property owners:
920 Ohio (Corner 10th and Ohio)
Union Street Corridor (11 homes by Blue Chip Casino)
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Concerning 915 Tryon Road, Mr. Plencner advised he had identified and met with the owner and ascertained that he is going to demolish the house in the Spring. In the meantime, he has boarded up and secured the house.

STREET LIGHT

David C. Guydon, 1509 South Meer Road, requests street lights along Meer Road north of the Visitors’ Center, on the west side of the road.

Mr. Pugh testified that the closest lights to this residence are 530 feet to the south and 650 feet to the north from the property. It is a very dark area and he said we might want to consider this request although we don’t usually approve lights mid-block.

Mr. Oberlie moved to approve one light, based on the fact the present lights are about 600 feet apart - about twice the distance of those lights in town, seconded by Mayor Brillson. The motion carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

PARKING

Conlin Eichelberg requests 24-hour parking at 203 Dupage Street. He also requests handicapped parking sign.

Mr. Conlin wrote as follows on October 23, 2001:

> Would like to request 24hr. Parking at 203 Dupage St.
> Also a request for a handicap parking sign for 203 Dupage St.
> Thank you.

Mr. Pugh said he had investigated and had no objection to removing the signage, which dates back to when the high school was at that location; he also does not object to the handicap sign - he has a vehicle which is marked handicapped.

Cpl. Green agreed and asked, also, that the parking restrictions in the 200 block of Thurman be removed.

Mr. Oberlie moved the Street Department be authorized to remove the parking restriction signs from the 200 blocks of both Dupage and Thurman Streets and to place the handicap sign at 203 Dupage Street. Mr. Metzcus seconded the motion, which carried as follows:

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

Janice Martin, 921 East Michigan Boulevard, requests handicapped parking sign.

Mr. Pugh advised that this was not in our jurisdiction, since it is a State highway. Mayor Brillson moved that the Clerk’s office send a letter to INDOT, with a copy to Mrs. Martin. Mr. Oberlie seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

Westside Improvement Group requests the greenway property at 301 Grant Street be turned into a public parking area.

Cpl. Mike Elkins, Community Policing, wrote the following on October 23:

> The Westside Improvement Group is requesting that the Greenway property at 301 Grant St. be turned into a public parking area if possible. The Neighborhood Center has numerous events that draws in many people, most of them elderly. Currently there is no parking except for on the public street and many of these people have a difficult time walking any distance.

Mr. Oberlie wondered if they were asking us to widen the street for parking or if they are proposing to make those improvements, themselves. We presume this would be parallel parking and not diagonal.

Mr. Metzcus moved to refer this matter to Engineering, Traffic, and Planning, to be reported back in two weeks. Mayor Brillson seconded the motion, which carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

**AWARDING OF BIDS – Demolition of 1117 West 9th Street** - Robert D. Myers and Cheri M. Lundstrom, owners

Bids received were as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>G. E. Marshall, Inc., Valparaiso</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>Andy Salat Excavating and Construction, Michigan City</td>
<td>9,500.00</td>
</tr>
</tbody>
</table>
Mr. Plencner stated that he would not be responsible for recommending a contractor to the Board.

Mr. Espar stated said the issue presented arises out of the question of whether Mr. Wagoner, who appears to be the lowest and best bidder, should be awarded the contract. The issue is whether Mr. Wagoner is fit to receive that bid. What’s been presented to the Board is a citation Mr. Wagoner received arising out of a prior contract with the City. Mr. Espar said he has spoken with Mr. Wagoner. The rock, brick, and cement scrap from the Bernie’s Garage site was collected, separated, and stored at a boat storage lot on Tenth and Sheridan, in contravention of the zoning ordinance for a M-2 district. Mr. Wagoner has an ongoing case relative to that in the Superior Court 4. On advice of his attorney, Mr. Wagoner won’t be addressing this Board today. Mr. Espar said Mr. Wagoner is going to have to address the improper storage of debris through the litigation process. Now, the debris has been removed; it was placed there as is customary in the demolition/excavation industry because there is a market value for that material and it has subsequently been sold. While Mr. Plencner and Mr. Siegel are to be commended for their vigilant enforcement of our zoning ordinances, Mr. Espar said he doesn’t see the violation of such a significant and substantial nature as to preclude this Board from doing business with Mr. Wagoner. He has done a good number of contracts for the City and wants to maintain that relationship.

Based on the recommendation of the attorney, Mr. Oberlie moved to accept Wagoner’s bid of $6,500.00. Mayor Brillson seconded the motion, which carried by the following vote:

AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).

For the record, Mr. Oberlie iterated that the opinion is based on the fact that it is an isolated incident and, if it is repeated, we may not have the same conclusion.

**STREET LIGHTS**

Kenneth Purze, P. O. Box 2, wrote as follows on November 1, 2001:

Sub: Request to be placed on the agenda for the Board of Works.

Request: (1) street light(s) in the 200 block of East 8th St between Pine and Spring. (2) street light(s) in the 200 block of York St between Ninth and 10th

Mr. Purze was present and explained his request in detail. Mr. Lungren appeared to support the request.

Mayor Brillson moved to place street lights according to Mr. Pugh’s best recommendation in those areas – up to four lights. Mr. Metzcus seconded the motion, which carried by the following vote: AYES: MEMBERS Brillson and Metzcus (2). NAYS: MEMBERS Oberlie (1).

Mr. Pugh was requested to report at the next meeting his recommendations.

**DECORATIVE LIGHTING**

Letter from Sanitary District giving voltage, light source, and wattage for new decorative lighting on the Ohio-Barker project.

Mr. Walus explained the letter is so that the information can be transmitted to NIPSCO. Presently, Ohio Street is open from Eleventh Street to Barker; some of the lighting has been energized, the remainder should be energized this week.

Mayor Brillson said the Board should congratulate the Sanitary District, the Engineer, and Planning for the beautiful job on Ohio Street. The compliment was returned to the Mayor by Mr. Walus.

Mr. Oberlie said the Mayor and the Engineer should also be complimented for East Eighth Street.

Mr. Phelps explained he had submitted a letter to the Clerk regarding Eighth Street for the lights on the Eighth Street project, which should be sent on to NIPSCO.

Mr. Oberlie moved the Clerk send a letter to NIPSCO on these projects. Mayor Brillson seconded the motion, which carried as follows: AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).

**BLOCKING OF SIDEWALKS**

Mr. Chalikian was present and complained of the blocking of parking spaces on Franklin (600 block) for the rehabilitation of a building. He also complained of the extended period that a barricade has been in place in the 800 block. Mr. Chalikian also had several other complaints. Mr. Phelps and Mr. Pugh said they would investigate his complaints. Mr. Plencner and Mr. Purze (owner) responded concerning a building (711 Franklin Square) Mr. Chalikian said was unsafe.
WASTE MANAGEMENT AGREEMENT

Mayor Brillson presented an agreement with Waste Management for the Board’s approval. The following is a press release which explains the agreement:

Michigan City, IN, November 5, 2001 — The City of Michigan City has reached a multipart agreement with Waste Management of Indiana under which the company has promised to address operating issues at its Deercroft Landfill, including odor and litter problems, accept at no charge material dredged from Trail Creek, and lower disposal costs for the city’s residential solid waste, Mayor Sheila Brillson announced today.

The agreement ends legal moves Mayor Brillson began last January to require the company to address the city’s claims that the Deercroft Recycling and Disposal Facility at Int. Hwy. 94 and Ind. Hwy. 421 south of Michigan City is a source of odor, blowing litter and attraction to birds. At that time, the Mayor engaged Todd Wiener, an environmental lawyer from the Chicago law firm of McDermott, Will & Emery, to pursue legal action against the Company. Waste Management has agreed to reimburse the city for all legal costs it has incurred. In March, Michigan City and Waste Management jointly hired, at the company’s expense, an environmental engineering and consulting firm, Burns & McDonnell, to evaluate the disposal facility and make recommendations to improve its operations. The City and Waste Management have been engaged in discussions since March leading to today’s agreement.

Waste Management, as part of the agreement, will implement the recommendations made by Burns & McDonnell to improve the Deercroft facility: the recommendations include minimizing the active disposal area of the facility to reduce litter, odor and bird concerns and implementing a wind and litter control plan that includes, among other things, provisions for daily litter inspection, control and collection, shutting down the facility on days when winds reach certain velocities, and monitoring and rejecting trucks that cause increased blowing litter.

“As everyone in Michigan City knows, I have long been an outspoken critic of the Deercroft operation and complained about the odor, litter and birds at the site,” Mayor Brillson said. “I am pleased to say today that we have found a way to work with the new management team at Waste Management who are demonstrating their commitment to correct these problems and provide additional financial benefits for Michigan City.”

“I am particularly pleased that Waste Management will accept material to be removed in the Trail Creek Dredging Project for free at Deercroft. The dredging work is important to our city and the County. The marina, fishing and tourism industries are important to both the county and city’s economic prosperity. The free disposal of the Trail Creek dredging material will also result in significant cost savings to taxpayers as we complete this important project. Waste Management has also agreed to lower disposal prices for our residential garbage at Deercroft, providing an additional significant cost savings for the citizens.”

“We recognize and are responding to the concerns expressed to us by Mayor Brillson regarding the operation of Deercroft. While we have operated within the rules, our agreement today represents our commitment and a renewed spirit to do all we can to resolve any odor and litter issues and put them behind us for the betterment of the community,” said Dean VanderBaan, Regional Vice President of Waste Management. “We have advised the Mayor of our need to amend our contract with LaPorte County to enable the site to continue in operation beyond July 1, 2002, and we have also advised the Mayor of our desire to expand Deercroft immediately to the south in order that it continue to serve Michigan City and other LaPorte County residents in the future. We are hopeful that she and other local officials will keep an open mind on our plans, appreciate the improvements we are making, and recognize the facility’s value to the community. Deercroft is the only disposal site in the County today, and provide significant benefits to the county and its citizens. We are confident that the improvements we are undertaking will ensure that Deercroft continues to serve as a unique disposal resource for the area.”

“The new Waste Management team has shown a willingness to work with us to improve their operations at Deercroft, and a willingness to provide additional financial benefits for Michigan City. I want to ensure the community that I will be watching them closely to make certain they are keeping their commitments under the terms of the Agreement,” said Mayor Brillson.  “Provided Waste Management keeps its commitments, I will keep an open mind as all of us in LaPorte County listen to their future plans regarding an expansion.”

Mayor Brillson moved the Board be authorized to approve the agreement. The motion was seconded by Mr. Oberlie.

Mr. Espar said, as an attorney, he could only sit in awe at this agreement; everything the City could have achieved after a complete hearing and trial on the City’s complaint against the Deercroft landfill has been awarded in this agreement and then so much more. He congratulated the Mayor and her legal team. Also extending congratulations were Mr. Oberlie, Mr. Purze, and Mr. Baugher.

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

CLAIMS AND PAYROLL

Mr. 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 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:
No. | Date   | Amount     
---|--------|------------
680 | 10-29-01 | $1,118.83  
681 | 10-30-01 | $448,218.22 
682 | 11-01-01 | $49,139.76  
683 | 10-30-01 | $204,526.33 

$703,003.14

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

| Page   | Date   | Amount     
---|--------|------------
1 of 1 | 10-19-01 | $25,397.62  
3 of 3 | 10-19-01 | $515,746.11 
4 of 4 | 11-01-01 | $165,113.86  
1 of 1 | 11-02-01 | $605,288.82  
1 of 1 | 11-02-01 | $5,368.62   
1 of 1 | 11-02-01 | $25,726.56   
2 of 2 | 11-02-01 | $345,293.55  
1 of 1 | 11-02-01 | $107,330.00  

$1,795,265.14

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 11:00 a.m.).

The next meeting will be held at 1:00 p.m., Monday, November 19, 2001.

Thomas F. Fedder, City Clerk