

# REGULAR MEETING - APRIL 9, 2002

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Tuesday morning, April 9, 2002, 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  
Cpl. Al Green, Traffic Commander  
Deputy Chief Ben Neitzel, Police Department  
Bill Phelps, City Engineer  
Al Walus, General Manager, Sanitary District  
John Pugh, City Planner  
Nancy Widelski, Director, Human Rights  
Tom Fedder, City Clerk  
Jim Elwell, Superintendent, Central Services  
Monique Cook, Office Manager, Central Services  
Terry Farmer, Director, Street Department  
Pat Larsen, Deputy Clerk

Haydn Bush, News-Dispatch  
Ron Miller, Radio Station WEFM

## APPROVAL OF MINUTES

Mayor Brillson moved the minutes of the Regular Meeting of March 18, 2002, and the Special Meeting of March 22, 2002, 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).**

## DEMOLITION REPORT

Ron Plencner

### Demolition - Status Report

### Week Ending 4 - 5 - 2002

1424 Michigan Blvd	Demolition on-going will monitor till completed
1129 W . 9th	Demolition completed to specifications
127 E. 9th	Continued for sixty (60 days)
1106 E. 2 <sup>nd</sup>	Ordered title work, preparing all necessary paper work, will present to Board of Works for a demolition hearing 5 - 6 - 02
216 W . 5 <sup>th</sup>	Ordered title work, preparing all necessary paper work, will present to Board of Works for demolition hearing 5 - 6 - 02
1321 Michigan Blvd	Ordered title work, preparing all necessary paper work, will present to Board of Works for demolition hearing 5-20 - 02

### Demolition completed by City 2002

1027 W . 9th  
1021 W . 9th  
915 W . 9th  
1129 W . 9th

### Demolition completed by property owners 2002

### Properties being reviewed for future demolition

612 Willard  
409 Lincoln  
1111 Garfield ( Schmock Oil )  
526 Michigan Blvd.  
510 E. 11th  
214 W . 6th

\* All properties from the 900 block to the 1100 block of E. 2<sup>nd</sup> Street ( North Side of Street )

Mr. Plencner stated that, upon recommendation by the Mayor, we are going to initiate the emergency demolition process with the Schmock Oil Building. The roof has collapsed further and we can't secure the building. He has contacted EPA and IDEM and hopes to have this cleared up in a couple of weeks.

#### **AWARDING OF BIDS - Re-roofing Police Station**

Mr. Phelps said we had received four quotations on re-roofing the Police Department. The lowest quotation was from Midland Engineering, South Bend, at a price of \$85,042.00 and he also suggested we retain the services of Tonn and Blank, Inc., for construction management services for the amount of \$4,975.00.

Mr. Oberlie moved to accept the City Engineer's recommendation, seconded by Mayor Brillson. The motion carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

#### **STOP SIGN REQUEST**

Richard Penfold, 2704 Buffalo Street, requested YIELD sign at Buffalo Street and Earl Road be changed to STOP. Held over from March 4 meeting.

Mr. Pugh presented the results of the traffic study, indicating that there had been only two accident reports in the last two years. Earl Road carries significantly higher volumes of traffic than does Buffalo Street. These volumes of traffic are not high enough to warrant STOP signs and visibility is good. He recommended no action be taken at this time. Corporal Green concurred.

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

#### **FUNDING STUDY**

Ronald L. Bonar and Josh Lantz, Bonar Group, wrote on February 12, 2002, as follows:

Subject: Funding Study

When we met with you on December 19, we talked about performing a study for the City which would help make you eligible for 80% grant funds. One project you suggested was the Old South Shore Station. In talking with your staff, they have also suggested Ohio Street, as well as Cool Spring from Woodland to 421.

You agreed that we could appear before your Board of Works to present our proposal and describe the program. We'd like to do this at your April 1 meeting.

Enclosed is a copy of the letter that we will present to the Board for their consideration. We will also be sharing with the Board general information about the program, names of other cities that have participated successfully, the timeframe and process for the application and approval, and the City's involvement for our proposal. We are hopeful the Board can make a decision at that meeting.

As we mentioned to you in December, there are two categories of funds for which we can propose projects. One is the enhancement category for which the Old South Shore Station would fit very nicely. The second category is STP funding which is for any eligible street. Our goal is to identify two projects in the study which will give you two opportunities this fall.

We will call you in a few weeks to see if you have any questions and to confirm that the April 1 date is acceptable.

#### **Attached Letter:**

Michigan City is eligible to receive an 80% grant for specific transportation projects as authorized by TEA-21. These funds are administered by INDOT. They invite cities to submit applications on an annual basis each fall. According to your City Engineer, Michigan City has not participated in this funding program for the past twenty years.

Bonar Group is offering to prepare an engineering study to identify potential projects eligible for TEA-21 funding. In talking with your staff, we've identified three potential projects which include:

- Ohio Street, south section
- Cool Spring Avenue, Woodland to S.R. 421
- South Shore Center Gateway (Old South Shore Station)

Our study would look at these three projects and other potential projects. The study process would conclude by identifying those projects with the highest priority.

Bonar Group is offering to prepare this study at no out-of-pocket cost. Your obligations in developing the study would include the following:

1. From your records, provide:
  - a. copies of existing studies
  - b. three-year accident data on selected projects
  - c. available traffic counts
  - d. known traffic problems
  - e. Existing drainage problems
  - f. existing and future land use and economic development opportunities
2. Form a group that will work with Bonar Group, including:
  - a. Review of all eligible streets and a determination of the three most important
  - b. Review and rank potential projects as developed by Bonar Group

- c. Receive final study and recommend implementation steps
- d. Present study to City Plan Commission and City Council for approval

You will receive ten bound copies of the final study for your information and use. If you wish to accept our offer and have a funding study prepared, we ask that you indicate by signing in the space provided below and returning one executed copy to this office.

Ron Bonar and Josh Lantz were present and explained the proposed funding study, as outlined in the letters.

Mr. Oberlie moved to refer the matter to Planning and the City Engineer - to be reported back at the next meeting with a recommendation. Mayor Brillson seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

## WW2 D-DAY REENACTMENT

Mike Dragisich, President, 20<sup>th</sup> Century Tactical Studies Group, Inc., wrote on March 11, 2002, to LCDR Calvin E. Tanck, USNR Commanding Officer, Great Lakes, IL, as follows, with copies to Mayor Brillson, the Parks and Recreation Department, and the Summer Festival Committee:

The 20thCTSG, Inc. is a non-profit corporation dedicated to honoring the sacrifices made by the men and women of America's Armed Forces during the conflicts of the 20<sup>th</sup> Century. The Internal Revenue Service recognizes the 20th CTSG, Inc., as a 501(C) (3) and 509(A) (2) Educational/Historical Charity.

On July 19-21, 2002, the 20<sup>th</sup> CTSG, Inc., in conjunction with the 47th annual Michigan City Summer Festival, will host a WW2 D-Day Reenactment at Washington Park in Michigan City, Indiana. Visitors will have the opportunity to talk to uniformed reenactors and view displays of war memorabilia, demonstrations of equipment, vintage vehicles, living history encampments and battle reenactments. This summer festival draws hundreds of thousands of visitors to the area.

This letter will serve as our formal request for NR ACU-1, Detachment 1813 to take part in the event. We would like to have multiple beach landings/demonstrations throughout the day on July 20<sup>th</sup>.

Per my phone conversations with LTJG M. M. Kerley, USNR, he did mention the necessary requirements of berthing for the boats, lodging and meals for the crews and permission from the final authority to make repeated beach landings at the event.

We, the 20<sup>th</sup> CTSG, Inc., the Michigan City Summer Festival Committee, the Michigan City Parks & Recreation Department and the City of Michigan City, Indiana (final authority) guarantee:

Berthing for your boats  
Lodging for your crews  
Meals for your crews  
Permission to make repeated beach landings at the event.

We look forward to receiving your favorable reply. If you have any questions or would like more information, please feel free to contact me.

Mr. Dragisich was present and offered to answer questions. Mayor Brillson inquired whether permission had been received from the Park Department. Mr. Dragisich said it was approved prior to the above letter. He said he needs something on City letterhead from the Mayor's office and from the Parks and Recreation Department for the U. S. Navy. Other than that, they're ready to go. He stated that liability insurance has been secured.

Mr. Dragisich assured Mr. Oberlie that contact had been made with the Port Authority. For housing and meals, they are working with the American Legion posts, the National Guard armory, and other groups.

Mr. Metzcus pointed out that the Park Department has the authority to handle these arrangements.

## DNR

Mayor Brillson wrote on March 12, 2002, to John Goss, Director, Indiana Department of Natural Resources, as follows:

For several years, I have had discussions with DNR management, including former director Larry Macklin, regarding the urgent need for improvements to the Department of Natural Resources' vacant property at the mouth of Trail Creek in Michigan City. Please see attached photos of the property.

In 2001, a meeting was held in Indianapolis with Mr. Macklin, DNR staff, Senator Anita Bowser, Representative Scott Pelath and me to discuss the unsightly conditions present at this key property on our lakefront. While the meeting produced consensus that the DNR had purchased the property with the hopes of making significant changes and improvements to the site; a specific plan was never outlined.

In 2000, Michigan City invested \$1.3 million across the creek from this DNR property. Attached you will see the completed Millennium Plaza, a public park constructed on the historic site of the old Smith Brothers Cough Drop Factory. We were able to turn a weed-strewn, unattractive eyesore into a beautiful plaza which is part of our riverwalk and a favorite gathering spot for fishermen and families alike. Because of the use of this plaza, the public attention has been drawn to the poor and unsightly condition of the DNR property situated directly across the creek.

Michigan City stands ready to work with the DNR to improve our lakefront because this corridor is an important one for our community. In past meetings, I suggested a joint project between the city and the state to improve public access at this important location by continuing the waterfront avenue approach used on the city side of the creek which includes lighting, benches, and a public access site.

If, however, because of the current budget cuts to your department, the State of Indiana is considering selling this property, the City of Michigan City may be interested in acquiring the property for use by the public who have such limited access to the Trail Creek waterway.

I am personally gratified to know that you will take an interest in this issue. Your reputation from your former position tells me that you are a man of action with real concern for the people we serve.

Mayor Brillson explained the letter, stating it was asking the DNR to renovate and invest in the property owned by the State of Indiana at the mouth of Trail Creek, across from Millennium Plaza.

This letter was filed for information.

## FISH FRY

Thomas C. Stokes, First Presbyterian Church, 121 West 9<sup>th</sup> Street, wrote on March 19, 2002, as follows:

On Friday, April 26, 2002, First Presbyterian Church will be holding its annual Fish Fry Dinner. This event is open to the public and to facilitate some of the patrons who prefer carryout meals, we have established a curb service procedure. However, to allow this to be done it is necessary that there be no parking allowed on the East side of Washington Street from the alley behind our church to Ninth Street; and on the North side of Ninth Street from Washington Street to the alley. We have been doing this in the past and permission was granted by the city administration in the past.

We hereby request that we, again, be granted permission to have the Police Department post these areas for NO PARKING on Friday, April 26, 2002 from 3:00 p.m. to 8:00 p.m.

I would appreciate hearing as to the outcome of our request. In addition, please contact us if you have any questions.

Cpl. Green stated that there has been no problem with this in the past. We have always provided NO PARKING signs and keep an eye on it.

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

## DEMOLITION COSTS

New rates from Mr. Oberlie to be adopted for inclusion in future cost recovery actions.

Mr. Oberlie requested this be tabled until the April 22 meeting. Since the Attorney's office puts time in on these actions, their time should be included in the administrative costs, also.

## SHRUBBERY

Robin Fly, 129 Logan Street, wrote the following on April 2, 2002:

As a resident of Michigan City I ask permission from the Board of Public Works & Safety, an acquired owner of property located between 5<sup>th</sup> and Pine, to extract shrubbery on property located between the streets of 5<sup>th</sup> and Pine. Shrubby to be extracted would include low ground cover plant, a short evergreen shrub, and a grouping of yews, short and tall deciduous plants along 5<sup>th</sup> Street.

Due to the smallness in size of shrubbery, removal of plants will be within my capacity and will be installed on owners' property located at 129 Logan Street.

Mr. Oberlie moved to deny the request so as not to set a precedent. He stated the materials could be used by the Park Department and/or on tree lawns. Mayor Brillson seconded the motion, which carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

## CLAIM APPROVALS

Corporation Counsel Larry J. Allen, Jr., wrote the following two letters on April 4, 2002:

**Re: Fire Department/Flo retha Kelly**

Please be advised that on or about February 22, 2002, the Michigan City Fire Department responded to an alarm at 213 Springland Ave. Upon their arrival. members of the Department attempted to gain entry, into the residence, but were unable to do so. Given the nature of the call, the Fire Department broke down the door to the home. only to discover that no one was at home. The Department later discovered that the call was a false alarm. As a result, Ms. Kelly sustained damage to her door and frame in the amount of \$870.00 dollars, of which Ms. Kelly's insurance paid \$620.00.

Ms. Kelly is now making a claim with the City of Michigan City in the amount of \$250.00. This amount represents the deductible for which she had to pay out of pocket to have her door repaired. I would respectfully request that the Board of Public Works and Safety consider her request for compensation. Should you have any questions or comments please feel free to contact me at your convenience.

**Re: Samantha Beans/Broken Rim**

Please be advised that in the month of February, 2002, Samantha Beans drove her vehicle over a pothole, which caused damage to the rim of the tire. As a result, M. Beans sustained damage to the rim in the amount of \$26.00 dollars, which includes a replacement rim and balance.

Ms. Beans is now making a claim with the City of Michigan City in the amount of \$26.00, which represents her out of pocket expenses. I would respectfully request that the Board of Public Works and Safety consider her request for compensation. Should you have any questions or comments please feel free to contact me at your convenience.

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

**RESOLUTION**

**RESOLUTION NO. 2763**

**A RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR THE SALE OF MISCELLANEOUS EQUIPMENT FOR THE CITY 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 declare the following equipment surplus, unwanted, and unneeded, and solicit bids for the sale of these items:

- 1982 300B John Deere Tractor front end loader
- 1983 Ford ½ ton pick-up 150
- 1982 Giant Vac Leaf Vacuum
- 1990 Ford F350 Dump Truck with western plow
- 1980 Case Tractor Loader/backhoe
- 1987 Ford F150 4X4
- 1986 Chevrolet ¾ ton 4X4
- 1988 Chevrolet Jet
- 1979 Ford Dump
- 1986 GMC flatbed
- Beam Jet Body
- Leach Packer Body
- Yellow Freight Chassis
- 185 John Deere Lawn Tractor
- 1970 LeRoi Air Compressor with hammer attachment
- 1986 Ford Pickup Truck
- 1983 Mack Single-Axle Truck
- 1986 Ford Bucket Truck
- 1986 Chevy ½ Ton Truck
- Galion 503 Grader Series 1709
- International Backhoe Attachment
- Sweepster Model RHFA (Sweep attach)
- 1985 Ford Pickup Truck Model F25
- 1979 American LaFrance Pumper:  
500 gallon water tank; 6 cylinder Detroit Diesel; mileage: 47345;  
Hours: 6032; Alfco twin stage centrifugal pump rated at 1500 g.p.m.
- 1998 Freightliner SVI Rescue Truck:  
6 cylinder Caterpillar Diesel; Allison Transmission; Onan 25 KW PTO driven generator; 4500  
PSI-4 bottle cascade system; Bumper Mount 12,000 lb. winch with remote; Roof mounted  
9000 watt Night Scan light tower with remote; Kenwood Dual-head Radio with scan.
- 1997 Ford Crown Vic (white) 69,928 mi. (in limited use)
- 1997 Ford Crown Vic (white) 74,950 mi. (in limited use)
- 1997 Ford Crown Vic (white) 74,373 mi. (in limited use)
- 1997 Ford Crown Vic (white) 62,365 mi. (retired)
- 1997 Ford Crown Vic (white) 69,808 mi. (retired)
- 1997 Ford Crown Vic (white) 69,359 mi. (retired)
- 1997 Ford Crown Vic (white) 66,638 mi. (retired)
- 1997 Ford Crown Vic (white) 44,240 mi. (totaled)
- 1997 Ford Crown Vic (white) 54,361 mi. (totaled)
- 1997 Ford Crown Vic (white) 54,361 mi. (in limited use)
- 1990 Chevy Caprice (white) (in limited use)
- 1990 Chevy Caprice (white) (in limited use)
- 1991 Chevy Caprice 103,412 mi. (in limited use)

These items are to be sold in "as is condition" and can be inspected at Central Maintenance, 1400 West Garfield Street.

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 New-Dispatch, a daily newspaper of general circulation published in Michigan City, notifying the public that said Board will receive sealed bids for said miscellaneous equipment until the hour of 3:00 p.m., local time, on the 17<sup>th</sup> day of June, 2002, at the City Clerk's Office, located in the City Hall building, 100 East Michigan Boulevard, Michigan City, IN 46360. A notice will also be placed in the following publications for the Fire Equipment: *Fire Trader* and the IACT newsletter (*Actionlines*), and the volunteer departments in LaPorte County will be notified.

All bids shall be submitted on the prescribed forms which may be obtained from the Office of the City Clerk, containing the usual statutory noncollusion affidavit. Each bidder shall be required to file with each bid a certified check or bidder's bond in the 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.)

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 Oberlie

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

**WHITE OAK DRIVE**

Michael Mills (601 White Oak Drive), spoke of a water problem, with Gardena Street caving in. The previous evening, a car lost its fan belt at that location. There is a ditch that is starting to erode. The stop sign at White Oak was removed and placed in a different location, where construction is going on. People often run the stop sign. As summer is coming, he is afraid children will be hit. He recommended placement of curbs and drainage. He also mentioned a house at 634 White Oak that is boarded up, making the neighborhood look bad.

Mr. Walus responded that John Doyle & Associates had done a preliminary study at White Oak and its interaction with Freyer Ditch. We are now evaluating the study and cost impacts. The Sanitary District and the rest of the City Team are working to see when we can start major construction.

Concerning the stop sign, the Street Department and Traffic Division were asked to look at (a) its placement and (b) enforcement. Mr. Plencner was asked to look at 634 White Oak. Reports are due at the April 22 meeting.

**NEIGHBORHOODS ALIVE!**

Kathy Ceperich (Fifth Ward Neighborhood Watch Association) inquired about the Neighborhoods Alive! funds, stating that they were informed that they were going to be used in the north end and not throughout the City on projects. The Fifth Ward would like to see some of those funds used there.

Mr. Oberlie responded said we have talked in terms of a project that would use the majority of those funds, but no applications have been brought before the Board of any kind at this point. All of our projects (including Barker Avenue) relate to the long range planning process and coordination with the Sanitary District for stom sewer separation projects. The next target area, is Franklin/Barker/Woodland/Eleventh Streets. That might impact decisions on projects in that geographic area. Nothing specific has been brought forward that he is aware of.

There was discussion of the need for a bus shelter in the Fifth Ward. Mr. Oberlie responded that bus shelter type of improvements qualify under our capital grant programs for the Coach Department, so it might not necessarily come out of the Neighborhoods Alive! pot.

**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:

No.	Date	Amount
716	3-19-02	\$470,262.38
717	3-19-02	\$57,916.09
719	3-28-02	\$226,331.22
720	4-3-02	\$469,186.90
721	4-2-02	\$4,423.01
		\$1,228,119.60

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

Page	Date	Amount
2 of 2	3-21-02	\$223,793.12
1 of 1	3-28-02	\$184,866.80
1 of 1	3-28-02	\$71,701.64
2 of 2	4-5-02	\$585,724.41
4 of 4	4-9-02	\$343,717.28
		\$1,409,803.25

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 10:05 a.m.).

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Thomas F. Fedder, City Clerk