

REGULAR MEETING - JUNE 3, 2002

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, June 3, 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
John Pugh, City Planner
Kevin Kieft, Neighborhood Planner
Cpl. Al Green, Traffic Commander
Jim Kintzele, Superintendent, Refuse Department
Mike Mansfield, Construction Coordinator
Al Walus, General Manager, Sanitary District
Larry Allen, Corporation Counsel

Ron Roderick, News-Dispatch
Ron Miller, Radio Station WEFM

Paul Przybylinski, Second Ward Councilman
Chuck Lungren, First Ward Councilman

APPROVAL OF MINUTES

Mayor Brillson moved the minutes of the Regular Meeting of May 20, 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).**

OPENING OF BIDS - Demolition of 216 West Fifth Street - estate of Leona Brown

The following bids were received:

Woodruff & Sons, Inc.	\$6,200.00
Wagoner Excavating	\$7,900.00

Mr. Oberlie moved to refer the bids to the Engineer, EEO, and Planning/Inspection, for tabulation and reporting at the next meeting. The motion, seconded by Mayor Brillson, carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

Mr. Plencner stated that Mr. Plunk has restated the fact that he would like to tear down the property, himself. He requests 30 days to demolish the property.

FRANKLIN STREET - Report on status of Franklin Street project by American Consulting, Inc.

Representing American Consulting were Chuck Wildt and Chris Murphy, with Lee Rainbolt representing Tonn & Blank. They gave a report on the status of the project and responded to remarks and questions from Burt Wellman (Uptown Ltd. Auto Sales, 1908 & 1911 Franklin Street), Bill Greene (Greene's Standard Service Station, 1204 Franklin Street), Richard Delco (Delco Plumbing), Lew Bosco (Vacuum Cleaner Center, 1406 Franklin Street), Doug Stevens (Uptown Ltd. Auto Sales), Ken Willard (MCTV, 1715 Franklin Street), and John Klosinski (The Bedding Connection 2, 2701 Franklin Street). Also participating in the discussion were Councilmen Przybylinski and Lungren. The project managers assured all present that they were available if problems arose.

Mr. Oberlie stated that this item will continue to appear on the agenda of the Board of Works on the first Monday of every month at 9:00 a.m.

DEMOLITION HEARING - 1321 East Michigan Boulevard - Myong T. Choe F/K/A Myong T. Castillo

Mr. Plencner presented documentation, including photographs, to support his request for demolition of this structure. He noted the separation of the front wall from the building.

Steve Bom, representing the owner, after giving a background of the building ownership, requested 30 days to allow his client, who lives in Michigan, to come to town, check out the legal aspects and ownership of the property, and look at the building with her contractor. If the front is in immediate danger of falling off, they can remove it.

Mr. Oberlie moved to continue this matter to the first meeting in July. The motion, seconded by Mayor Brillson, carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

Mr. Oberlie suggested Mr. Plencner accompany them when the owner and her contractor visit the site. Mr. Bom concurred.

DEMOLITION REPORT

Mr. Plencner gave the following report:

Demolition - Status Report	Week Ending 5 - 31- 2002
1424 Michigan Blvd 127 E. 9 th	Demolition still on-going progress being made, will monitor till completed Owner still awaiting closing on loan. Bank investigating contractor and work scope. Talked with the owners, they hope to have everything completed in a week or two: Owner is aware that demolition is still an option
216 W. 5 th 1321 Michigan Blvd 637 N. Carroll	Demolition bids due 6 - 3 - 02 (Sun Spa) Presenting to Board of Works for demolition hearing 6-3-02 Preparing all paper work to present for demolition hearing, will present 6 -17 - 02
Demolition completed by City 2002	
1027 W. 9 th 1021 W. 9 th 915 W. 9 th 1129 W. 9 th 1111 Garfield 312/317 White Oak	
Demolition completed by property owners 2002	
1017 W. 9 th	Demolition by the Housing Authority

Concerning the properties mentioned at the last meeting (fire station on Karwick and home on North Woodland), Mr. Plencner gave a status report. He was told by Board Members to proceed on these properties.

Mayor Brillson recalled that, some months ago, she had requested a report of all properties that have been condemned. She wondered the status of that request and suggested that the services of Andrea and Virginia could be used to devise a tracking system. Mr. Pugh responded that Mr. Plencner has a system and Mr. Kieft also surveys properties. We are attempting to get them into the system as we receive them. Mayor Brillson requested a print-out every month. She suggested meeting with Virginia, Andrea, and, perhaps, Monique, and come back with some kind of a report at the next meeting.

SPEEDERS

Jeanette Lane, Cloud Street, complained of speeders and wants a sign.

Mr. Pugh said they have looked at this request and the area. Mrs. Lane was looking for a SLOW CHILDREN PLAYING sign, which is no longer used. He recommended the police check the area for speeding with the radar unit and no further action. Mr. Phelps has indicated our intention is, when we do sewer and water projects in the area, to redo this section of the street.

Cpl. Green talked with Mrs. Lane several times and traffic officers have run radar. He has come up with no speeders. In the last three months, there have been no complaints from any of the neighbors. She was told to contact him directly if there are further problems, with names.

OHIO-BARKER PROJECT - Sidewalk replacement - 1720 Elston Street

Mr. Walus pointed out that plans for the Ohio-Barker Project call for full sidewalk replacement in the first block of Elston north of Barker on both sides of the street. He provided handouts, including plans, a page from the Tree Block Report, and photographs of a Maple tree at 1720 Elston Street that is close to the property line. The tree is listed as being in fair condition. Photographs indicate that the tree's roots are impacting the sidewalk and the walk up to the house on the property. This tree was scheduled for demolition during the initial tree walk down Elston Street. Following that, the property owner contacted the Sanitary District and advised of his belief that the tree is mostly on City property. Mr. Walus and the consulting engineer met with the property owner; the property owner uncovered an iron in the ground which identified 75

percent of the tree on private property and 25 percent on City property; based on that, it will not be taken down as part of the project at this point.

The tree is right adjacent to the City sidewalk. It is brought to this Board to review options. The options for the Sanitary District are (1) move the sidewalk around the tree roots (although the property owner has indicated he may have to take down the tree anyway) and (2) hold off on sidewalk replacement in this location until such time as the tree may be removed.

The plans are that Elston will be widened to 32 feet, with parallel parking on both sides at the curbs. With the Board's permission, they would like to review with Traffic and Planning to review the current one-way designation on Elston Street north of Barker.

Mr. Oberlie suggested cutting the root of the tree behind the walk and relay the sidewalk in the proper fashion. Mr. Walus said it would impact the tree and, if someone were to go from the City sidewalk onto the private walk, there would be a change in elevation, causing a tripping hazard.

Dave Biela, 3044 Ohio Street, owner of this property, said he had requested of Mr. Pugh a curb cut or a setback so that his daughter would have some off-street parking available to her because it is unsafe to get out of a car at this location (cars going off of Barker onto Elston could hit an individual getting out of a car). He said the whole situation could have been settled months ago if his request had been given consideration.

Mr. Walus pointed out that Mr. Biela's request is inconsistent with what the design criteria was used and that is why that was not followed up on any further. Parallel parking is provided in front of 1720 Elston Street. Mr. Biela is requesting it be moved back eight feet to provide a parking pod specifically for 1720 Elston Street, which was denied. He pointed out that Mr. Phelps is considering a curb cut request to allow a driveway at 1720 Elston Street.

Responding to Mayor Brillson, Mr. Biela acknowledged he is trying to make a deal - he will let the City take down the tree to improve the access for handicapped and people in his neighborhood if we create on Elston Street a special bubble pod, which does not fit the design standard of all of Elston Street, just in front of 1720 Elston Street for his family.

Jennifer Biela, 1720 Elston Street, spoke in support of the request for double parking, especially since we are looking to make Elston Street two-way. She is very concerned for her safety and that of her daughter.

John Doyle said the widening of Elston to 32 feet is in compliance with the subdivision control ordinance for parking to be allowed on both sides of the street. He felt it is adequate and meets with the design standards. He said cooperation from the property owner is needed to make it safe.

Councilman Przybylinski sided with Mr. Biela's allegations that this is an unsafe intersection because of the ZIP food store across the street. He said he would be comfortable with bubble parking for the Biela's while all of the other residences on Elston Street do not have special accommodations.

Mr. Oberlie moved to recognize (1) that Elston Street is one-way and the Board of Works intends for it to remain one-way, (2) that we recognize there is going to be parallel parking on both sides, (3) we instruct the District to proceed with plans as presented — that, if they have to cut the roots, to cut the roots, but the sidewalk is to be improved to provide safe areas for the pedestrians. The motion, seconded by Mayor Brillson, carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

REQUEST TO BUILD MAIL/PAPER BOX

Ronald L. Day, 3732 Lexington Road, wrote on May 31, as follows:

I am making a request to erect a brick structure that will house a mailbox and a paper holder. This structure will be located in the same location as the present post that holds our mailbox. The address of our home is 3732 Lexington Rd. This home is located in Village Green. The home is on the corner of Kent and Lexington Rd. This home is trimmed in brick and we have enough of the same brick to erect this structure. I am making this request because it will be on the city right-of-way, which is where our mailbox is now. Thank you for considering this request.

The matter was referred to Traffic, Planning, and the Engineer, to be reported back on June 17.

SEL DUNLAP

Sel Dunlap, 729 East Michigan Boulevard, spoke of public access television, deteriorating properties on which action has not been taken, and a request the city hire him to video these properties.

BRICK STREETS

Councilman Przybylinski spoke of brick streets and inquired why there was not a status report concerning his request two weeks ago. He requested the Board have a resolution to stop the work on Ripley Street and have a report at the next meeting.

Mr. Oberlie observed that we tried three times the previous week to contact the individual in Illinois that Mr. Przybylinski called to the attention of the Board. This individual has not responded.

PRICE PROTECTION SERVICE AGREEMENT

Mr. Oberlie moved to approve the following agreement, retroactive to May 28, 2002. Mayor Brillson seconded the motion, which carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

Price Protection Service Agreement

This Agreement is hereby entered into by and between City of Michigan City ("Customer") and **Northern Indiana Public Service Company** ("Northern Indiana") for the Price Protection Service ("PPS") Fixed Price Option at the locations listed in Attachment 1 ("Service Addresses"). The Parties agree to the following terms and conditions:

1. **PRICE.** Northern Indiana guarantees that, during the Term of this Agreement, Customer's Gas Supply Charge will be \$.50 per therm.
2. **TERM.** This Agreement will be effective for a twelve-month period beginning on the first day after Customer's next regularly scheduled meter reading.
3. **TERMINATION.** Customer can terminate this Agreement for any reason at any time. However, if this Agreement is terminated prior to the end of an annual Term, Customer agrees to pay an Early Termination Fee as listed in Attachment 1 for each month remaining in the Term. If Customer ceases buying gas from Northern Indiana for any reason, this Agreement is automatically terminated and the Customer agrees to pay the Early Termination Fee. If Customer moves from Service Address and the new occupant assumes this Agreement, no Early Termination Fee will be charged. If the new occupant does not assume this Agreement, the Early Termination Fee will be charged. This Agreement can not be transferred to a different Service Address.
4. **OTHER CONDITIONS.** PPS charges will be separately stated on the same bill Customer receives from Northern Indiana for other service. In the event of a disagreement with PPS or the PPS charges, Customer should immediately call Northern Indiana at 1-800-464-7726 or write to 801 East 86th Street, Merrillville, Indiana 46410. Northern Indiana will work with Customer to resolve any dispute within five business days. Customer also has the right to contact the Office of Utility Consumer Counselor ("OUCC") at 1-888-441-2494 or via the Internet at <http://www.state.in/oucc> with any questions, concerns, or conflicts regarding PPS. The OUCC is the State Agency with the statutory responsibility of representing consumers on all Utility matters.

BARKER CIVIC CENTER

Mr. Oberlie presented the following agreement and moved the Mayor be authorized to execute the agreement. Mr. Metzcus seconded the motion. Mr. Oberlie advised that the insurance company has sent the certificate of insurance to the Barker Welfare Foundation. The motion carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

I am enclosing a copy of a recent letter agreement (the "Letter Agreement") between The Barker Welfare Foundation (the "Foundation") and The Barker Civic Center (The "Center") which sets forth our understanding with respect to the personal property on loan from the Foundation to the Center (the "Objects"). Since the City of Michigan City (the "City") operates the Center and since the building in which the Objects are located was conveyed by the Foundation to the City pursuant to an agreement dated June 28, 1968, we would appreciate your consent to the Letter Agreement.

We believe that the City's confirmation of the Foundation's ownership of the Objects and acceptance of the Letter Agreement will further facilitate the excellent relationship that has existed among the Foundation, the Center and the City, as well as encourage additional loans to the Center. Such confirmation also will enable the Foundation to accurately record and insure the Objects.

Apart from the terms of the Letter Agreement, it is our understanding that the City agrees to obtain, maintain and keep in force and effect continually for so long as the Foundation loans the Objects to the City, at the City's own cost and expense, comprehensive general liability ("GCL") insurance in the minimum amount of \$5,000,000. The City will provide the Foundation with a certificate of insurance certifying that the City has in full force and effect such GCL insurance which names the Foundation as an additional insured under the GCL insurance.

We kindly request that you acknowledge your acceptance of the terms of the Letter Agreement and confirmation of the City's provision of GCL insurance according to the terms set forth above by signing below where indicated. Please return one signed original of this letter. A signed duplicate of this letter has been provided for your records.

1720 ELSTON STREET

Mr. Biela advised they have applied for a re-roofing permit for this home. This home will be a definite improvement for the community. He reiterated his feeling that this corner is unsafe.

NEIGHBORHOOD PROJECTS

Councilman Przybylinski stated he had been in the Planning Department to pick up forms for constituents for sidewalks, etc. Mr. Pugh told him that he couldn't have the form because the money is not being used for any neighborhood projects. Mr. Przybylinski requested confirmation.

Mr. Oberlie stated that an interested party need only file a letter of request and Mr. Kieft goes out and does the inspections. Our intent is to continue the program.

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
730	5-20-02	\$49,400.00
731	5-28-02	\$1,700.57
732	5-29-02	\$215,183.87
733	5-29-02	\$504,555.72
		\$770,840.16

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

Page	Date	Amount
3 of 3	5-31-02	\$145,053.12

On motion by Mayor Brillson, seconded by Mr. Metzcus, and there being no further business to be considered, the meeting ADJOURNED (approximately 11:20 a.m.).

Thomas F. Fedder, City Clerk