

REGULAR MEETING - JUNE 17, 2002

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, June 17, 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: Anthony Metzcus, and City Controller Charles Oberlie (2).

Absent: Mayor Sheila Brillson (1).

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
Kevin Kieft, Neighborhood Planner
Jim Elwell, Superintendent, Central Services
Bill Phelps, City Engineer
John Pugh, City Planner
Al Walus, General Manager, Sanitary District
Jim Kintzele, Superintendent, Refuse
Deputy Fire Chief Mark Donaldson
Tom Fedder, City Clerk
Pat Larsen, Deputy Clerk

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

Paul Przybylinski, Second Ward Councilman

APPROVAL OF MINUTES

Mr. Oberlie moved the minutes of the Regular Meeting of June 3, 2002, and the Special Meeting of June 14, 2002, 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 BIDS — Demolition of 216 West Fifth Street - estate of Leona Brown

Bids received:

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

Mr. Plencner requested deferment on this bid awarding. The owner has started demolishing the property and is more than half way through. He requested 30 days.

Mr. Oberlie moved to table for 30 days. Mr. Metzcus seconded the motion, which carried by the following vote: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

DEMOLITION HEARING — 637 North Carroll Avenue - Nichole A. McMillon, owner

Mr. Plencner distributed documentation concerning the condition of this home, including photos. He said he had complaints over several years. Rehabilitation was estimated at nearly \$45,000.00 - excessive for a four-room house.

Betty Blackman, 631 North Carroll Avenue, speaking for the 600 block of Carroll Avenue and the 600 and 700 blocks of Fairfield Avenue, said they would be appreciative if the house would be demolished. She recited the dangers they see with this property.

Mr. Oberlie noted there is a mortgage with First State Bank of Porter; our file doesn't indicate they received notice. He moved to continue the hearing for 30 days to allow for notice to be given them but to authorize the department to advertise for bids. We would still have to complete the hearing at the meeting but we would have an opportunity to hear from the First State Bank of Porter, should they still be present. Mr. Metzcus seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

DEMOLITION REPORT

Mr. Plencner presented the following report:

Demolition - Status Report	Week Ending 6 - 14 - 2002
1424 Michigan Blvd	Demolition still on-going progress being made, will monitor till completed
127 E. 9 th	Loan approved, contract signed, awaiting performance bond. Owner informs me that they should have the bond next week. Once bond is obtained, permit will be issued and work will begin
216 W. 5 th	Owner started demolition, has 30 days to complete
1321 Michigan Blvd	Board of Works tabled for 30 days to be reviewed 7 -1- 02
637 N. Carroll	Presentation to Board of Works to demolish 6 -17 - 02
400 N. Karwick Rd.	(Old Fire Station) Ordered title work, preparing all necessary paperwork for a demolition hearing

Demolition completed by City 2002

1027 W. 9th
 1021 W. 9th
 915 W. 9th
 1129 W. 9th
 1111 Garfield
 312/317 White Oak

Demolition completed by property owners 2002

1017 W. 9th Demolition by the Housing Authority

Mr. Plencner stated that he had received a letter from Mayor Brillson regarding two properties - 815 Nahas and 128 Green. He sent a certified letter to the owner of 128 Green, requesting information on what is going to be done with his property; we have a number of complaints. Concerning 815 Nahas, the owner's representative was present.

Kevin Purze, representing Maple City Ventures, the owner of 815 Nahas, requested 30 days to come back to the Board with an action plan regarding whether they will refurbish or demolish. He will work with Mr. Pugh and Mr. Plencner.

Mr. Plencner and Mr. Kieft described a program that has been developed to track problem properties in the City. This can be accessed from any computer in City Hall. Mr. Oberlie thought the compilation report could be filed with the Board monthly. The matter was taken under advisement for 30 days.

FUNDING STUDY

Bonar Group - held over from May 20 meeting.

Mr. Pugh said the funding cycle has changed due to the designation of Michigan City as an urbanized area so we are no longer in the same pool of money as we were when the Bonar Group presented this proposal. We want to thank them for their proposal; it doesn't appear to be valid today.

Mr. Oberlie moved the item be removed from the future agenda and we request the Planning office send a letter to the Bonar Group thanking them for their interest, with an explanation as submitted today. Mr. Metzcus seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

NOTICE OF RETIREMENT

The following letter addressed to Chief Gene Simmons was received:

I, Robert Sharritt, herewith tender my retirement from the Michigan City Police Department, after having served more than 32 years 8 month (32) years with this department. It is requested that my resignation be effective with the close of business on the 31 day of May, 2002. I further petition the Trustees of the Police Pension Board that I be placed on a Thirty-Two (32) year Pension.

This letter was filed for information.

HANDICAPPED PARKING

Joe D. Williams, 320 Pleasant Avenue, wrote as follows on June 4, 2002:

My name is Joe D. Williams and I reside at 320 Pleasant Avenue. I am requesting a Handicapped Parking sign in front of my residence. I am a senior citizen and I use a wheelchair, walker and scooter to get around. Vehicles are also parked in front of my horse, making it impossible for me to park my car. It is extremely difficult for me to walk any great distance.

Mr. Pugh reported he had talked with Mr. Williams. This is a legitimate request. He recommended approval. Cpl. Green agreed.

Mr. Oberlie moved to approve. Mr. Metzcus seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

DEERCROFT

Mayor Brillson wrote to the County Commissioners on June 5, 2002, as follows:

The dredge of the Michigan City harbor is progressing well: and is important for the economy of this county and our marina, fishing and tourism industries.

The issue of using dredge material for daily cover, for post-closure activities and for berming was discussed at length at the negotiating table last year. Initially, Waste Management officials contended that they couldn't use the dredge even for daily cover (as is or mixed with garbage) because of its moisture content. They once contended that the material would have to be set aside for a period to be dewatered at the landfill. Now the story seems different and the company is saying that it must be used with garbage for daily cover. However, today when I pressed Jim Davis, Waste Management's Indiana director, regarding whether it was absolutely necessary to use garbage mixed with dredge material as the only way to handle this issue, I was not given a decisive answer. In past dredges, other haulers have used dredge material for landscape berming-with NO GARBAGE!

I ask that the Commission permit Waste Management to accept dredge material only (no municipal waste) after the closing date of July 1, 2002. When Waste Management negotiated with the City of Michigan City, I negotiated terms in good faith which mandated that the company commit to handling the entire dredge disposal at no cost to the citizens, knowing full well at the time of the negotiations that the dredge would last two weeks after the scheduled closing date. Because of that, language was inserted that should they not take the dredge, Waste Management would pay for disposal.

Our lawyer, who is a specialist in environmental and solid waste law, knew that federal permits would not be in place for disposal at another location for 15 days. This would obviously mandate that Waste Management choose the least costly and easiest option and make a request to the Commission allowing the dredge trucks ONLY be permitted to dispose of their material at Deercroft July 1-15 to be used for post-closure activities.

At no time did we anticipate that the company could conceivably use the Michigan City dredge as yet another poorly disguised attempt to keep the landfill open-a stench-filled, garbage strewn landfill that I know you agree has been an embarrassment to the good people of both the County of LaPorte and the City of Michigan City.

I applaud the Commissioners for their past decision supporting closure and ask that you stay the course. Continue your commendable commitment of landfill closure for which our citizens are grateful. Close the landfill to all municipal waste as scheduled on July 1, 2002. Permit the dredge material to be brought through the gates to complete the dredge until July 15 when our operation will be complete.

Let Waste Management get creative with their cadre of landfill management experts on how to use the dredge material-for creating berms (as has been done by other haulers with dredge material in the past), for daily cover, for post-closure activities. Millions of tons of garbage are present at the site. Fresh garbage from Chicago is simply not necessary- except to bring more revenue to the company.

A few extra weeks sounds like no big deal--but I know you agree that it is a matter of principle and of keeping a commitment made to the people who entrust us with their welfare.

I know you have been on site at Deercroft and so have to weigh the facts carefully. I would hope that Waste Management officials would cooperate with the Commissioners and keep their corporate word per their negotiated agreement with Michigan City, taking our dredge material until July 15. For informational purposes only, if the landfill remains open after July 1, the City of Michigan City will not be using Deercroft for our waste disposal.

This letter was filed for informational purposes, only.

STREET CLOSINGS

Sandra Bryant, 616 Belden Street, wrote as follows on June 6, 2002:

I WOULD LIKE TO HAVE BELDEN STREET BLOCKED FROM MAPLE STREET TO ELM STREET DO TO A WEDDING RECEPTION I'AM HAVING IN MY YARD JUNE 29TH AT 2:00 P.M. UNTIL DARK IF AT ALL POSSIBLE. IF THERE ARE ANY DIFFICULTIES PLEASE CALL ME AT 219-872-7999. THANK YOU VERY KINDLY.

Ms. Bryant was present to present her request. She wanted the street closed for parking and children playing.

Cpl. Green said, knowing the area, Belden Street is not heavily traveled; he did not know of any problems. It would be up to them to set up and take down barricades, which would be delivered by the Street Department. Barricades must be taken down by dark or lighted.

Mr. Oberlie moved to approve, seconded by Mr. Metzcus. The motion carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

Willie Milsap, 601 South Dickson submitted the following request dated June 6, 2002:

Request the closing of Dickson Street, from Barker Avenue & Plum Street: 5th Ward Block Party, Sunday, July 21st
(Rain date: 07/28/02), 3:00 p.m. until 8:00p.m.

Cpl. Green stated there have been no problems or complaints in the past.

Mr. Oberlie moved to approve. Mr. Metzcus seconded the motion, which carried by the following vote: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

POLISH FESTIVAL

Randy Dompke wrote as follows on June 10, 2002:

In keeping with our St. Joseph Young Men's Society tradition, we are getting prepared for our annual Polish Festival.

We are cordially requesting that in the event that work along Franklin St. is not in progress in the 1900, 2000, and 2100 blocks that these areas may be used for temporary parking for our festival. I have spoken to Mr. Miller and he said he would check to see if this is possible. The dates scheduled for the Polish Festival are Friday June 21st, Saturday June 22nd, and Sunday June 23rd. This is would be greatly appreciated by the membership.

With all my respect, I sincerely thank you for your time and consideration in this matter.

Mr. Phelps said a member of the construction team met with Mr. Dompke and they had worked it out.

TREE LAWN

John Doyle wrote as follows on June 10, 2002, concerning damage to the tree lawn at 1301 Tennessee Street:

Per our conversation regarding the above. On May 31, 2002 the following describe vehicle drove over the new curb and sidewalk and parked in the tree lawn area at 1301 Tennessee Street. No basic damage was done to the sidewalk and curb, however, the newly hydro-seeded tree lawn area was rutted and will require additional black dirt, leveling and reseeding.

The vehicle was parked from about 10:00 a.m. to 4:00 p.m. Two calls were made to the police department, one by D & M Excavating, Inc. employees in the morning about 11:00 a.m. and one by Sanitary District employees about 2:00 p.m. in the afternoon. When the second call was made they were told of the previous report and that it had been handled.

To the best of our knowledge and belief no response was made and no citation was written.

Not only is it expensive to make repairs it is also frustrating. The total disregard by the driver for the major efforts being done to improve and beautify this area and the apparent lack of appropriate response by the police department raises doubts if it is worthwhile.

The vehicle is a four (4) door Chevrolet Trail Blazer, dark blue with roof light bar, Indiana Truck Plate Number 812834 L.

Please look into this situation, perhaps there is some additional information that we do not have.

(NOTE: owner of vehicle was subsequently identified as Brian A. Gresham, 1301 Tennessee Street, Apt. B.)

Mr. Oberlie moved to authorize the attorney and the Traffic Division to identify the owners and invoice them for the damages to the street lawn. The motion, seconded by Mr. Metzcus, carried by the following vote: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

WATERING EQUIPMENT

The Tree Board proposed the following on June 10, 2002:

At the Michigan City Tree Board meeting of June 5, 2002, the Board unanimously voted to request the City purchase a watering truck and/or tank for the City street trees.

Thousands of dollars will be spent far landscaping of current projects (Ohio Street/Barker Avenue sewer project, 11th Street sewer project and the Franklin Street sewer project) and there currently is no way to water the trees, which is essential during the first couple of years for proper establishment.

Therefore, the Michigan City Tree Board would respectfully request that the City either 1) look into available resources for equipment within the City; or 2) if nothing is available through the City, please consider the purchase of a 2,000 gallon tanker truck which is for sale through the Michiana Shores Fire Department at a cost of \$2,000.

In the long run, the purchase of this piece of equipment will pay for itself by saving the trees so they won't have to be replaced in the future.

Thank you for your consideration in this matter.

Mr. Oberlie moved to refer the matter to the Central Services Superintendent (Mr. Elwell). Mr. Metzcus seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

INVENTORY REDUCTION

The Fire Department advises their inventory is being reduced by the transfer of the following to Central Services:

- 1 portable water pump
- 1 water tank
- 1 hose reel

Mr. Oberlie moved to authorize the transfer of fixed assets. The motion, seconded by Mr. Metzcus, carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

FRANKLIN STREET PROJECT

Richard Delco, 2951 West 850 North, complained that he was not notified of what was going on. He wanted certain changes made. He said he is just south of St. Joe Hall. There are two curbs sticking into the street. He requested they be eliminated. It would be hard to pile the snow in the winter and you would not be able to see the curbs.

Mr. Phelps advised that notice of the informational meeting was delivered to every business. Why it was not given to Mr. Delco was unknown to Mr. Phelps.

Mr. Oberlie moved to refer the matter to Traffic, the Engineer, and Planning. Mr. Metzcus seconded the motion, which carried by the following vote: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

SEWER PROJECT

Councilman Przybylinski requested action on a sewer project south of Barker Avenue. He requested that the Board look for funding to complete the project, including Hoyt Street and Elston Street south of Barker Avenue.

FRANKLIN STREET PROJECT

Mr. Przybylinski if the electrical wiring will be put under the ground, including cables for decorative lighting. Mr. Oberlie said Marquis has completed the laying of the conduit for the decorative lighting. Mr. Przybylinski asked if utility wiring could be relocated off of Franklin Street. He also noted they are making cuts on the side streets and wondered if action is being taken to secure the brick streets abutting Franklin Street. Mr. Phelps responded.

GRANTS OF EASEMENT

Mr. Phelps presented for execution three grants of easement (two with the Board of School Trustees and one with Horizon Trust & Investment Management, N.A.) One is on the west side of Franklin, just south of Pytynia Parkway, in front of the maintenance building parking lot for the schools. One is just south of Ripley, in front of the tennis courts. One is in front of Valueland.

Mr. Oberlie moved to approve these grants of easement, seconded by Mr. Metzcus. The motion carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

BRICK STREETS

Mr. Walus presented the following report, dated June 17, 2002:

At the May 20, 2002, Board of Public Works meeting, the Board referred materials regarding brick street repairs to the City Engineer and Sanitary District for evaluation. On Wednesday, May 29, 2002, and Friday, May 31, 2002, the District attempted to contact Royce Restoration and received no answer; messages were left regarding our desire to discuss brick streets.

On Monday, June 3, 2002, I received a voice mail message from Royce Restoration indicating that they had a new business telephone number (217-379-3832). Subsequently, I have been able to talk at length with Mr. Royce Baier, of Brick Street Restorers, Paxton, Illinois, regarding his experience with brick street repair work. I have also provided via fax a map of Michigan City's brick streets, a spreadsheet of the approximate lengths of the brick streets and the draft summary "Condition of Brick Streets within Michigan City" prepared by City Engineer Ed Fox in August of 1998.

Mr. Baier, who has over 20 years of experience with brick streets, has in response provided a proposal letter to provide consulting services to the City of Michigan City at his standard consulting fee of \$1,000 per day plus expenses (copy attached). Thus, I would respectfully request that the Board of Works review Mr. Baier's proposal and consider a two-day visit by Mr. Baier to view our brick streets and discuss such with the City Engineer and the Sanitary District.

ATTACHMENT

BRICK STREET RESTORERS
 ROYCE BRIER
 440 East Pells Street
 Paxton, IL 60957
 217- 79-3832

June 14, 2002

Mr. Al Walus
 Michigan City, IN

Dear Mr. Walus:

Thank you for your interest in preserving brick streets. Following is a brief summary on the information you requested.

I do specialize in brick streets. I have for over 20 years conducted both consultant and restoration work on brick streets around the country. I have, in the last two years, completed consultant work for both the cities of Greenwood, Mississippi and Wilmington, North Carolina. I can bring to you not only over 20 years of hands-on experience but also expertise in all phases of base preparation, historic brick procurement and cost analysis.

I would be pleased to visit your community to assist you in determining a program for restoring your brick streets. My charges for consultant work are \$1,000 per day plus all expenses. The average amount of time required for an analysis of a single block street plus meeting with proper committees usually takes two days. In some cases, I can present my completed report before I depart. If not, I will submit the final report within two weeks of my visit.

I have a short video on brick streets, which I sell for \$29.95. If you are interested, please let me know. I look forward to further communication with you.

Sincerely,

/s/ Royce Baier

Mr. Oberlie moved to ask Mr. Walus to convey our intent to retain the Royce Restoration Company for not to exceed \$2,200.00. Mr. Metzcus seconded the motion, which carried by the following vote: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

Mr. Przybylinski thanked the Board for this action.

HARBORSIDE

Mr. Oberlie moved to authorize the Clerk to submit a request for a wage determination rate on the demolition of Harborside Homes complex and proceed with advertising, with bids to be opened on August 19. This is to allow potential bidders to inspect the buildings and have an opportunity to review the residents of the Public Housing Authority who have indicated a desire to work on the project. Mr. Metzcus seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0).**

ACQUISITION OF PROPERTY

Mr. Oberlie moved to authorize the Attorney to proceed with acquisition of a triangular wedge property on Ohio Street between Ann and Wall Streets and bring the final offer for acceptance. This is to clean up the intersection and possibly provide a pocket park. Mr. Metzcus seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). 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 Metzcus and Oberlie (2). 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
734	6-4-02	\$17,913.93
735	6-5-02	\$68,025.00
736	6-11-02	\$5,363.96
737	6-12-02	\$518,523.72

		\$609,826.61
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Allowance of claims as set forth in the Register of Claims as follows:

Page	Date	Amount
2 of 2	5-31-02	\$1,295,006.88
1 of 1	6-11-02	\$2,221.75
2 of 2	6-13-02	\$636,826.42
5 of 5	6-17-02	\$1,746,659.35
		\$3,680,714.40

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.).

Thomas F. Fedder, City Clerk