

REGULAR MEETING - SEPTEMBER 9, 2002

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

APPROVAL OF MINUTES

Mr. Oberlie moved the minutes of the Regular Meeting of August 19, 2002, be approved as printed. The motion was seconded by Mayor Brillson and carried as follows: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

FRANKLIN STREET

Jim Miller, American Consulting, gave a report on the status of the Franklin Street project.

AWARDING OF BIDS – Harborside Demolition

Bids received:

Chem-Check, Inc., Hebron, IN	\$348,000.00
Brandenburg Ind. Serv. Co., Chicago, IL	359,000.00
Woodruff & Songs, Michigan City	359,735.00
G. E. Marshall, Inc., Valparaiso, IN	424,000.00

Mr. Phelps recommended awarding the bid to Chem-Check, Inc., at \$348,000.00. Mr. Metzcus noted that all four bidders are EEO acceptable.

Mr. Espar remarked that the bidding specifications stated that any contractor would have to agree to hiring, wherever possible, Housing Authority residents. Mr. Phelps said he has a letter from Chem-Check to that effect.

Mayor Brillson moved to accept the recommendation to award the bid to Chem-Check, Hebron, IN, for \$348,000.00 for Harborside Homes. Mr. Oberlie seconded the motion. The motion carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

Mr. Phelps said he would prepare a formal agreement for this project. Notice to proceed will be given when we have the performance bond, insurance certificates, etc.

PROBLEM PROPERTY REPORT

Ron Plencner gave the following report:

Problem Properties 9/9/2002							
Case	Address	Owner	Current Status	Date	Use	Condemned	Comments
5	1008 Cedar Street	Dave Heckman	Poor	6/27/2002	Vacant	No	Boarded and secured
6	622 Tremont	Greg Alexander	Fair- poor roof-garage	6/27/2002	Vacant	No	Status has not changed in past year
7	510 East 11 th Street	Jacob Abraham	Burn-out poor rehab in progress	6/27/2002	Vacant	No	Has CoA and permit for rehab
8	520 East 11 th Street	Edward and Melva Mead	Junk in Yard. Etc...	7/2/2002	Residential	No	Junk in Yard, Engine blocks, cars etc...
10	215 North Porter	Ann Carver	Poor Condition	8/9/2002	Occupied	No	Joint Insp. Police, Health, Zoning
11	Canterbury-901 Franklin	Ben Weinschneider	Poor Condition- Extensive rehab needed	7/11/2002	Vacant	No	condition becoming worse
14	1321 Michigan Blvd.	Myong T. Choe	Demolition in progress	7/9/2002	Commercial	Yes	Demolition bids due 8 -5-02

Problem Properties 9/9/2002							
Case	Address	Owner	Current Status	Date	Use	Condemned	Comments
15	637 North Carroll Avene	McMillon	Demolition completed	7/15/2002	Vacant	Yes	Demolition completed
21	711 W . 9 th	Essie McMillion	Vacant	8/28/2002	Residential	Yes	Started demolition process
22	904 Green	Vassillio Karralls	Vacant	8/15/2002	Rental	Yes	Owner to Rehab unfit for occupancy
23	405 Gardena	Vassillio Karrallas	Vacant	7/31/2002	Residential	Yes	Owner demolishing, will build new home
24	409 Lincoln	TPC Inc. Florida	Vacant	8/ 1/2002	Vacant	Yes	Proceeding with demolition process
25	622 Emma	Dave Riordan	Vacant	4/10/2002	Vacant	Yes	Total rehab by owner in progress
26	400 N. Karwick	Rose Dobkins	Burnt Structure	6/28/2002	None; old fire station	No	Owner to demolish and clear site
27	600 N. Carroll	John Bricker-Questionable	Vacant	4/15/1999	Industrial	Yes	Brownfield site, tests are being conducted
28	310 Lafayette	Dave Heckman	Vacant	5/10/2000	Residential	Yes	Structure ok, unfit for occupancy
29	1128 W . 9 th	Questionable	Vacant	6/15/2000	Residential	Yes	Trying to ID owner, future demolition
30	1106 E. 2 nd	Mc Collough	Vacant	6/19/2002	Residential	Yes	On list for future demolition

SUPERIOR TREE SERVICE

Mr. Espar spoke to this problem. He said the issues are not for this Board but are for our City Ordinance attorney for possible Ordinance violations and the Planning Department for failure to obtain permits. He will continue to work Mr. Wulff and Ms. Evans, who prosecutes Ordinance violations for the City.

RETIREMENT FROM POLICE DEPT.

Lawrence Jasicki has tendered his retirement effective August 31, 2002, having served more than 36 years and requesting 32-year pension.

This is for information only.

CITY ARBORIST

Approval of scope Green Medicine Consulting as the contract arborist, per the Tree Board's recommendation.

Mr. Oberlie noted the Tree Board received a grant to assist the City in retaining an Arborist position. That board has negotiated with Mr. Larry Domkowski, of a new corporation (Green Medicine Consulting). His contract would be not to exceed \$25,000.00 for the duration of the contract, at the rate of \$50.00 per hour. The scope of services is as follows:

PROPOSED FUNCTIONS OF MICHIGAN CITY CONSULTING ARBORIST

SCOPE OF WORK

The following was outlined in meetings with Mr. Oberlie on August 19, 2002 and the Michigan City Tree Board August 14, 2002. You wish to hire Larry Dombkowski of Green Medicine Consulting to:

- Facilitate the implementation of the Michigan City Urban Forestry Management Plan.
- Provide consultation and assistance with city tree planting programs.
- Assist the Michigan City Tree Board.
- Respond to tree related inquiries from Michigan City Departments, Boards and citizenry.
- Perform inspections of city owned trees which may require examination to determine what measures, if any, that are needed to abate or mitigate potential risk of personal injury or property damage.
- Monitor insect and disease issues throughout the city.

- Work with city departments to maintain the tree inventory data base.

CONSIDERATIONS

- Work began on August 14, 2002 and will be completed prior to August 13, 2003.
- Billing is not to exceed \$25,000.00.
- Priority work product will be the implementation of the city's Urban Forest Management Plan.
- Billing will be weekly to the Board of Works.

Mr. Oberlie recommended authorizing the execution of the agreement. The Tree Board does not have contract authority.

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

VOLKSMARCH

Robert A. Buzolich, President, Hoosier Hikers, South Bend, wrote as follows on June 10, 2002

The Hoosier Hikers of South Bend, Indiana, request approval to conduct a Volksmarch on Sunday, October 27, 2002, on properties administered by the Michigan City Board of Parks & Recreation and the City of Michigan City.

Our Volksmarch involve 6 and 11 kilometer non-competitive walks that will be sanctioned by the International Volkssport Verband. The course will be in operation from 8 a.m. to 2:00 p.m. During this period of operation, it is anticipated that there will be 50 to 150 participants from within and outside the Michiana Area.

A description of the event operation is provided in the supplementary statement at TAB A. The proposed routes for this event are provided at TAB B. Special requests are identified at TAB C. A copy of the general certificate of insurance in effect for the event is provided at TAB D. The organization requesting approval is described in the supplementary statement at TAB E.

If a certificate of insurance identifying the Board of Public Works and Board of Parks & Recreation as additional insureds is required, it will be provided no later than 30 days prior to the event.

In conjunction with the proposed event a flyer will be distributed. A copy of this flyer will be provided the Superintendent of Parks and Recreation prior to its release to the public.

For further information, please contact the undersigned at (574) 233-4441, or via e.m ail at sonofbuz@prodigy.net.

TAB A (NOT QUOTED)

BEHIND TAB B

SIX KILOMETER VOLKSMARCH ROUTE

- 1) From Krueger Memorial Park proceed in a Westerly direction on East 8th Street.
- 2) At intersection of East 8th Street and E Street TURN RIGHT, and proceed along E Street.
- 3) At intersection of E Street and Union Street TURN LEFT, and proceed on Union Street in a Westerly direction. CAUTIOUSLY crossover Union Street and proceed into the Blue Chip Employee Parking Area.

CHECKPOINT VICINITY U.S. 12 OVERPASS AND BLUE CHIP EMPLOYEE PARKING

- 4) After clearing the Checkpoint, turnaround, and proceed to the intersection of Union Street and U.S. 12.
- 5) TURN RIGHT onto the sideway along US. 12 nearest the Blue Chip Casino.
- 6) At the intersection of U.S. 12 and Liberty Trail TURN RIGHT, and proceed along Liberty Trail.
- 7) After crossing over Trail Creek, you will see an nameless dirt road with a sign pointing you to the Memorial Gardens. The dirt road is called Friendship Trail. TURN LEFT AND CAUTIOUSLY crossover Liberty Trail, and proceed gingerly along Friendship Trail.
- 8) Where Friendship Trail next intersects with a paved road, the paved road is Liberty Trail, TURN RIGHT and RETURN to the Start/Finish

ELEVEN KILOMETER VOLKSMARCH ROUTE

- 1) From Krueger Memorial Park proceed in a Westerly direction on East 8th Street.

2) At intersection of East 8th Street and E Street "TURN RIGHT, and proceed along E Street.

3) At intersection of E Street and Union Street TURN LEFT, and proceed on Union Street in a Westerly direction. CAUTIOUSLY crossover Union Street and proceed into the Blue Chip Employee Parking Area.

CHECKPOINT VICINITY U.S. 12 OVERPASS AND BLUE CHIP EMPLOYEE PARKING

4) After clearing the Checkpoint, proceed beneath the overpass, and TURN RIGHT. At the stop sign to your front is the intersection of East 2nd Street and Center Street.

5) At the intersection of East 2nd Street and Center Street TURN LEFT onto Center Street. Proceed CAUTIOUSLY along Center Street to its intersection with Lake Shore Drive. This is a T intersection.

6.) TURN RIGHT onto Lake Shore Drive. Proceed CAUTIOUSLY along Lake Shore Drive to its intersection with Illinois Street.

7.) TURN LEFT onto Illinois Street, and proceed straight through the dunes to water's edge.

8.) Upon reaching the water's edge you will be standing on the shoreline of Lake Michigan and facing North. TURN LEFT, and proceed along shoreline in the direction of the Lighthouse.

9.) Upon reaching the Lighthouse Jetty TURN LEFT, and proceed through the Washington Park Parking Areas past the Coast Guard Station and the Old Lighthouse Museum to the intersection of Lake Shore Drive and Franklin Street. In the center of this intersection you will see a Civil War Memorial.

10.) CAUTIOUSLY proceed across Franklin Street, and continue on Lake Shore Drive.

11.) At the intersection of Lake Shore Drive and Center Street TURN RIGHT, and proceed along Center Street to its intersection with East 2nd Street.

12.) From the intersection of Center Street and East 2nd Street proceed beneath the U.S. 12 overpass and go through the Blue Chip Casino Employee Parking Area to the intersection of US. 12 and Union Street.

CHECKPOINT VICINITY U.S. 12 OVERPASS AND BLUE CHIP EMPLOYEE PARKING

5) TURN RIGHT onto the sideway along US. 12 nearest the Blue Chip Casino.

6) At the intersection of U.S. 12 and Liberty Trail TURN RIGHT, and proceed along Liberty Trail.

7) After crossing over Trail Creek, you will see an nameless dirt road with a sign pointing you to the Memorial Gardens. The dirt road is called Friendship Trail. TURN LEFT AND CAUTIOUSLY crossover Liberty Trail, and proceed gingerly along Friendship Trail.

8) Where Friendship Trail next intersects with a paved road, the paved road is Liberty Trail, TURN RIGHT and RETURN to the Start/Finish

BEHIND TAB C

SUPPORT REQUESTED FROM THE MICHIGAN CITY PARKS & RECREATION DEPARTMENT

FACILITIES:

*Access to restrooms at Krueger Memorial Park on the day of the event, if any are available at that location.

EQUIPMENT:

*Two picnic tables in the vicinity of the shelter at Krueger Memorial Park.

TAB D (NOT QUOTED)

BEHIND TAB E

The Hoosier Hikers was organized as a non-profit organization in 1991. Its goal is to foster health and fellowship through participation in Volkssporting activities.

The Club is a member organization in the Indiana Volkssport Association (INVA), the American Volkssport Association (AVA), and the International Volkssport Verein (IVV). The AVA provides IVV sanctioning of Volkssporting events in the United States.

Volkssporting activities are non-competitive athletic events that are open to all. The events offered in the United

States include walks, cross-country skiing, biking, and swimming. Participants in these events may receive IVV credit for events and distances completed. Such information is recorded in an individual's IVV Record Book. After completing a set number of events and/or distance, individuals may receive awards in recognition of their achievement.

Since its inception, the Hoosier Hikers has grown to 24 members. It has hosted one Year-Round Event each year for the past ten years. It has also hosted two one-day volkssporting events at Potato Creek State Park each year for the past ten years. In addition to its events at Potato Creek State Park the Hoosier Hikers have also hosted two one-day events in South Bend and Goshen.

Cpl. Green said he had not been able to contact Mr. Buzolich. He talked to the property manager of Potato Creek, who said they have been there for a number of years and there have been no problems. He suggested holding the matter over until he can talk with Mr. Buzolich.

The matter was held over to the next meeting.

DRUG TESTING

Shelley Dunleavy presented a contract between the City of Michigan City and Midwest Toxicology Services, Inc., Indianapolis, for drug testing services. This is a two-year contract. Fees are as follows:

Annual Administrative Fee: \$35 Services included in annual fee:

- o Random pool set-up
- o Establish SAP services
- o Quarterly reports to State Program Administrator Testing

Fee Schedule:

System agrees to pay **Vendor** \$28 per DOT or NONDOT alcohol test.

System agrees to pay **Vendor** \$60 per DOT or NONDOT drug test.

Fees quoted above include the following services:

- o On-site collection or collection site
- o Urine collections by collectors trained to meet DOT training requirements
- o Provide for testing of specimens at a SAMHSA certified laboratory
- o Provide the services of a CERTIFIED MEDICAL REVIEW OFFICER
- o Alcohol Breath Testing with NHTSA approved instruments and certified BAT's (Breath Alcohol Technicians)
- o Random program administration
- o Annual Report for DOT compliance
- o Service availability within approximately 30 minutes of transit systems location

System agrees to pay **Vendor** \$100.00 trip fee in addition to testing fees for on-site-weekend/holiday testing.

System agrees to pay **Vendor** \$150.00 trip fee in addition to testing fees for emergency on-site testing.

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

RETAINING WALL

Bernie Scott (Joy of Flowers) appeared to speak of the large retaining wall in front of his business. He said all retaining walls on Franklin have been removed and will be replaced, except for theirs. He felt something should be done to beautify his wall, since all of the others will be replaced.

Mr. Phelps said the contract drawings do not call for the wall to be replaced. He felt Mr. Scott has a valid point; it would be nice to have a common wall. It's a matter of costs and he is checking on the costs to see if it can be done. The tree is his responsibility. He will report to Mayor Brillson.

DEFIBRILLATORS

Deputy Fire Chief Mark Donaldson introduced Brad Love, Sales Consultant for Indiana, and Greg Talaga, Technical Service Representative, Medtronic Physio-Control, who made a presentation concerning community AED's to be placed on public buildings and other facilities. They gave a demonstration on a machine they brought with them. Mr. Love said the price would be \$2,200.00 per machine in any quantity. The price for a service program would be \$190.00 annually per device and would include replacement of electrodes, replacement of batteries, downloading of data and providing data to those who require it.

Mayor Brillson said this is in this year's budget. She spoke in support of the acquisition. Mr. Oberlie listed the proposed locations for these defibrillators, as follows: Zoo, Senior Center, Park Office, Memorial Park, Lifeguard tower, main entrance to Washington Park, entrance at Patriot Park, one at each of the cemeteries, the airport, City Hall, Central Services, Central Maintenance, Barker Center, one for each of the four fixed-route buses, and one for the dial-a-ride, for a total of 19 units.

Mr. Oberlie moved that the Board authorize the ordering of 19 units as recommended today by the Fire Department. The motion, seconded by Mayor Brillson, carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3).** **NAYS: None (0).**

GRIEVANCE

Mr. Espar reported a grievance hearing had been held on the matter of the grievance of David Legros of the Michigan City Police Department. He presented the disposition of grievance for the Board's signature.

The disposition is as follows:

FINDINGS OF FACT

The Board of Public Works and Safety, having heard the evidence presented and arguments of the parties, now makes the following factual findings in this matter:

1. On May 21, 2002 and May 23, 2002 a disciplinary proceeding was held before the Police Civil Service Commission of the City of Michigan City relative to an action against Officer Mark Krickhahn.
2. Various members of the Michigan City Police Department were directed by their Commanding Officer to appear as witnesses at said Hearing, after having been directed by Corporation Counsel Larry Allen to produce said witnesses for purposes of testimony at said Hearing.
3. The presence of the Officers requested by Corporation Counsel Larry Allen and directed by their Commanding Officer were authorized in advance of the appearance of those Officers.
4. Officer Legros was not among the Officers whose presence was requested by Corporation Counsel Larry Allen or directed by his Commanding Officer.
5. Officer David Legros was not subpoenaed to appear, and as such, his appearance was not commanded by lawful process.
6. That Officer David Legros appeared at the Hearing without having received lawful process, without having been previously directed by his Commanding Officer, or having been previously authorized to appear.
7. Article 10.A of the *Contract for 2001-2004 Between the Fraternal Order of Police Dunes Lodge No. 75 and the Civil City of Michigan City, Indiana* provides in relevant part that:

All Officers shall receive overtime compensation at time and one-half for all *authorized* hours worked past eight (8) hours per day or for forty (40) hours per week.

CONCLUSION

All overtime compensation must be preauthorized with either the Chief of Police or his acting representative prior to the circumstances which give rise to a request for overtime compensation.

There were no legal impediments to Officer David Legros notifying his Commanding Officer of his request to appear as a witness on behalf of Officer Mark Krickhahn, even in the absence of a subpoena.

The appearance of Officer David Legros before the Police Civil Service Commission was unauthorized and as such is not entitled to overtime compensation.

DECISION

The Grievance of Officer David Legros by the Fraternal Order of Police, Dunes Lodge No. 75 IS THEREFORE DENIED.

DISPOSITION RENDERED AND APPROVED this 9th day of September, 2002.

Mr. Oberlie moved to approve, seconded by Mayor Brillson. The motion carried as follows: **AYES: MEMBERS Brillson and Oberlie (2).** **NAYS: None (0).** **ABSTAINING: MEMBER Metzcus (1).**

POLICE DEPARTMENT BUILDING

Mr. Oberlie spoke to support the renovation of the Police Department building in lieu of a recent article in the News-Dispatch. Mayor Brillson spoke, also.

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 Mayor Brillson 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
747	8-19-02	\$644.97
748	8-20-02	\$521,403.42
749	8-28-02	\$216,985.51
750	9-3-02	\$16,848.53
751	9-4-02	\$507,993.95
		\$1,263,876.38

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

No.	Date	Amount
747	8-19-02	\$644.97
748	8-20-02	\$521,403.42
749	8-28-02	\$216,985.51
750	9-3-02	\$16,848.53
751	9-4-02	\$507,993.95
		\$1,263,876.38

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 10:00 a.m.).

Thomas F. Fedder, City Clerk