

REGULAR MEETING - SEPTEMBER 20, 2004

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, September 20, 2004, 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, Mayor Charles Oberlie, and Controller John Schaefer (3).

Absent: None (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, City Attorney and Board Counsel
Jim Elwell, Superintendent, Central Services
Terry Farmer, Director, Street Department
Cpl. Matt Zolvinski, COP
Joe Siegel, Zoning Administrator
Al Walus, General Manager, Sanitary District
Connie Adams, Refuse Inspector, Sanitary District
Jim Kintzele, Superintendent, Refuse Department
Nancy Widelski, Director, Human Rights, and EEO Officer
Bill Phelps, City Engineer
John Pugh, City Planner
Capt. Larry Kunkel, Traffic Commander
Chief Ralph Martin, Fire Department
Pat Larsen, Deputy Clerk

Amanda Haverstick, News-Dispatch
Ron Miller, Radio Station WEFM
Andy Steele, Access LaPorte County

Paul Przybylinski, Second Ward Councilman

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of September 13, 2004, be approved as printed. The motion was seconded by Mr. Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

AWARDING OF BIDS

Skate Park Equipment

| | |
|--|--------------|
| TruRide | \$345,520.41 |
| Don Walsh & Associates (Huna Designs) | \$435,972.00 |
| Crossland Construction (American Ramp Company) | \$406,223.50 |

Mayor Oberlie moved that this matter be held over. The bid specifications allowed for options in terms of construction of the equipment, itself – everything from treated lumber to galvanized steel. We are still analyzing that and the associated maintenance factors and are not in a position, now, to make a recommendation. The motion, seconded by Mr. Metzcus, carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

OPENING OF BIDS

409 Lincoln Avenue – LaPorte County Board of Commissioners, owners

Bids were received as follows:

| | |
|--------------------------------|------------|
| Residential Construction | \$4,960.00 |
| Smith & Sons | \$4,700.00 |
| Phelps Construction | \$6,930.00 |
| G. E. Marshall | \$8,300.00 |
| Andy Salat | \$6,650.00 |

Mr. Oberlie moved to refer the bids to Planning/Inspection and EEO for their recommendation. Mr. Schaefer seconded the motion, which carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

101 McClelland Avenue – Joy K. Rightsell, owner

The following bids were received:

| | |
|--------------------------------|------------|
| Residential Construction | \$5,380.00 |
| Smith & Sons | \$3,200.00 |
| Phelps Construction | \$5,925.00 |
| G. E. Marshall | \$8,200.00 |
| Andy Salat | \$6,940.00 |

Mr. Oberlie moved to refer the bids to Planning/Inspection and EEO for their recommendation. Mr. Schaefer seconded the motion, which carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

DEMOLITION HEARINGS

220 North Ashland Avenue – Rattie M. Sanders, owner

Mr. Siegel presented documentation and photos on this home gave the following report:

The above property has been boarded up since a fire occurred on January 13, 2001 (see fire incident report). As of to date, the owner is in litigation with their insurance carrier (see attached correspondence from Attorney Thorne).

The Board will note that the residence will require substantial rehabilitation work, including interior walls, flooring, windows, kitchen, fire restoration upstairs, and mechanical work. Although not structurally condemnable, this building has become an eyesore and nuisance to the neighborhood.

Therefore, the Code Enforcement group is requesting the Board of Works take verbal and written testimony on this matter for public record and determine that in the event an insurance settlement is reached, that the property owner will in fact repair said structure or provide the City a bond/funding as necessary to cover the cost of demolition as well as a timetable for same.

Estimated cost to rehab was \$30,000.00. In early August, Attorney Thorne estimated it would take 90 to 120 days for settlement with the insurance company.

Sgt. Zolvinski testified that nothing has been done with the building in the last nearly four years. Several neighbors have complained to him about the problems with the building. He felt something should be done about it. Mayor Oberlie requested some kind of nuisance report, showing the frequency of calls for breaking in, etc. Mr. Adams stated that there is not too much of a garbage issue but there are high weeds in the back.

Mr. Siegel stated that he had met with Rolla Sanders; she has a friend who was a contractor, who wanted to attempt to put together a "family and friends" type project to help get this started.

Wayne Miller (113 Dole Street, a former contractor) said the problem is that the insurance does not want to pay Mrs. Sanders a sufficient amount for the damages. He said they are ready to move forward tomorrow, to get the downstairs cleaned, walls and ceilings repaired, and upstairs boarded up until they get money to make repairs. He said he had most of the materials to take care of that for her, at no charge. He planned to get a permit today.

Mayor Oberlie moved to grant a 60-day continuance to allow the contractor and the owners to show intent to improve the facility. The motion, seconded by Mr. Schaefer, carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

202 Columbia Street – Anna M. Ames, owner

Mr. Siegel distributed documentation and photographs and read the following report:

The above property has been boarded up by Vector Control on several occasions since the property owner, Ms. Ames, passed away in 1999. The building is structurally sound, but has continued to deteriorate over the past few years. The heirs to this property are presently before the Circuit Court (Judge Gilmore) in LaPorte to determine a property settlement.

The Code Enforcement group is requesting the Board of Works take testimony in this matter so that in the event a settlement is determined by the court, the heirs will either make the necessary clean up and repairs to the property and/or provide a bond/funding for the demolition of the structure, as well as a timetable for same.

James E. Ames (4100 West 700 North, son of the owner) said his mother had not lived in the place since about 1996 because she was down and his sister was taking care of her. His sister "bailed and ran with everything from the estate"; she was the personal representative. He could not do anything about it. The court finally decided that someone else should be personal representative so, on September 16, he was appointed personal representative. He said that, now, he can do something with the house and intends to do so. He asked the demolition order be held off. He said he would start this week.

Mr. Oberlie moved to grant a 60-day continuance to show some progress. Mr. Schaefer seconded the motion, which carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

PROBLEM PROPERTIES REPORT

Mr. Siegel distributed a report showing progress to date on problem properties and zoning violations. He said the Code Violations Team members are working to bring things up to date.

Mr. Oberlie noted that, on the "Zoning Violation Chart," there at least eight instances of tickets having been issued and some 20 certified notices out on everything from cars to buildings. This reaffirms that the team is working well together and we're getting the results we want.

REQUEST TO RENAME STREET

The Redevelopment Commission (represented by Michael Bergerson, Attorney), requests to change the name of a portion of Meijer Drive extended to **Timm Drive**.

Mr. Pugh requested continuance on this item. Mr. Bergerson was not able to be here today. Mayor Oberlie stated that this Board has no jurisdiction over the renaming of streets. That's a Council matter.

SURPLUS PROPERTY

Engineer Bill Phelps submitted the following letter, dated September 14, 2004:

The Michigan City Emergency Management Director John W. Jones has secured through a Federal Emergency Management Agency Grant, at no cost to Michigan City, the following equipment for use with the GIS Program:

Hewlett-Packard HP DesignJet 815mfp
Computer/ Copier/Scanner/Plotter

The existing Hewlett-Packard HP DesignJet 450C Computer/Plotter (Inventory 30030) has a net value of \$0.00. I respectfully request the Board to declare this equipment surplus property.

Mayor Oberlie moved the property be declared as unused, unwanted, and of no value and the Engineer be authorized to dispose of it in an acceptable fashion. Mr. Schaefer seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

REQUEST TO BLOCK STREET

Connie Adams, Refuse Inspector, wrote as follows on September 9, 2004:

I would like to request that the City permanently block off the end of Peru Street. There are currently no residents/homes in this area and consistently almost daily people are dumping trash. Please see attached pictures.

Mr. Adams exhibited photos of trash deposited in the area. He requested concrete barriers to prevent people from entering the area. He also furnished aerials indicating the area he wanted closed off. Sgt. Zolvinski supported Mr. Adams' request. Mr. Elwell said they can put concrete blockades and block it off. These blockades can be moved if NIPSCO needs to get in there.

Mayor Oberlie moved to table to the next meeting and ask the attorney's office to provide notice to NIPSCO and the telephone company of our proposed plans and receive their participation comments back. Mr. Schaefer seconded the motion, which carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

Mr. Przybylinski, Mr. Adams, and Mr. Kintzele spoke further on this subject, concerning apprehension of those doing the dumping.

BRICK STREETS

Councilman Przybylinski spoke at length on brick streets and the way streets are being constructed in the Wabash Street Project area.

KIMBALL WOODS

Pamela Jasniewski (26 Bristol Drive), wrote as follows on September 16, 2004:

Our Board is writing you today asking for your help and evaluation of some safety issues we are facing here in Kimball Woods. Over the past several months we have been experiencing vandalism to mail boxes and homes and cars being egged and paintballed. The Michigan City Police have been notified on some of these incidences and to our knowledge Long Beach Police caught some vandals this summer however charges were not pressed.

Our entrance is very dark along with other areas in the neighborhood and we would appreciate your help in this matter. We have asked the Homeowners to be watchful and report any disturbances to the Police however these occurrences seem to happen at night when most of us are sleeping.

Also we are asking for your help regarding the black top at our entrance. It has settled and when it rains its not properly draining into the sewer. With winter coming we are concerned about ice build up and cars not being able to stop at the intersection.

We would appreciate any help or advice you can give us. Should you have any questions you can contact Pamela Jasniewski 872-4821.

Mrs. Jasniewski was present to present her case.

Mayor Oberlie moved to refer the matter to Planning/Inspection to review the lighting needs out there as it relates to our responsibilities and to ask the City Engineer to investigate the sinking of the asphalt on the street. Mr. Metzcus seconded the motion.

Mr. Phelps said he had looked the area this morning; it's not sinking, it's delaminated (it's gone). It appears to be a drainage problem caused by the developer. We are going to try to work something out.

The motion carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

CONTRACT

Mr. Schaefer presented a contract with SBC for some of our computer equipment routers and data lines. It is a three-year agreement with SBC; they will provide us with about \$31,000.00 worth of equipment, all of the installation services, and three years' maintenance for \$1,600.00/month. It will replace old routers that are beginning to cause problems and increase the communication between departments and City Hall. He moved to approve the agreement, seconded by Mayor Oberlie. The motion carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (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. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (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:

| <u>Page</u> | <u>Date</u> | <u>Amount</u> |
|-------------|-------------|---------------|
| 1 of 9 | 9-17-04 | \$389,449.82 |

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

| <u>Page</u> | <u>Date</u> | <u>Amount</u> |
|-------------|-------------|----------------|
| 1 of 2 | 9-16-04 | \$2,113,479.63 |

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 10:25 a.m.).

Thomas F. Fedder, City Clerk