REGULAR MEETING - FEBRUARY 6, 2006

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, February 6, 2006, 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
- John Pugh, City Planner
- Joe Siegel, Zoning Administrator
- Tom Przybylinski, Building Inspector
- Bill Phelps, City Engineer
- Cpl. Ken Havlin, Traffic Division
- Al Walus, General Manager, Sanitary District
- Jack Kahn, Street Director, Central Services
- Jim Elwell, Supt., Central Services
- Connie Adams, Refuse Inspector, Sanitary District
- David Morlan, Director, Vector Control
- Thomas Fedder, City Clerk
- Carla Adams, Deputy City Clerk
- Ron Miller, Radio Station WEFM
- Amanda Haverstick, News-Dispatch
- Andre Steele, Access LaPorte County

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of January 17, 2006, be approved as printed. The motion was seconded by Mayor Oberlie and carried as follows: AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).

MIDDLE SCHOOL ALTERNATIVE PLACEMENT PROGRAM (MAP)

Fred S. LaBorn, Director of Student Services, Michigan City Area Schools, wrote the following on January 31, 2006:

As you are aware, the Middle School Alternative Placement Program (MAP) is an after-school program for middle school students to avoid out-of-school suspension. The program is currently active at all three (3) middle school sites. With the permission of the parent, students are court-ordered to participate in the program. Students are ordered into MAP for such infractions as class disruptions, insubordination, truancy and other non-violent offenses. While in MAP, students spend three (3) hours beyond the normal school day in the MAP classroom receiving instruction and tutorial support from an adult.

Currently, student counts do not support the practice of utilizing each middle school as a MAP site. Court-ordered MAP placements are below expected levels and at the current rate of student induction into the program, our MAP staff is under utilized. In order to appropriately utilize current funding resources and to maximize staff effectiveness, it makes good sense to eliminate one (1) middle school site and still offer the MAP Program at Elston and Barker utilizing bus transportation for Krueger students to the Elston site. The staff position that is Placement (HAP) to serve the need for such programming at the high school level.

As a condition of our responsibility to use funds generated by the Board of Works for the purpose of alternative placement options for students in the Michigan City Area Schools, it is incumbent upon the Michigan City Area Schools to make you aware of changes and additions to such alternative to suspension programs to appropriately and responsibly use such funds as provided by the Board of Works.

If you have any questions or concerns regarding this move, please contact Michael Harding, Superintendent of Michigan City Area Schools at 873-2000, extension 8361.

Mayor Oberlie stated that our objective was that this program be ran at least at one school and they tried to do three. They are just cutting back to two. Mayor Oberlie advised that this is just a matter of information for our record.

CHURCH FESTIVAL
David C. Bays, Operator, Queens of All Saints School, wrote the following on February 1, 2006:

Once again the Queen of All Saints Festival Committee respectfully requests the Board approve the closing of Barker Avenue between Esther Street and Woodland Avenue during our annual parish festival.

The Parish Festival dates and times are as follows:

<table>
<thead>
<tr>
<th>Day</th>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>Wednesday</td>
<td>June 14, 2005</td>
<td>5:00 p.m. to 10:00 p.m.</td>
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<tr>
<td>Thursday</td>
<td>June 15, 2005</td>
<td>5:00 p.m. to 10:00 p.m.</td>
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<tr>
<td>Friday</td>
<td>June 16, 2005</td>
<td>5:00 p.m. to 12:00 p.m.</td>
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<tr>
<td>Saturday</td>
<td>June 17, 2005</td>
<td>5:00 p.m. to 12:00 p.m.</td>
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<tr>
<td>Sunday</td>
<td>June 18, 2005</td>
<td>1:00 p.m. to 10:00 p.m.</td>
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The Committee feels the closing of Barker Avenue during the festival to automobile traffic provides a benefit to both the patrons and the City by creating a buffer zone between the festival grounds and remote parking lots. In addition, it provides for increased safety for small children in and around the proximity of the festival rides. A vacated Barker Avenue also provides a staging area for the city vehicles in the event of an emergency (i.e., fire, police).

If you should have any questions regarding this request, please contact us at your earliest convenience.

Cpl. Ken Havlin, Traffic Division, made the Board aware of the typographical error in the letter. It should state 2006 instead of 2005. Cpl. Havlin said that the traffic department is in favor of this request, stating this is a well run event and they do a good job of blocking off the roadway and keeping a eye on things.

Mayor Oberlie moved to approve the request, requiring the submission of proof of liability insurance. The motion, seconded by Mr. Schaefer, carried by the following vote: AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).

STOP SIGN REQUEST

Mrs. Marjorie R. Vinson, 204 Springland Avenue, requests a stop sign placed at the corner of Vail Street & Springland Avenue. Mrs. Vinson states there have been numerous cars sliding into her yard causing damage. (Note: Held over from the January 17th meeting.)

Mr. Metzcus noted that the following letter from Greg Tuel, President, Krueger Neighborhood Association (KNA) was received on the 6th day of February, 2006:

City Engineer Boyd W. Phelps
Michigan City Municipality

Dear Mr. Phelps:

The Krueger Neighborhood Association hereby expresses its support for the stop sign requested at the corner of Springland Avenue and Vail Street.

We believe that the current two-way stop at a three-way intersection causes confusion. We would also like to point out that, since it is a three-way intersection, cars traveling north on Vail are already forced to slow down in order to turn; therefore, converting it to a stop should not greatly influence the traffic flow. Finally, we understand the concern of those residents at the intersection who have had vehicles enter their yards.

Thank you for your consideration,

John Pugh, Plan Director, presented to the Board a copy of the traffic study concerning Springland Avenue and Vail Street, which was conducted by the Planning Department. Mr. Pugh said that this area was also reviewed by the traffic division and the engineering department. He explained the existing conditions and suggestions. Mr. Pugh also submitted an aerial view with traffic counts and the accidents that were related to the intersection. He said in looking at the geometries of the design and how it is laid out we have come to the conclusion to recommend the stop sign and in effect make this a three way stop.

Cpl. Ken Havlin of the Traffic Division also supported the placement of a stop sign in that area.

Mr. Schaefer moved to approve the request of the stop sign and that the other existing conditions be corrected as reported. The motion was seconded by Mayor Oberlie and carried by the following vote: AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).

DEMOLITION HEARINGS

902 W. 7th Street - Des Capital, owner

Mr. Siegel, Zoning Administrator, distributed documentation and photographs of the condition of the dwelling. He said the existing condition of this vacant property is extremely hazardous and poses a danger within the community, under the Michigan City Code of Ordinances 36-7-9-4 and 36-7-9-4.5. The Inspection and Planning Departments are submitting this property for demolition. Mr. Siegel said this residential structure is in a dilapidated and decaying condition.
condition. He said in its present state this structure is beyond the scope of rehabilitation and the Department is requesting that the Board order this building be demolished.

There was no one present representing the owner and there were no comments by the public.

Mr. Oberlie moved the Board proceed with opening of bids for demolition and find the building is a safety hazard and a nuisance and is unsafe for occupancy pursuant to the statutes of the State of Indiana. Mr. Schaefer seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

**434 N. Woodland Avenue** - Gloria Fry and Terrance Fry, owners

Mr. Siegel, Zoning Administrator, distributed documentation and photographs of the condition of the dwelling. He said the existing condition of this vacant property is extremely hazardous and poses a danger within the community, under the Michigan City Code of Ordinances 36-7-9-4 and 36-7-9-4.5. The Inspection and Planning Departments are submitting this property for demolition. Mr. Siegel said this residential structure has a collapsed and rotting roof system which has allowed the elements of rain and snow to destroy the interior of the building as well as having serious insect infestation in the form of termite/carpenter ants which have weakened the structural integrity of the walls. The exterior siding has been stripped and in its present state the building is a danger to the neighborhood and should be taken down.

There was no one present representing the owner and there were no comments by the public.

After review of the documentation, Mayor Oberlie moved the Board find the building unsafe for human habitation and to proceed with demolition bids pursuant to the statutes of the State of Indiana. Mr. Schaefer seconded the motion, which carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (0). NAYS: None (0).**

**202 Brinkman Avenue** - Patricia A. Schuman & Joe Ainsworth, owners

Mr. Siegel, Zoning Administrator, distributed documentation and photographs of the condition of the dwelling. He said the existing condition of this vacant property is extremely hazardous and poses a danger within the community, under the Michigan City Code of Ordinances 36-7-9-4 and 36-7-9-4.5. The Inspection and Planning Departments are submitting this property for demolition. He said this residential construction was started in 2005. However, due to serious structural deficiencies in the foundation work, as well as the exterior wall fabrications, the Building Department red tagged the work and ordered corrective action. The project has since been abandoned by the owner/contractor and given the structural deficiencies in its present state and the fact that the building has become an open danger and a nuisance to the neighborhood the department is requesting that the building be demolished.

Mr. Siegel asked that the Board request in its findings and orders all landscaping, fencing, and debris be removed from the site as part of the demolition bidding process.

Tom Przybylinski, Building Inspector, spoke on the issuance of the building permit on this structure, drawings for the new structure (which were never brought into the inspection dept.), and the inspections on this project. Mr. Przybylinski explained why he red tagged the structure.

Joe Ainsworth was present at this meeting. Doug A. Bernacchi, Attorney, representing the owners, informed the Board that his clients have no interest in the property and have no objection to the city approving the demolition.

Mr. Schaefer moved the Board proceed with the demolition. The motion, seconded by Mr. Metzcus, carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (0). NAYS: None (0).**

Joe Siegel, Zoning Administrator, provided to the Board a outline prepared by City Attorney Jennifer Evans regarding parking, ordinance, animal and refuse violations.


Joe Siegel, Zoning Administrator, requested payment from the Board for condemnation signs. He reported on a demolition of a bad garage located on Superior Street. Mr. Siegel informed the Board of a Show Cause, 515 Cedar Street, which will come before the Board on the 21st of February.

Lenda J. Wilson, Financial Manager, Michigan City Housing Authority, wrote the following on January 24, 2006:

This letter is written on behalf of the residents at Boulevard Gardens, especially those who live along East Sixth Street and Est Seventh Street.

As you may know, there is limited parking in the four-hundred block of East Sixth Street and East Seventh Street. The residents have requested that one parking space on each street be designated as a loading zone for resident pickup.
Residents on both sides of the development are allowed to park along the curb on the north side East Seventh Street and south side of the East Sixth Street, thus providing more parking for residents living there.

Your kind consideration of this request would be greatly appreciated by our elderly residents.

John Pugh, Plan Director, spoke on a report that was put together by Chris Bohnert of the Planning Department. He said the report was e-mailed to the Board Members and the Housing Authority and the Planning Department is basically waiting for some feedback from the Housing Authority. They have requested two (2) spaces and the report is recommending five (5) spaces; three (3) handicapped van accessible sites, signage and pavement markings, and two (2) loading zones sites (one on sixth street and one on seventh street). Mr. Pugh advised that Traffic and Engineering have been involved in this matter.

Cpl. Havlin, Traffic Division, said that the Traffic Division would not be opposed to a loading zone in that area. He said right now residents are basically picked up in the middle of the street.

Mayor Oberlie moved to table this matter to the next meeting. The motion, seconded by Mr. Metzcus, carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

**LETTER OF UNDERSTANDING**

Randall E. Russell, Superintendent, Department of Water Works, submitted the following Letter of Understanding for consideration:

**LETTER OF UNDERSTANDING BETWEEN THE DEPARTMENT OF WATER WORKS OF MICHIGAN CITY, INDIANA AND THE MICHIGAN CITY BOARD OF PUBLIC WORKS AND SAFETY REGARDING THE CONSTRUCTION OF THE WATER SYSTEM IMPROVEMENTS IN THE CITY OF MICHIGAN CITY, INDIANA**

**WHEREAS**, the Department of Water Works of Michigan City, Indiana (Department), desires to make certain improvements to the West 48” Water Intake Line and Water Grid System in the area known as Washington Park; and,

**WHEREAS**, the Board of Public Works and Safety of Michigan City, Indiana (Board), as the contracting entity of the City of Michigan City, has been provided with an appropriation of funds to assist the Department in implementing its plan to Improve the West 48” Water Intake Line, and Water Grid System;

**NOW, THEREFORE THE DEPARTMENT AND THE BOARD AGREE AS FOLLOWS:**

Section 1. That the Department will construct through private contract the water system improvements as funding exists; it is agreed that this project is not all inclusive and may be amended as necessary by the Department with notice to the Board.

Section 2. That after the Department has received formal bids for the private construction, the Department will proceed with construction.

Section 3. That the Department may invoice the Board in lump sum or as the work progresses; However; the Boards financial liability under this agreement is limited to NINE HUNDRED THOUSAND DOLLARS ($900,000.00) The Department will provide all engineering and project administration and any additional funds, at its cost.

Mayor Oberlie explained that the Memorandum is not to exceed the amount of $900,000.00 that relates to the replacement of the 42” intake from the plant back towards the lake to the pump station. He said the original estimate to replace the line and the pump station had been around 1.8 million and the bids came in at 2.8 million. So, the objective now is to fund the extension of the water line will hold the pump station for a fourth year in the process. Instead of a three year project we’re now going to be looking at a four year project. There will be an amendment forthcoming that will authorize the department to upgrade some of the water lines within Washington Park off of this new line that they are putting in. That is not included in the $900,000.00, but I think we can proceed with the Memorandum that we have today.

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

**RETIREMENT FROM POLICE DEPARTMENT**

La Verne Dunlap has tendered her retirement effective March 6, 2006, having served more than 34 years and requesting 32-year pension.

This is for information only.
At this time, Mayor Oberlie asked if there was anyone from the public who wished to be heard and Mrs. Daniels, 1101 Ohio Street, who has a current project with the Zoning Administrator and the Building Inspector, addressed the Board. Mr. Siegel informed the Board that he would be meeting with Mrs. Daniels to discuss the matter, in which Mrs. Daniels was in agreement.

PARKING RECOMMENDATIONS

Lafayette-Barker Sewer Separation Project - Lafayette Street - 8th Street on the north and Barker Avenue on the south. 8th Street - from Lafayette Street on the west to Michigan Blvd. on the east.

Alan J. Walus, General Manager, Sanitary District, distributed a short summary of the Lafayette-Barker project. Mr. Walus said they are also working with the Redevelopment Commission and described the project as the North End TIF Street Reconstruction. Mr. Walus spoke on the public meetings held with property owners in the area. He said they invited 8th Street and Lafayette Street property owners, the Historic Review Board and the Redevelopment Commission. Mr. Walus explained in detail the following: Raw Data of Options Preference Response Sheets/43 sheets returned, North End TIF Street Reconstruction/8th Street Parking Preference Data Analysis, and North End TIF Street Reconstruction/Lafayette Parking Preference Data Analysis. Mr. Walus discussed with the Board information they presented during the public meetings with the residents and also information presented to the Historic Review Board at a meeting held on January 23rd.

Mr. Walus stated that the District is seeking guidance from the Board of Works to see if there is concurrence with maintaining the existing parking conditions on the north side of 8th Street and the east side of Lafayette. He said if there is agreement with their proposed widths of 33 feet and 28 feet, they can work with their engineers (John Doyle & Associates) on this part of the project and begin some of the design work for the street designs.

Mayor Oberlie moved to accept the recommendations, noting that the Historic Review Board reviewed the plans and was pleased with the proposals. The motion, seconded by Mr. Schaefer, carried by the following vote:

AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).

Steven Dolphin, 424 E. 10th Street, wrote the following on February 1, 2006:

Hi, my name is Steven Dolphin, I recently purchased property at 103 and 105 Green Street, Michigan City, Indiana. I am writing this letter in reference to our Trash Removal and these addressed. I am requesting an parking sign in the area where the trash is to be picked up, we have been missed for removal three times thus far, due to people parking in that area, going to the salvation army across the street. The Sanitation Department will not take the trash if there is any cars blocking the trash cans. I believe that the sign will rid me of this problem. If you have any question's you can contact my manager Eddie Jenkins at 219 898-3100.

Al Walus, General Manager, Sanitary District, said that he has not investigated this matter. He said we could have our Refuse Supt., Jim Kintzele, and the Refuse Inspector, Connie Adams, look at this situation and bring this matter back to the Board in two weeks with a response.

Mayor Oberlie moved to table this matter until the next meeting, February 21st. The motion, seconded by Mr. Schaefer, carried by the following vote: AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).

Connie Adams, Refuse Inspector, informed the Board that he has looked into this situation. He said the Sanitary District has no problem picking up his garbage, but his tenants must get it out to the street. If they put it five feet from the street there would not be a problem picking it up.

CLAIMS AND PAYROLL

Mr. Schaefer 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 Oberlie, Schaefer, and Metzcus (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:
TREE PROJECTS

Dave Morlan, Member, Michigan City Tree Board, reported on the status of various tree projects throughout the community.

MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING
BETWEEN THE MICHIGAN CITY BOARD OF PUBLIC WORKS AND SAFETY
AND THE LITERACY COUNCIL OF LAPORTE COUNTY

THIS MEMORANDUM OF UNDERSTANDING, dated a of the 6th day of February, 2006 is made and entered into between THE CITY OF MICHIGAN CITY, INDIANA, BY AND THROUGH THE BOARD OF PUBLIC WORKS AND SAFETY (*City*), and the LITERACY COUNCIL OF LAPORTE COUNTY (*LCLC*).

WHEREAS, the City and LCLC agree that in order to help Citizens of Michigan City achieve their full potential through literacy, a special needs program relating to dyslexia is needed; and

WHEREAS, the LCLC will canvas Michigan City Area Schools for potential students and provide support to parents and/or guardians to determine if the student has dyslexia; and

WHEREAS, equal consideration will be given to all without regard to race, color, national origins, sex, political belief or religion.

NOW THEREFORE, in consideration for the mutual covenants hereinafter stated, the parties agree that the City shall assist in funding this special needs program in an amount not to exceed Twenty Thousand and 00/100 ($20,000.00).

The undersigned parties by their signatures below agree to abide and be bound by the terms of this agreement as herein above set forth.

IN WITNESS WHEREOF, the Parties have duly executed this Memorandum of Understanding as of the date first above written.

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

Councilman Paul Przybylinski was assured by Mayor Oberlie that this program would be broad based. It would reach children in 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> grade.

NICTD/SOUTH SHORE STOP AT FRANKLIN STREET

Mayor Oberlie said he believes this could have gone directly through his office but he thought it to be important that we establish a record within the Board of Works. He said we have had conversations for the past several months with NICTD relating to providing additional security and safety for people that are boarding the South Shore trains at Franklin Street. We have signs up for west bound traffic telling them to stop when the trains are there, but that has not proven to be very effective. Mayor said that he would like to formally appoint Bill Phelps as our coordinator to work with the NICTD representatives as they look for a method of installing a permanent traffic signal at Pine that would stop all cars so they cannot drive around the train when the people are getting on or off. The reason this needs to go before the Board is because ultimately the Board of Works will have to sign some form of agreement and authorize some expenses.

In addition, NICTD has under consideration a resolution that would designate their staff members to work with us on pursuing proposals for the realignment of the South Shore off of 10<sup>th</sup> and 11<sup>th</sup>, and they have asked the Mayor to again appoint a team from our community. The Mayor said that he would again appoint Mr. Phelps and Mr. Pugh. He said it
will be of a technical nature. There should not be initial expenses, but the objective would be to review the engineering proposals and come up with a contract for our consideration. Mayor Oberlie advised that there is no action required at this time.

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 9:50 a.m.).

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Thomas F. Fedder, City Clerk