

REGULAR MEETING - MARCH 19, 2007

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday, March 19, 2007, 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 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
Jim Elwell, Superintendent, Central Services
Walter Gipson, Municipal Coach Director
Sgt. Mark Krauklis, Traffic Division
Al Walus, General Manager, Sanitary District
Joseph Siegel, Zoning Administrator
Bill Phelps, City Engineer
Tyler Tarpley, Code Inspector
Jack Kahn, Street Director
Charlie Cate, Central Maintenance
Tom Fedder, City Clerk
Carla Adams, Deputy City Clerk

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

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of March 5, 2007, 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).**

AWARDING OF BID

910 Green Street - James and Millie Gast, owners.

(Note: At the March 5th meeting this matter was tabled to this meeting.)

Code Inspector Tyler Tarpley stated after the last meeting he met with James Gast, as the Board requested. Inspector Tarpley said he gave Mr. Gast a copy of his notes on the building and repairs needed to be made. Mr. Gast informed Inspector Tarpley he would get back to him at this meeting with his plans. Inspector Tarpley informed the Board his wife is in attendance this morning to speak on this matter.

Mrs. Doris Gast, wife of James Gast, said since the last meeting they have been in contact with contractors and are trying to get bids to have the roof fixed, the siding replaced, and have been working on the inside of the house. Mrs. Gast informed the Board they are trying to get a contractor to come and fix the roof. She said after the roof is replaced they plan to focus on the siding.

At this time, Mrs. Gast asked the Board why did they want to tear down their house? She said she has personally cleaned up the outside and are working on the inside. Mrs. Gast said she is curious why everyone is in such a big hurry to tear down their house.

Board President Metzcus responded to her question and stated the house has been practically condemned because of the length and time regarding its condition. Mr. Metzcus told Mrs. Gast she has had reports from the Inspectors and was briefly interrupted by Mrs. Gast. She stated the Inspectors had said the house is structurally sound, except for the repair of the roof. Mrs. Gast informed the Board they do not want their house torn down.

Mayor Oberlie responded to Mrs. Gast, stating this is a file that is almost a year old. Mayor Oberlie said there has been plenty communication and it is not a question of why the Board is trying to do something. Mayor Oberlie said the department has documented there are structural issues to the building, in terms of poles. He said there are mechanical issues that need to be addressed and said the building has already been condemned. Mayor Oberlie said we are here today to find out if we take the next step and tear that building down or grant you a couple of weeks to get all contracts signed and post a bond to show that work is going to get done. Mayor Oberlie said if you are going to do all of that then

the Board will hold this in abeyance. He said if you are not going to do this the Board has no other alternative but to demolish the house.

Mrs. Gast responded to the Board stating they needed to explain exactly what they wanted. Mayor Oberlie said the Board has been trying to keep the Gast family in contact with the inspectors so they can explain the process.

Mayor Oberlie moved to grant the Gast family two (2) weeks to provide contracts on all work items addressed in the demolition order from the building department and to post bond at the next meeting for the demolition cost. Mr. Metzcus seconded the motion, which carried as follows: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

John Espar, City Attorney and Board Counsel, responded to Mrs. Gast 's question as to why the Board wants to tear down her house. He said the Board does not want to tear down your house. Attorney Espar said the Board has been asking her for over a year to repair their house so the Board does not have to tear it down. He said it is a vacant structure and is unsafe. Attorney Espar said it becomes an attraction to varmints, criminals, and an attractive nuisance to children in the community. He said the Board wants the Gast family to fix the house and return it to the community as a viable structure that doesn't present safety concerns to the community. He said to give the Gast family yet another two (2) weeks period of time to put into place the contracts to demonstrate that they actually intend to repair this building and failing that then the Board will take its action to make sure that another unsafe structure doesn't become a hazard to the rest of the community.

REPAIR HEARING

1202 Washington Street - Alexandra Jackson-Rieser, owner.

Attorney Barry McDonnell, 601 Franklin Street, on behalf of his client Alexandra Jackson Rieser - owner of 1202 Washington Street. Attorney McDonald said Ms. Jackson received the order to repair from the Inspector requesting their presence at this meeting this morning. Attorney McDonnell explained the history of the owner and stated the property was purchased as a result of a long drawn out Sheriff's sale process after a fair amount of neglect had taken place. He said it is his client's intent to fully renovate the property to either rent or resale and they will be the first to admit that the process of renovation has gone far to slow and thanks the Inspection Department for their patience and the pace of the renovation needs to pick up. Attorney McDonald said his client has attempted to secure the property. He said she has boarded up the windows and sealed up the doors because she does understand that it is a nuisance to unseemly elements in the neighborhood who are attracted to this vacant structure. Attorney McDonnell informed the Board she has begun interior demolition, but stated the biggest problem is moisture. Attorney McDonnell went into detail regarding the plans of this structure. He said Ms. Rieser has signed a contract with a contractor out of Hobart to renovate the entire roof structure. Attorney McDonnell stated she has indicated that Mr. Cook is hopefully going to be pulling permits this week with renovation of the roof to begin no later than next week. He said after the roof is renovated Mr. Rieser is going to turn her attention to the siding of the house, then turn her attention to the interior renovations that need to be done. Attorney McDonnell went on to explain the condition of the windows. Attorney McDonnell requested from the Board a 90 day extension from today's date from the Board, which he stated would be more realistic because there is a fair amount of work that has accrued for many years that needs to be done to the structure.

There was discussion among Mayor Oberlie and Attorney McDonnell regarding the plans of the renovation.

Code Inspector Tyler Tarpley said the order that was issued requires the interior to be habitable, doesn't require everything to be done on the interior. He said it requires the exterior to be compatible with others in the area. Inspector Tarpley said windows could be done and boards could be placed over them until the construction is completed and someone is ready to move in. Mr. Tarpley informed the Board the maximum time allowed by the Ordinance for this order to repair is sixty (60) days. He said it offers the thirty (30) day extension at the end of that. Inspector Tarpley said that would be the maximum time that is allowed before a decision would have to be made as to whether the work has been completed or not.

Mayor Oberlie moved that the Board sustain the order for sixty (60) days and ask for a report at that time looking for the progress that has been made in terms of the commitments today on the three (3) phases for the renovation of the structure. The motion was seconded by Mr. Metzcus and carried by the following vote: **MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

STATUS REPORT

508 West 11th Street - James Spsychalski, owner.

Code Inspector Tyler Tarpley said this property had a order to demolish hearing in 2005 under the previous owner and it still has not been resolved. He said the current owner was allowed to purchase the property with the understanding that repairs would need to commence immediately upon purchase. Inspector Tarpley said it has now been over eighteen (18) months with no notable progress. He said the contractor was in the office last week, March 14th, to meet with the Zoning Administrator Joseph Siegel with questions about work that is about to begin. Inspector Tarpley said if repairs do not commence he would request the Board to resume the demolition hearings or proceed with an order to repair if the Board wishes that route. He said the current owner is here today to inform the Board of his plans.

Code Inspector Tarpley presented the Board with photos of the property taken eighteen months ago and stated there has been not much change. There was discussion among Code Inspector Tarpley and Board President Metzcus regarding the progress that has been made since July 26, 2006.

Code Inspector Tarpley said since the Inspection Department has not seen any progress in the last eighteen (18) months he is here to ask the Board to resume the demolition hearings or begin an order to repair process. He said the only progress he has seen is a deck in back that was removed, siding that has been striped, and a little bit of demolition inside, but no improvements to the property. Code Inspector Tarpley said there has not been any positive steps in the appearance of this property.

Mr. James Spsychalski (1108 Elston Street/owner), informed the Board that there has been work done on the building since July when he first purchased it, prior to his Aunt passing away. He said the deck has been removed, the old siding has been striped away, and windows have been removed. Mr. Spsychalski said he is in the process of making a final window schedule. He said the siding of the building has been purchased, which shows his intent to continue with the repairs on the building. Mr. Spsychalski explained in detail his plans (interior and exterior) to the Board regarding the improvements on the house, so he can get this building on the rental market.

There was discussion among Mr. Spsychalski and Board Member Oberlie regarding the time schedule of the building.

Code Inspector Tarpley responded to Mr. Schaefer's question regarding an issuance of a Order to Repair on this property. He told the Board an Order to Repair on this property had not been issued. Mr. Tarpley said that is an option that they have if the Board decides to go that route and that would allow sixty (60) days from when it is affirmed at the meeting.

John Espar, City Attorney and Board Counsel, said for the record, there is an order to demolish that has been outstanding and further action on the order to demolish has been stayed while Mr. Spsychalski has made his representation to the Board of improvements that should have been forthcoming since July of 2005. He said it is obvious to him, and the balance of the Board, that Mr. Spsychalski while his intentions may be to improve the property and make it handicapped accessible have not been supported by his actions. Attorney Espar said the court may grant Mr. Spsychalski two (2) months together with an order to repair with a clear delineation of the improvements this Board expects to see through its Inspections Department in the next sixty (60) days and if the order is not met the Board could and should pursue its order to demolish.

Mr. Schaefer moved to issue an Order to Repair giving the owner sixty (60) days to make substantial improvements. The motion was seconded by Mayor Oberlie and carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3).**

RESOLUTION

Charlie Cate, Superintendent, Central Maintenance, explained the following Resolution. Mr. Schaefer moved to adopt the Resolution, seconded by Mr. Metzcus. The motion carried as follows: **MEMBERS Oberlie, Schaefer, and Metzcus (3).**
NAYS: None (0).

RESOLUTION NO. 4357

A RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR THE PURCHASE OF ONE (1) MEDIUM DUTY BUS FOR THE MUNICIPAL COACH DEPARTMENT, CITY OF MICHIGAN CITY, INDIANA

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MICHIGAN CITY, INDIANA THAT SAID CITY SOLICIT BIDS FOR THE PURCHASE OF ONE (1) MEDIUM DUTY BUS, 26 PASSENGERS, DIESEL POWERED, AIR CONDITIONED, AND WHEEL CHAIR LIFT EQUIPPED, FOR THE MUNICIPAL COACH DEPARTMENT, CITY OF MICHIGAN CITY, IN ACCORDANCE WITH SPECIFICATIONS ON FILE IN THE OFFICE OF THE CLERK OF THE CITY.

BE IT FURTHER RESOLVED THAT THE CITY CLERK IS HEREBY DIRECTED TO CAUSE A NOTICE TO BE PUBLISHED ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS IN THE NEWS DISPATCH, A DAILY NEWS PAPER OF GENERAL CIRCULATION PUBLISHED IN MICHIGAN CITY, NOTIFYING THE PUBLIC THAT SAID BOARD WILL RECEIVE SEALED BIDS FOR SAID BUSES UNTIL THE HOURS OF 9:00 A.M. LOCAL TIME, ON THE 1ST DAY OF MAY, 2007, AT THE CLERK'S OFFICE, LOCATED IN THE CITY HALL BUILDING, 100 EAST MICHIGAN BOULEVARD, MICHIGAN CITY, IN. 46360

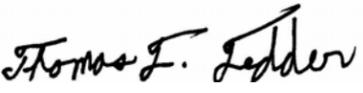
THE CITY OF MICHIGAN CITY HEREWITH RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS OR TO ACCEPT ANY BID FROM RESPONSIVE AND UNRESPONSIVE BIDDERS AND FURTHER RESERVES THE RIGHT TO TERMINATE THE CONTRACT AFTER AWARD BECAUSE OF DEFAULT OR NON PERFORMANCE ON THE PART OF THE BIDDER.

INTRODUCED BY S. JOHN SCHAEFER _____

RESIGNATION NOTICE

Firefighter Chris Martin has submitted his letter of resignation from the Michigan City Fire Department effective April 1, 2007. Firefighter Martin's hiring date is June 5, 1990, making him a 16 year veteran of the Fire Department. He currently holds the merit position of driver/operator.

WALK-A-THON FUNDRAISER

Mrs. Gerry H. Jones, Executive Director, Stepping Stone Shelter for  Women, Inc., has requested permission to hold their Homeward Bound Walk-A-Thon Fundraiser, scheduled for Saturday, April 14, 2007, from 9:00 a.m. until 11:00 a.m. The Walk-A-Thon will start at Washington Park south on Washington Street down to Ames Field and back.

Mayor Oberlie moved to approve the request by the Stepping Stone Shelter for Women, Inc. The motion was seconded by Mr. Schaefer. **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

CLAIMS AND PAYROLL

The Board signed: Payroll Items in Register of Claims for informational purposes (which Register is in the possession of the City Controller) as follows:

Page	Date	Amount
1 of 3	03/01/07	\$231,806.21
1 of 8	03/01/07	\$407,900.18
1 of 1	03/09/06	\$1,976.03
1 of 7	03/16/07	\$418,497.22

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

Page	Date	Amount
1 of 5	03/19/07	\$\$453,493.33

Mayor Oberlie introduced the following two proposals relating to the surveying of the Works Building located on Wabash Street. One (1) proposal is from John A. Doyle & Associates, Inc. to prepare a boundary survey, building location and legal description for the stated project and the other proposal if from Land Surveying Services, to perform a boundary survey on the Works building to create a new legal description.

Mayor Oberlie asked the Clerk to hold this in the file until the Board determines if the City Council is going to proceed with the order. He said they would further not spend the City's money on a survey if the Council is not going to pass the Ordinance. Mayor Oberlie asked to have this item on the agenda should the Council pass that Ordinance in the near future.

Mayor Oberlie said Mr. Phelps has submitted a proposal for the Board of Works with Haas & Associates L.L.C. for the design of our Salt Storage Building. He said they have been looking at a design build process under the statutes and have elected to go the conventional route and Mr. Phelps has recommended that Haas & Associates be hired for that purpose.

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

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 9:42 a.m.).

Thomas F. Fedder, City Clerk