

REGULAR MEETING -

APRIL 16, 2007

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, April 16, 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 Controller John Schaefer (3).

Absent: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of April 2, 2007, be approved as printed. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

Also noted in attendance:

Tyler Tarpley, Code Inspector
Bill Phelps, City Engineer
Sgt. Mark Krauklis, Traffic Division
Jim Elwell, Supt., Central Services
John Pugh, City Planner
Al Walus, General Manager, Sanitary District

Thomas Fedder, City Clerk
Carla Adams, Deputy City Clerk

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

AWARDING OF BIDS

2007 Paving Program

Division A - Hot Mixed Asphalt Paving

Rieth-Riley Construction	\$745,527.50*
Walsh & Kelly.....	\$974,555.00

Division B - Pavement Traffic Marking

The Airmarking Co., Inc.	\$20,149.00
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Mr. Phelps recommended awarding Division A to Rieth-Riley Construction Co., Inc. and Division B to The Airmarking Co., Inc. Mr. Phelps noted that all bidders are in EEO compliance.

Mayor Oberlie commented on commitments on minority breakdowns for paving/resident requirement. Mayor Oberlie instructed Mr. Phelps to provide that information to the Board. Mr. Phelps made numerous comments pertaining to a contract enclosed in the contract documents where they have executed for the hiring Ordinance. Mr. Phelps said they met with representatives of the Company and the EEO Officer last week and they clearly understand the requirements.

Mayor Oberlie said he would like to have that on the matrix they provide to us , which would be an additional column for the report.

Mr. Oberlie moved to award the bids as recommended by the Engineer and the EEO Office, seconded by Mr. Metzcus. The motion carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0).**

DEMOLITION HEARING

109 Combs Street - Mary Patterson, Owner.

Tyler Tarpley, Code Inspector, said this house was damaged by a fire approximately six (6) months ago and since that time he has been in contact with the owner and multiple parties investigating the fire and the last real estate transaction. He said the owner did not wish to take any action to repair or demolish the building until the insurance settlement and the investigation was completed. Inspector Tarpley said he has been assured by representatives of the insurance company and the FBI that they are finished with any work that requires this building to remain in tack. He said he has also provided both parties with notice of this hearing. Mr. Tarpley said the Planning Department will recommend that the Board of Works allow the department to proceed with demolition because of the hazardous nature of this property. He said no work has been done in the past six (6) months to clean the property of debris from the fire and broken glass is littered throughout the yard. Inspector Tarpley said the interior has been damaged extensively by the fire (in which he distributed pictures to the Board) and 30 to 50 percent of the framing would need to be replaced on the interior. Mr. Tarpley explained in detail the extent of the repairs. He said the repair cost would be approximately \$75,000.00.

Mayor Oberlie asked if this information has been served on Ms. Patterson and was assured by Inspector Tarpley said he has spoken to her on the phone and has certified cards in his possession. Mr. Tarpley verified that Ms. Patterson did receive a Certified Notice regarding this matter.

Mayor Oberlie moved that the Board determine that property to be unsafe and a nuisance pursuant to the statutes of the State of Indiana and to proceed with the demolition. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer and Metzcus (3). NAYS: None (0).**

STATUS REPORT

910 Green Street - James and Millie Gast, owners.

(Note: At the April 2nd meeting this matter was tabled to this meeting.)

Tyler Tarpley, Code Inspector, said we have no guarantees that the work will be done. He said he has contacted the contractor and he assured him that he has signed contracts with them. Code Inspector Tarpley said he asked for a clear copy of the contract since the Board was not able to make out the first contract. Mr. Tarpley said he has talked with the contractor and he verified everything that was discussed. He said they do not have any down payment in place and there are no penalties for backing out of the contract. Code Inspector Tarpley said they are asking until June to begin the work, because they need that time to come up with the money to pay for the supplies and the contractor. Mr. Tarpley said the projected completion date is within the six to eight week range.

There was discussion among Mayor Oberlie and Code Inspector Tarpley regarding the contractor and the original estimate, which is around \$67,000.00. Inspector Tarpley informed the Board he would provide a letter to the Gast family informing them with a letter stating they need to have all work that is in the contract started by the middle of June, completed by the end of August or there is no point in doing any of the work.

Mayor Oberlie moved to table the matter until the first meeting in July authorizing the Inspection Department to inform the owners of same, asking for meaningful activity to be concluded by that point. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

REPAIR HEARING

128 Green Street - Michael Ainsworth, owner.

(Note: At the April 2nd meeting this matter was held over to this meeting.)

Tyler Tarpley, Code Inspector, said he met with Mr. Ainsworth this morning and he walked him through the property. Mr. Tarpley distributed packages of pictures to the Board Members. Mr. Tarpley said he asked Mr. Ainsworth about doing some repairs back in August of 2006. He said Mr. Ainsworth has been trying to sell the property since then and did not want to start making repairs to the property while it was still for sale. Inspector Tarpley explained in detail to the Board the repairs needed to this structure. Mr. Tarpley said there is debris around the property and yard maintenance has been neglected. He said the owner has informed him that he has an offer to purchase by a party that intends to begin the remodeling of the structure.

Mr. Michael Ainsworth, property owner, approached the Board with the plans regarding the property. Mr. Ainsworth distributed to the Board remodeling plans. He said it calls for a complete remodel, four units, and complete new mechanicals. Mr. Ainsworth explained in detail to the Board why his plans to do repairs have been delayed. He said the property will be back on the market this spring and he has an offer, but the buyer is not going to buy this property with this order by the Board hanging over it. Mr. Ainsworth said he doesn't believe this property is unsafe. He said it is

well boarded up and no one can get into the structure unless they are allowed to be in by lock and key. Mr. Ainsworth said there are no health hazards involved and there is no trash around the property. Mr. Ainsworth said doing business here in Michigan City is by far the most difficult place he has ever tried to be a landlord. He said he is asking the Board to rescind this order and let him try to sale this property. Mr. Ainsworth said if the new owner doesn't do anything with it the Board has the right to reinstate the order and work with them. He said at this point he is not to put any money or time into this property. He informed the Board he feels he has a good chance of selling this property, but not with this order hanging over it.

There was discussion among Mayor Oberlie and Mr. Ainsworth regarding the sale agreement.

Mr. Metzcus asked if there were any other comments or questions by the public and Councilman Paul Przybylinski, 1716 Washington Street, made various comments pertaining to this structure. He said the people in the neighborhood said they don't want the building demolished, they would like to see that building brought back and put to good use. Mr. Przybylinski said with the building being the way it is it brings down the value of the entire neighborhood. He said he believes it would be fair to extend that order with the Board's guidelines for thirty (30) days for the buyer. Mr. Przybylinski said anyone inquiring needs to know that the building is under an order at this time. He said he thought to rescind an order would be going back another three (3) years starting all over again.

Mr. Ainsworth made various comments pertaining to the order. He made numerous comments regarding the assessment of this property. He said he has done everything reasonable to this property. Mr. Ainsworth made various comments concerning the order on this property.

Mr. Metzcus asked if there was any other comments or questions by the public and Mr. Tom Wroblewski, 314 Boyd Circle, addressed the issues of debris and other matters around the property.

Mayor Oberlie moved to authorize the Code Enforcement Office to extend or modify the work order as necessary to accommodate a new buyer to bring about the repairs of the structure, with the extension period not to exceed forty-five days for as less a status report back to this body. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

WALK FOR WATER/FUNDRAISER

Elle Salon's wrote the following on May 6, 2007:

What: Walk for Water. A fundraiser to support/raise money and awareness for The Alliance for the Great Lakes, sponsored by Elle Salon, Michigan City. We hope to raise over \$2,000.00 to support this cause.

When: The walk will take place on May 6 at 12 noon starting and ending at 113 W. 8th street, Michigan City.

Route: We want to start from 113 W. 8th Street heading east to Pine, head North on Pine to the Washington Park and the Lake Front/Lighthouse. The return trip will be south on Washington to 8th street and head east to 113 W. 8th Street for the finish. We believe we can utilize the sidewalks both ways.

Walkers: We hope to have between 75 and 100 walkers from children to adults.

Sgt. Mark Krauklis, Traffic Division, said he had a couple of concerns regarding this request. He said they wanted to start at noon and generally all walks and runs are scheduled for 8:00 or 9:00 o'clock in the morning, 10:00 a.m. at the latest, basically because of traffic increases a lot on the weekends. He said he doesn't see any requests for police to help out with this, which is fine if they are going to stay up on the sidewalks. Sgt. Krauklis said that they don't need to assist. He said however they are talking about the route crossing U.S. Hwy. 12, which could be one area they could use some help. Sgt. Krauklis said he would hope they might want to re-visit the ideal time of when they want to hold this walk.

There was discussion among Sgt. Krauklis and Mayor Oberlie regarding assistance with crossing U.S. Hwy. 12, if they were to hold the walk within the morning hours. Mayor Oberlie said can the Board encourage them to hold the walk at a better time, by offering some assistance.

Mayor Oberlie made a motion to modify the time for the request of the walk. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

SAFETY CONCERNS

Councilman Ron Meer, 3rd Ward, on behalf of the residents of the 8th Street playground area have requested a three way stop at Hancock and West 8th Street. There is also a request for safety warning strips in the asphalt (for example: the strips in front of Washington Park Zoo). There are many complaints from residents of vehicles traveling at a high rate of speed and children's safety is a big concern.

Mayor Oberlie said they have received calls in the past relating to the speed issues on Eighth Street and ask that radar be placed in that area. He said the Planning, Traffic, and Engineer Office can take a look at Eighth Street, the entire stretch from Grant (by the old Fire Station) all the way to Hwy. 12 to determine whether there are some traffic control measures that may be necessary at any of the intersections, not just the one at the playground. He said there will be full reports in terms of traffic counts at all of those intersections to see what can be done.

Mayor Oberlie moved to refer this matter regarding safety concerns to Planning, Traffic, and Engineering. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

VARIANCE

Mrs. Marlene Ann Colton, 509 Willard Avenue, requests that the ramp that was poured not long ago be turned into a ramp/wing as for to make it easier for her to gain access to have her husband load and unload her motorized scooter when they return from an outing, as she has a ramp from the sidewalk to the side entrance of her home. She is also requesting the sign be moved backed to the property line to make it easier on the Transportation Unit. Mrs. Colton is also requesting the curb be painted handicap blue.

Mayor Oberlie moved to refer this matter to the necessary parties including Engineering to report back at a future date. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

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 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:

Page	Date	Amount
1 of 8	04/11/07	\$412,479.36

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

Page	Date	Amount
1 of 5	04/16/07	\$1,260,232.97

REQUEST FOR A GOLF CART PARKING AREA

Mr. Thomas J. Moss, on behalf of Beachwalk, requests the City to allow Beachwalk and its Homeowners Association to develop a portion of the right-of-way at the corner of Prospect Road and lake Shore Drive as a golf cart parking area.

(Note: this matter was brought before the Board on the 2nd day of April, 2007.

City Engineer Bill Phelps informed the Board that since that time he has met with Mr. Moss and the plan has been changed. He said it does not involve the use of golf carts on Lake Shore Drive. Mr. Phelps said it is going path off of his entrance drive on the south side of Lake Shore Drive, to the east and park in back of the white fence that is there presently. Engineer Phelps said therefore the carts will not penetrate Lake Shore Drive. He said it is not a Board action since it is not involving Lake Shore Drive.

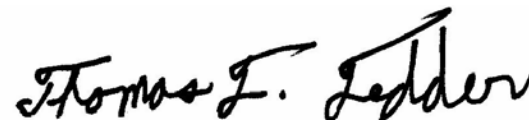
Mr. Moss addressed the Board and explained his plans in detail.

Mayor Oberlie moved that the plan presented by Mr. Phelps falls within the jurisdiction of the Board. The motion was seconded by Mr. Metzcus and carried by the following vote: **MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

TRAFFIC CONCERNS

Mayor Oberlie directed traffic concerns to City Planner John Pugh (Carroll Avenue, Lake Shore Drive). He questioned him about projected schedules. Mr. Pugh said he could have a report within thirty (30) days.

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.).



Thomas F. Fedder, City Clerk
