

REGULAR MEETING – NOVEMBER 5, 2007

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday, morning, November 5, 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, President; Mayor Charles Oberlie, Member; and John Schaefer, Member (3).

Absent: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL OF MINUTES

Mr. Schaefer moved the Minutes of the Regular Meeting of October 15, 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). Motion carries.**

Also noted in attendance:

John Espar, City Attorney and Board Counsel
Boyd Phelps, City Engineer
Jim Elwell, Superintendent, Central Services
Jack Kahn, Director, Streets
Sgt. Mark Krauklis, Traffic Division
Charlie Cate, Superintendent, Central Maintenance
Al Walus, General Manager, Sanitary District
John Pugh, Director, Planning & Inspection
Joe Siegel, Zoning Administrator
Russ Hatfield, Code Inspector
Dave Lamb, Fire Department
Randy Novak, Fire Department
Denise Jones, Ships Harborside Realty

Thomas Fedder, City Clerk
Kim Sliwa, Assistant Deputy Clerk

STATUS REPORTS

717 & 721 E. Michigan Blvd. – Mark Pastoret, Owner

Russ Hatfield, Michigan City Code Inspector, addressed the Board regarding the properties located at 717 & 721 E. Michigan Blvd.; which is located in the Historic District. Mr. Pastoret is scheduled to appear before the Historic Review Board at its next regularly scheduled meeting to ask that the City be allowed to demolish them down and place liens against the property until he either sells or develops it.

232 Willard Avenue – John & Carlotta Adams, Owners

Russ Hatfield, Michigan City Code Inspector, addressed the Board regarding the property located at 232 Willard Avenue; property owners are John & Carlotta Adams. On September 6, 2007 an Order to Repair was put into place. Inspector Hatfield spoke with Ms. Adams in regards to the future plans for this property and was informed that she was seeking estimates for repairs or demolition. Over the last three (3) weeks, Inspector Hatfield left numerous messages for Ms. Adams to contact him regarding her intentions for the property. Inspector Hatfield has yet to have his calls returned; it is therefore his request that the Board of Works allows him to pursue demolition of this unsafe structure and cause an Order to Demolish to be put into place. Mayor Oberlie moved to authorize; the motion was seconded by John Schaefer, City Controller and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

200 Blk of Willard Avenue –

Denise Jones, owner of Ships Harborside Realty addressed the Board representing the B & W Tavern located at 223 Willard Avenue and also 213 Willard Avenue which is owned by ALSJ, Inc. The house between is owned by Mr. Wayne Miller whom she has spoken with and is unable to help him resolve the issues that he has with his property; the property has been cleaned up on both sides. Ms. Jones asked the Board for permission to continue to work for both 223 and 213 Willard Avenue as she has a buyer for the B & W Tavern and they are also interested in buying the whole corner. Ms. Jones stated that some of the property within this block is Government property and she isn't

sure if it is owned by the city. The interested party is thinking of putting a grocery store there, which would be good for the neighborhood as the one on 9th Street and Willard Avenue has closed. The interested buyer may need permission from the City to move the curbing and put parking in, which was taken away when they put the new street in. Ms. Jones also stated that she is working on selling the property located at 213 Willard Avenue, which can either be remolded or demolished and made a vacant lot; per the Boards orders the property has been cleaned up and is secure, but still looking for a buyer. The interested party is ready to move on the project at 223 Willard Avenue once she can tell them that they can acquire the whole corner, as parking is a concern. Mayor Oberlie moved to table both properties for forty-five (45) days; the motion was seconded by John Schaefer, City Controller and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

217 Willard Avenue – Wayne Miller, Owner

Inspector Hatfield will pursue Orders to Repair for this property with Mr. Miller; very little progress has been made to date, there has been some cleaning and painting done. If any further progress is made, Inspector Hatfield will bring this back to the Board with possible Orders to Demolish.

ORDERS TO DEMOLISH

1212 West 9th Street – Michael Crane, Owner

Russ Hatfield, Michigan City Code Inspector, addressed the Board regarding the property located at 1212 West 9th Street stating that this property was destroyed by fire on March 3, 2007. The fire was deemed suspicious in origin and was under investigation by the Michigan City Police Department. Inspector Hatfield spoke with the investigating officer who informed him that the investigation was complete and the matter surrounding this was in the hands of the attorney's and the insured. Inspector Hatfield spoke with the Attorney's involved that represent both parties and it seems they are in some sort of legal stalemate. Inspector Hatfield found this property to be unsafe and caused an Order to Demolish to be put in place on October 1, 2007; letters were sent via Certified Mail to all parties with substantial interest in this property. On Tuesday, October 30th Inspector Hatfield was contacted by Melissa Crane the owner's sister who has been helping her brother with the legal matters surrounding the fire investigation and informed Inspector Hatfield that she had forwarded copies of the Orders to Demolish to the Attorneys involved. The Enforcement Authority of the City of Michigan City has been more than patient in giving the party's involved ample time to step up and take responsibility to remove this structure. It is Inspector Hatfield's request to be allowed to continue with the due process and issue Notice to Bidders.

Michael Crane, owner of 1212 West 9th Street addressed the Board and informed them that Attorney Pagos is his Lawyer and that the Insurance Company hasn't returned any of his calls. Mr. Crane stated that he does not have the money to tear the structure down; Mayor Oberlie asked Mr. Crane if it would be o.k. for the City to proceed with the demolition while he pursues the Insurance aspect and ask for an assignment of part of the check to be made payable to the City for reimbursement for the demolition. Mr. Crane stated the only way he would be able to pay the City for the demolition will be when the Insurance Company settles the claim with him. The Board will move forward with the demolition through the City's process; notifying the Insurance Company of the status of the project. Inspector Hatfield has spoken with the AllState Adjuster involved and has been met with avoidance of the situation; to date no calls or information has been exchanged. Attorney Espar asked if written notice had been given of the City's interest in the proceeds of any insurance claim. Inspector Hatfield stated that he has had no calls returned and therefore does not have an address to send any correspondences to. Attorney Espar instructed Inspector Hatfield to get the insurance information from Mr. Crane to notify the Insurance Company of the City's Statutory Right; and their obligation to escrow a sufficient amount to cover the City's demolition costs. Inspector Hatfield did address the Insurance Adjuster that they were in violation of City Code by not notifying the City of their intent. Notice of the Provisions need to be given to the Insurance Company, so that they handle the proceeds appropriately. Attorney Espar asked Mr. Crane if he agreed with the Board's decision that the structure at this point in time is in an unsafe condition and

that it is in need of demolition; Mr. Crane agreed. On the basis that written notice could be done at the same time as the advertising, Mayor Oberlie moved to proceed with the demolition and Notice to the Insurance Company; the motion was seconded by John Schaffer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

1026 Green Street – Elida Dabbert, Owner/Nancy Coleman, Guardian

Russ Hatfield, Michigan City Code Inspector, addressed the Board regarding the property located at 1026 Green Street; stating the property was owned by Elida Dabbert and was put into Guardianship under Nancy Coleman. The property has been vacant and left unmaintained for several years. The Guardianship of this property was put into the hands of Nancy Coleman, the care provide for the late owner, Elida Dabbert. Inspector Hatfield has spoken with Ms. Coleman and was informed that she no longer has Guardianship over this property; she is forwarding all the information that she has filed through her Attorney giving up Guardianship to the late owner's son. On October 1, 2007 Inspector Hatfield caused an Order to Demolish to be put into place, it is Inspector Hatfield's request to continue the due process in having this unsafe structure removed. As soon as Inspector Hatfield receives the documentation giving Guardianship to the late owner's son he will forward it to the Board. Inspector Hatfield stated that the son was also in ill health in a nursing facility and will have to follow through with whoever was placed into Guardianship there. Inspector Hatfield stated that as of now he has no legal documentation telling him who owns the property. A full inspection has not yet been done, waiting to find out who is in receivership/guardianship of the property. Inspector Hatfield spoke with Dave Morlan of Vector Control, and he stated that he was there to secure the property approximately three (3) to four (4) years ago and said the floors were unsafe and the ceiling was falling in at that time. The Board awaits documentation on the status of the building and owner. Attorney Espar and Inspector Hatfield will check with the Clerk's office to see if a new proceeding has commenced in the form of a Decant Probate Estate.

509 East 9th Street – Lonnett S. Phillips and Evelyn E. Hayes – owners

Russ Hatfield, Michigan City Code Inspector, addressed the Board regarding the property located at 509 E. 9th Street, owned by Lonnett Phillips and Evelyn Hayes; stating that this property was destroyed by fire on February 12, 2007. Inspector Hatfield has been in contact with the owners on numerous occasions regarding the status standpoint. The owners informed Inspector Hatfield that they are still in negotiations with the Insurance Company attempting to finalize issues on the claim. Inspector Hatfield left messages on several occasions and also spoke personally to the adjuster handling the claim with the promises of getting this matter resolved when she gets back to her office. Inspector Hatfield has yet to have any return phone calls with any information. On October 1, 2007 an Order to Demolish was put into place on this property. Inspector Hatfield has sent all parties with substantial interest in this property copies of the order via certified mail; none of these parties have come forward yet. The property is located within the Historical District of the City. On behalf of the City of Michigan City, Inspector Hatfield will be representing this matter to the Historical Review Board at their next scheduled meeting on November 26, 2007 to request permission to pursue the Orders to Demolish. There is no interior report at this time as the structure is all boarded up and secured; documentation will be needed for the Board as well as for the Historic Review Board. Inspector Hatfield may need Attorney Espar assistance to gain entry into the structure.

There were no comments from the Board at this time; the Board accepts the recommendations of Inspector Hatfield.

REQUEST FOR SPEED LIMIT REDUCTION/ADDITIONAL SIGNAGE FOR STATE ROAD 212 BRIDGE CLOSURE

The following was submitted by Sgt. Mark Krauklis of the Traffic Division of the Michigan City Police Department:

Gentlemen, As you know the City of Michigan City has experienced a sharp increase in traffic volume on Warnke Road, Royal Road, and Tryon Road due to the Indiana State Road 212 Bridge Detour. Due to the higher volume of traffic including Truck traffic, Warnke Road has experienced minor damage at a narrowed section of roadway in the 600 block. Due to the damage, the increased traffic volume, the increased truck traffic (that is mostly not local), and the winter season upon us, the traffic division is requesting a lower speed limit of 25mph be posted for the section of Warnke Road between Royal Road and Indiana State Road 212. Along with better signage on SR 212 warning non local truck traffic to utilize the US 35 & US 12 detour route. This will help local traffic navigate this narrowed area more safely and discourage some of the truck traffic from using this route.

Sgt. Krauklis addressed the Board with the stated concerns regarding the detour of the State Road 212 Bridge. When construction begins, the construction company will provide better signage on the highways themselves will be available and should help with the Truck traffic problems. This is just a temporary street change that is being requested until the State Road 212 Bridge is reopened. Mayor Oberlie stated that there have been several conversations in the field with the traffic division, city

engineer, INDOT a couple of weeks ago, about the inadequate posting of the detour. The City has already installed three-way stops on Royal Road at both Warnke Road and Tryon Road; and the reduction of the speed limit to 25mph is another attempt to get the overall traffic under control and secondly to try to discourage some of the through movement out there. In addition, there have been some larger rigs utilizing Warnke Road and trying to go under the CSX bridge that have gotten caught and had to be straighten out by tow trucks; the Mayor suggested installing some kind of a sign at that intersection of Warnke and Warnke that says no trucks left. Between Traffic, Engineering and Street Departments a sign needs to be made that tells the trucks they can't go through that way at all. Mayor Oberlie moved to authorize the motion; the motion was seconded by John Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

RESOLUTION

RESOLUTION NO. 2792

**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 **Bus** until the hours of 9:00 a.m., local time, on the 17th day

of December, 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

Passed by the Board of Public Works and Safety of the City of Michigan City, Indiana, this 5th day of November, 2007.

/s/ Anthony Metzcus
President of the Board

ATTEST:

/s/ Thomas F. Fedder
City Clerk

Charlie Cate, Superintendent Central Maintenance, addressed the Board regarding the Resolution requesting the approval for the solitation of bids for the purchase of one (1) medium duty bus for the

Municipal Coach Department. Mr. Cate described the type of bus that will be purchased; it will be basically a 26 passenger bus similar to the ones the City has now, which is a ten (10) year bus/350,000 miles with a wheel chair lift as an addition to the fleet. It is similar to the other four (4) buses that have been purchased since 2004. Mayor Oberlie asked about the potential operating issues that may occur due to the extended operating hours of these buses. Mr. Cate explained that as the new drivers become familiar with the heavy equipment, it is his hope that some of the issues that they have run into basically and the breaks of the buses will be satisfied; they are really trying to keep on top of the break issue by rotating them in and out of service. John Schaefer moved to authorize the Resolution; the motion was seconded by Tony Metzcus and carries as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following letter was received in the Clerk's Office from Victor Contri, M.D.:

Sirs:

I am a physician with an office at 217 West Homer Street. I have been at this location since 1987. For the last several years we have had limited parking in this area because of upgrades to the sewers and water. This has been completed and we now have ample parking for the residents of the area.

I am requesting to have the curb immediately in front of my office, north side of Homer, painted yellow for no parking. I have many older patients and this would help them to negotiate the entrance to my parking lot, plus there is a manhole cover in the center of this area, aiding access for the street department.

Mayor Oberlie moved to refer to Traffic, Engineering, Planning and Sanitary District; the motion was seconded by John Schaefer and carries as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

The following letter was received in the Clerk's Office from Jeff Bruder, President of Local 475, Michigan City Fire Department:

The Michigan City Firefighters Association is requesting to be placed on the agenda for the November 5th meeting. Our request is to hold an election for the Fire Merit Commission.

Dave Lamb, Fire Chief of the Michigan City Fire Department addressed the Board regarding this request. Chief Lamb stated only one (1) day will be needed for the election. Mayor Oberlie asked if the Board needs to provide 10 or 15 days notice. Chief Lamb replied that only 7 days are needed, and he found this information in the Fire Merit Ordinance under Elections under one of the amended parts. Mayor Oberlie asked that the Union prepare a notice that can be posted in all five (5) stations including the administrative office, to be posted on November 6, 2007; the Union can then use the Election date of November 14, 2007, between the hours of 8:30 a.m. and 4:00 p.m. in the City Clerk's Office. Mayor Oberlie moved to authorize; the motion was seconded by Tony Metzcus and carries as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

The following letter was received in the Clerk's Office from William Cammett, Adjutant, Frank & Edward Skwiat American Legion Post 451:

Gentlemen:

On Veterans Day, Monday, November 12th, the Frank & Edward Skwiat American Legion Post 451 is again planning a program honoring our veterans and will be held at the Post Home, 121 Skwiat Legion Ave.

Veterans' organizations from the Michigan City area and the public are being invited to attend these ceremonies which will take place from 10:30 to 11:00 AM outside the front entrance to the Post Home.

As in the past, we are again requesting your permission for barricades to be placed at the entrance to Skwiat Legion Ave. from Washington St. and on Skwiat Legion Ave. just east of the Post Home.

Your granting this request would be greatly appreciated.

Sgt. Mark Krauklis, Michigan City Traffic Division, addressed the Board regarding this annual event/request; and that the ceremony only takes approximately 15 minutes or so, which does not affect traffic. Mayor Oberlie asked the Street Department to set up barricades for the event; he also asked the Sanitary District to be sure there is no construction in that area, and if there is to advise them of the ceremony and ask them to avoid it for a least that half (1/2) hour. Mayor Oberlie moved to approve; John Schaefer, City Controller

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

RETIREMENT

Louis Jacobucci, Police Department, has submitted his 33-year retirement notice. This notice was placed on file.

Larry Kunkel, Police Department, has submitted his 35-year retirement notice. This notice was placed on file.

David Kanger, Police Department, has submitted his 30-year retirement notice. This notice was placed on file.

Larry Litchford, Police Department, has submitted his 33-year retirement notice. This notice was placed on file.

Walter Day, Police Department, has submitted his 31-year retirement notice. This notice was placed on file.

CLAIMS AND PAYROLL

John Schaefer, City Controller 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). Motion carries.**

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	10/26/07	\$412,645.51
1 of 1	10/29/07	\$177.05

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

Page	Date	Amount
1 of 5	11/05/07	\$2,879,170.04

ADJOURNMENT

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 9:52 a.m.)

Thomas F. Fedder, City Clerk