

REGULAR MEETING – MARCH 15, 2010

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, March 15, 2010, 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 President, Tony Metzcus, who presided.

Noted Present: Tony Metzcus, John Schaefer, and Mayor Charles Oberlie, (3).

Absent: none (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporate Counsel
Asst. Chief Mark Swistek, M.C. Police Department
Officer Kevin Urbanczyk, M.C.P.D. Traffic Division
Officer Jacob Ray, M.C. Police Department
Russ Hatfield, Code Enforcement Officer
John Pugh, Director Planning & Inspection Departments
Bill Phelps, City Engineer
Dave Lamb, Fire Chief, M.C. Fire Department
Jack Kahn, Superintendent, Street Department
Jim Elwell, Superintendent, Central Services
Judy Pinkston, Neighborhood Planner
Frank Seilheimer, City Forester

Thomas F. Fedder, City Clerk
Kim Sliwa, Asst. Deputy City Clerk

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of March 1, 2010 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.**

APPROVAL OF LEASE – Michigan City Police Department MDT Antenna

Asst. Chief Mark Swistek, Michigan City Police Department, addressed the Board regarding this agreement; explaining the specifics and asking for the Board's approval.

Mayor Oberlie made the motion to approve the lease agreement. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST TO INSTATE NATURAL GAS PROTECTION PLAN

No one present at this time to address this item.

REQUEST TO OPERATE HOT DOG VENDING CART

Mark Brennan, 2000 Tryon Road, addressed the Board regarding approval to operate on City sidewalks.

There was discussion between Mr. Brennan and the Board regarding where he intends to operate. The Board informed Mr. Brennan they have the authority to approve requests to use City property, and that anything on private property is not governed by the Board. The decision was made that Mr. Brennan would operate his “hot dog” vending card on Washington Street by the Court House.

Mayor Oberlie made the motion to approve the request as Mark’s All Beef Hot Dogs; the Mayor also made note for the record that Mr. Brennan supplied the Board with his certificates of insurance, registration with the State and approval of the Health Department. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST TO IMPROVE CITY EASEMENTS

The following correspondence was received in the Clerk’s office on March 10, 2010 from Tom Moss, Beachwalk LP:

As I indicated to the City Engineer and Mayor Oberlie in recent meetings, my inability to successfully market the Beachwalk community since 2006 has necessitated the opening of other parts of land that are part of the Beachwalk planned development as well as the east parcel of Beachwalk (58 acres and easement from Karwick Road) in search of new markets.

I am requesting the following:

- 1) The City-owned right of way on the south side of Lake Shore Drive at Stop 11 has been indicated as the access road for Beachwalk in our master plan for many years. In order to show prospective customers the possible homesite or development opportunities in the area, we ask the City’s permission to improve the right-of-way with a temporary gravel road. This road will be constructed in the most careful way following existing contours. Any clearing of vegetation will be undertaken in a careful way.
- 2) Tecumseh is an unimproved City street that spans from Glidden to Turner in the beach area. Tecumseh was originally platted and sewers installed many years ago. The Beachwalk master plan has shown a row of houses on the platted lots on the south side of Tecumseh for many years. In order to show prospective customers homesite opportunities along Tecumseh, we ask the City’s permission to improve the street right of way with a mulch path. This path will be constructed in the most careful way following existing contours. Any cleaning of vegetation will be undertaken to avoid significant trees.
- 3) The east parcel of Beachwalk is a separate parcel (58 acres with easements to Karwick Road). We ask the City permission to access the parcel at Karwick Road. We will improve the easement in such a way as to allow a vehicle to access the east parcel.

I’ve included a variety of exhibits to assist in responding to these requests.

Tom Moss, Beachwalk LP, addressed the Board regarding his requests, explaining what he intended to do.

Mayor Oberlie made the motion to refer the request to Corporate Counsel, Planning and Engineering Departments for their recommendations, and an agreement that would allow for the work to be done. The motion was seconded by Mr. Schaefer.

Dennis Metheny, 6757 W. 450 N., addressed the Board regarding Mr. Moss’s intent.

Mr. Moss addressed Mr. Metheny’s concerns.

The motion carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REVIEW PURCHASE OFFERS – Surplus property

Corporate Counsel Espar addressed the Board informing them of the offers made on the property transferred to the City by the County, along with the specifics of the State Statute, as follows:

1) Parcel no. 460130482026000022 – Lincoln Avenue
offer in the amount of \$50.00 by Mr. Jared Jeffries, 317 Redpath Avenue
Corporate Counsel Espar recommended accepting the offer to the Board as this was the only offer received.

2) Parcel no. 460131239003000022 – 224 E. 10th Street
offer in the amount of \$500.00 by Mr. Larry Clemons, 1314 W. 10th Street
Corporate Counsel Espar recommended accepting the offer to the Board as this was the only offer received.

3) Parcel no. 460122404032000022 – Nahas Road
offer in the amount of \$20.00 by Mrs. Emma Williams/Hicks, 510 Nahas Rd
Corporate Counsel Espar recommended accepting the offer to the Board as this was the only offer received.

4) Parcel no. 460131207016000022 – W. 10th Street
offer in the amount of \$250.00 by Ms. Hattie Jackson, 333 Holiday Street
offer in the amount of \$275.00 by Mr. Dennis Metheny, 6757 W. 450 N. Rd
Corporate Counsel Espar informed the Board that pursuant to the State Statute, there being multiple offers received on this same parcel, that notice be given to each of the individuals and afford them the opportunity to submit one (1) additional offer. Mr. Espar stated he would give notice on the parcel, and the Board can take action with respect to the three (3) other parcels.

Mayor Oberlie made the motion to approve the recommendations of Corporate Counsel. The motion was seconded by Mr. Schaefer.

Judy Pinkston, Community Development Director, addressed the Board asking that the three (3) parcels on the west side are not parcels that have been identified by Community Development as parcels that may be needed for the Neighborhood Stabilization Program.

Discussion ensued between Corporate Counsel and Mrs. Pinkston regarding the properties.

Mayor Oberlie amended the motion to clarify that the transactions are not to disrupt the Neighborhood Stabilization Program Grant on the West Side. The motion was seconded by Mr. Metzcus.

Dennis Metheny, 6757 W. 450 N. Rd., addressed the Board regarding the parcel he made an offer on.

The motion carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

OPENING BIDS – Request for Statement of Qualifications and Proposal for Government Access Channel Programming (Channel 97), Public Access Channel Programming (Channel 99) and Public Access Studio

Mayor Oberlie opened the bid received from Ron Hamilton, President/CEO LaPorte County Community Media Center, Inc., which included a three (3) year revenue projection as follows:

	<u>2010</u>	<u>2011</u>	<u>2012</u>
City/County Funding	\$275,040	\$275,040	\$275,040
Sponsorship/Underwriting	\$10,000	\$15,000	\$20,000
DVD/Tape Sales	<u>\$500</u>	<u>\$1,000</u>	<u>\$1,500</u>
Totals	\$285,540	\$291,040	\$296,540

Mayor Oberlie made the motion to refer the proposal to Corporate Counsel and Controller’s Office for review and reporting back to the Board. The motion was seconded by Mr. Metzcus.

PUBLIC COMMENT

Dennis Metheny, 6757 W. 450 N. Rd., addressed the Board regarding the bid received.

Al Austin, 116 E. Warren Street, addressed the Board expressing his concerns regarding the current Government Access Channel Programming (Channel 97), Public Access Channel Programming (Channel 99) and Public Access Studio.

The motion carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following correspondence was received in the Clerk’s Office on March 2, 2010 by Wayne Miller – owner, 217 Willard Avenue:

To Whom It May Concern, I would like to be put on the Board of Works agenda on March 15, 2010 to rescind or modify the “Order to Demolish” on 217 Willard Avenue. If you have any questions, please contact me. Thank you.

Russ Hatfield, Code Enforcement Officer addressed the Board, informing them Mr. Miller was present to discuss his intentions.

Wayne Miller, 113 Dole Street, addressed the Board regarding the property at 217 Willard Avenue and his intentions regarding said property.

Mr. Hatfield informed the Board of the status of the demolition process for this property, stating a hold was put on moving forward due to Mr. Miller’s request to be heard before the Board. Mr. Hatfield stated it was the Inspection Department’s recommendation to continue with the Orders to Demolish, and that the property could be incorporated into the Neighborhood Stabilization Program Grant, therefore the Notice to Bidders has been put on hold.

Discussion ensued between the Board and Mr. Hatfield regarding placing a “bond” for the completion of the work within a reasonable period of time; and whether or not the structure was sound enough for rehabilitation.

Mr. Schaefer asked Mrs. Pinkston about the property being included in the Neighborhood Stabilization Program Grant. Mr. Schaefer referenced the outstanding liens on the property.

Mrs. Pinkston stated that with the number of liens on the property it is of no interest to the Neighborhood Stabilization Program for purchasing.

Corporate Counsel John Espar addressed the Board regarding the Notice of Filing for Chapter 13/Bankruptcy that Mr. Miller presented to the Board. Counsel Espar informed the Board they should not have any reservations about proceeding with the Demolition process, and that if City funds are used in the demolition then the cost of the demolition would be accessed against the property and would be recorded as a tax lien.

Discussion ensued between the Board and Corporate Counsel Espar regarding actions taken by the Board and if a motion was needed.

Mayor Oberlie made a motion to deny the request for reconsideration and that the Board proceeds with the action as founded through public process. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CLAIMS AND PAYROLL

Mayor 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). 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 7	03/12/2010	\$399,403.47

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

Page	Date	Amount
1 of 5	03/15/2010	\$832,543.82

ADDITIONAL BUSINESS

REQUEST TO INSTATE NATURAL GAS PROTECTION PLAN - Just Energy, of North America requests to instate a natural gas protection plan to protect rate increases for the next five (5) years.

Representatives from Just Energy, of North America addressed the Board, apologizing for being late to the meeting; asking the Board for their approval to implement the proposed natural gas protection plan.

Mayor Oberlie made the motion to refer the request to Corporate Counsel and the Controller's Office to evaluate the proposal being brought before the Board today. The motion was seconded by Mr. Metzcus.

PUBLIC COMMENT

Dennis Metheny, 6757 W. 450 N. Rd., Coolspring Township Trustee, addressed the Board stating his concerns with these types of plans.

The motion carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ADDITIONAL BUSINESS

Bill Phelps, City Engineer, addressed the Board regarding the contract between the City of Michigan City and the Northern Indiana Commuter Transportation District regarding reconstruction of the highway rail crossings on Michigan Boulevard. Mr. Phelps stated the contract had been reviewed and the corrections made, and asked the Board for their approval.

Mr. Phelps also addressed the Board regarding a Supplemental Agreement for Michigan Blvd. for the transfer of \$1,782,965.00 through NIRPSIC for additional NPO funding. The original was \$1,200,000.00, so through NIRPSIC the city is getting \$2,982,965.00 upon execution of this agreement; Mr. Phelps asked the Board for their approval.

Mr. Phelps also addressed the Board regarding an L.P.A. Consulting Contract between American Structure Point and the Board of Public Works and Safety for the construction inspection. Mr. Phelps stated this is a standard formal contact that has been approved by I.N.D.O.T. Mr. Phelps asked the Board for their approval.

Mayor Oberlie made the motion to accept the recommendation of the City Engineer. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ADDITIONAL BUSINESS

Frank Seilheimer, City Forester, addressed the Board requesting the closure of Hitchcock Street on March 18, 2010 from Earl Road to Woodlawn Avenue between the hours of 9:00 a.m. and 2:00 p.m. for tree removal.

Mayor Oberlie addressed Officer Kevin Urbanczyk, M.C.P.D. Traffic Division asking if they will notify the appropriate authorities if approved by the Board.

Officer Kevin Urbanczyk, M.C.P.D. Traffic Division, addressed the Board stating they will work with the proper authorities as requested.

Mr. Schaefer made the motion to approve the City Forester's request. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ADDITIONAL BUSINESS

Bart Lombard, 625 Faulknor Street, Access LaPorte County, addressed the Board regarding the current extension the City is under with A.L.Co. that will expire on March 31, 2010; asking what the Board would like to do until a decision is made about a more permanent agreement.

Mayor Oberlie explained the Board will need to meet with the Common Council for budget authority on any decision.

Mr. Schaefer addressed Mr. Lombard suggesting the A.L.Co. staff be notified that the agreement ends on March 31, 2010; pending discussions with the City Council and a potential extension.

PUBLIC COMMENT

Dennis Metheny, 6757 W. 450 N. Rd., addressed the Board "Thanking" the Police Department for the great job they're doing cleaning up the city, and for the traffic control that is being done on Woodland Avenue.

PUBLIC COMMENT

Al Austin, 116 E. Warren Street, addressed the Board asking who runs the company that submitted a bid for Public Access Television and Government Access Television.

Mayor Oberlie answered Mr. Austin, stating that Mr. Ron Hamilton, President/CEO of LaPorte County Community Media Center, Inc.

There was discussion between Mr. Austin and Members of the Board regarding city equipment being used by A.L.Co.; when the current agreement expires; and how funding will be provided.

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 10:10 a.m.).

Thomas F. Fedder, City Clerk