

REGULAR MEETING - APRIL 2, 2007

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, April 2, 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 March 19, 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:

John Espar, City Attorney and Board Counsel
 Joseph Siegel, Zoning Administrator
 Tyler Tarpley, Code Inspector
 Bill Phelps, City Engineer
 Ta-Tanisha Clark, Executive Director/EEO Officer
 Ben Neitzel, Police Chief
 Sgt. Mark Krauklis, Traffic Division
 Jim Elwell, Supt., Central Services
 Thomas Fedder, City Clerk
 Carla Adams, Deputy City Clerk

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

RECEIPT OF BIDS

The Board of Works received the following sealed bids:

2007 Paving Program			Bid Opening: April 2, 2007	
<i>Division A Hot Mixed Asphalt Paving Traffic Marking</i>			<i>Division B Pavement</i>	
Contractor	<i>Rieth-Riley Const. LaPorte, IN</i>	<i>Walsh & Kelly, Inc. Griffith, IN</i>	Contractor	<i>AirMarking Co. Rochester, IN</i>
Bid Security	Yes	Yes	Bid Security	Yes
Form 96	Yes	Yes	Form 96	Yes
INDOT Qualifications	Yes	Yes	INDOT Qualifications	Yes
EEO Package	Yes	Yes	EEO Package	Yes
Estimated Quantities			Estimated Quantities	
HMA Surface, Type B, 9.5 mm (streets), 9250 Tons	411,625.00	545,750.00	4" Solid Double Yellow, 9550 LFT	7,449.00
HMA Intermediate, Type B, 19.0 mm (streets), 960 Tons	37,440.00	48,000.00	4" Broken Yellow, 2600 LFT	1,040.00
HMA Surface, Type B, 12.5 mm (Alleys) 3525 Tons	167,437.50	211,500.00	4" Solid White, 15,300 LFT	6,120.00
Surface Milling, 1 1/2" Depth 39,800 Syds	59,700.00	79,600.00	24" Stop Line, 360 LFT	1,890.00
Surface Milling, 3" Depth 6,700 Syds	15,075.00	16,080.00	RR Crossing 4 Each	1,800.00
Grading 155 Hours	54,250.00	73,625.00	Combo Arrow, 6 Each	900.00
Summation	745,527.50	974,555.00	Turn Arrow, 10 Each	950.00
			Summation	20,149.00

- Note:**
1. Unit Price for 1 1/2" depth Surface Milling corrected from \$1.45/syd to \$1.50/syd
 2. Extension corrected from \$57,710.00 to \$59,700.00
 3. Summation corrected from \$743,537.50 to \$745,527.50

Mayor Oberlie moved to refer the bids to the Engineer and EEO for review and tabulation and to report back at the next

meeting and thanked the bidders for their submissions. Mr. Metzcus seconded the motion, which carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

STATUS REPORT(S)

910 Green Street - James and Millie Gast, Owners.

(Note: At the March 19th meeting this matter was tabled to this meeting.)

Tyler Tarpley, Code Inspector, said a work proposal signed by both parties was received by fax Friday afternoon. He said he has not been able to verify that the contractor has received the signed proposal, but he intends to contact them today. Inspector Tarpley said the work includes the demolition and installation of new roofing, siding, and first floor windows. He said the start date would be the middle of June, unless they can get to it sooner. Mr. Tarpley said it was requested that the owners supply signed contracts for all the work to be done and a bond at the last meeting. Mr. Tarpley said the owner Doris Gast said it would be impossible for her to do this, so I suggested that she as done as much as she possibly could and it may be possible for the Board to overlook the bond. He said attached is the copy of her letter addressed to him and a proposal a little bit difficult to read, but the signatures are there.

Mayor Oberlie said it is hard to determine if they comply with the work order and Code Inspector Tarpley said the exterior portion of it would be completed aside from the porch that is mentioned in her letter, that would be the next step. But the interior work would not be basically started at all according to this proposal. He said this was brought on order to demolish not an order to repair. It did not have the stipulation that the interior must be habitable. He said she is removing the hazardous material from the inside of all the garbage and debris that was inside. Code Inspector Tarpley said he has been by there multiple times and has seen different piles at the curb and she has stated she has been there on many of the afternoons over the last two weeks. He said he has seen some progress there.

Mayor Oberlie asked if the contractor was just that busy that they couldn't start any sooner and Code Inspector Tarpley said it is either that or the fact that can't come up with the money until that date. He said they needn't to postpone the start date of the contractor. He said he has not been able to contact the contractor to verify it, because he didn't know the contractor until Friday afternoon. Code Inspector Tarpley said he didn't know what the reason was.

Mayor Oberlie moved to allow Code Inspector Tarpley two (2) more weeks to try and pin this matter down one way or the other. He said at that time we can take final action. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

609 East 10th Street - Joseph Tylisz, owner.

Code Inspector, Tyler Tarpley, said he is submitting this for informational purposes. He said this matter was brought up at a previous meeting and just wanted to follow through and inform the Board that the owner has signed a voluntary release to allow the City to proceed with demolition and then collect the debt. Code Inspector Tarpley said he has already awarded it to the lower bidder and the demolition would begin this week.

Board President Metzcus asked if there were any questions or comments by the Board or public, hearing none, stated the work should begin this week and has been contracted.

REPAIR HEARING

128 Green Street - Michael Ainsworth, owner.

Code Inspector Tyler Tarpley said the owner of the property was unable to be here this morning, but his brother-in-law is in attendance and would like to speak on his behalf. The owner has asked to hold this matter over to the next meeting.

Mr. Tom Orłowski said he feels the owner has every intention of complying with this Board. He said Michael Ainsworth, owner, was delayed out of town and was trying desperately to get back into town. He is petitioning this Board for a continuous regarding this matter.

Mayor Oberlie moved to continue the hearing until the next meeting, April 16th. Mr. Schaefer seconded the motion and carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

NO TRESPASSING NOTICE

Joseph Siegel, Zoning Administrator, stated the Code Enforcement Group is requesting the Board's approval for fabrication of some "No Trespassing Signs." Mr. Siegel distributed copies to each Board Member for their approval. The sign reads as follows: **"NO TRESPASSING" By Order of the City of Michigan City; Michigan City, Indiana - NOTICE**

No Person or Vehicles Shall Enter, Without Lawful Authority, Upon This Land or Premises - Trespassers Will Be Prosecuted! - Property of Michigan City - IC 35-43-2-2.

Mr. Siegel said there are vacant properties held in interest by the city or auspices of the city where installation of these signs would help the police to move people along or remove them from a property or loitering on a property. He said Atty. Espar has approved the content, so we're asking to have perhaps a dozen or maybe two dozen of these fabricated. Mr. Siegel said they would be eighteen inches wide by twenty-four inches high just like the condemnation signs that they use.

Board President Metzcus asked if there were any comments by the Board or public, and Mr. Schaefer said on the bottom of the Order it states "property of Michigan City". Mr. Schaefer asked Mr. Siegel if the sign was the property of Michigan City and Mr. Siegel said the sign is the property of Michigan City and the properties that we may place these on are either held by the City of Michigan City or other auspices of the city.

Mr. Schaefer moved to approve the fabrication of the signs. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: NONE (0).**

ARMORY, YACHT CLUB & DNR PROPERTIES

Doug Waters, President, Board of Managers/LaPorte County Convention & Visitors Bureau, wrote the following on March 5, 2007:

The Board of Managers of the LaPorte County Convention and Visitors Bureau (CVB) would like to advise you of our position regarding any future disposition of the above captioned properties.

As the county's tourism leader and key economic driver for tourism in LaPorte County, the CVB is very interested in seeing the interests of tourism placed before any other type of development along the lakefront and trail creek corridor in Michigan City. These prime properties should be developed to provide the best possible economic impact for our community. Any project that does not bring people in the form of attractions, housing, retail or other tourism related business would not be in accordance with the north end development vision or with prudent best use standards.

The lakefront and trail creek corridor are the showcase of our county. As such, development along those waterways needs to be planned for thoughtfully and carefully, with regards to the vision and plans that are already in place for those areas. The CVB would hate to see these buildings used by businesses or government offices that do not complement the vision or razed to make room for parking.

Mr. Doug Waters, President of the Board of Managers of LaPorte County Convention and Visitors Bureau, stated for the record as the tourism bureau they would like to keep the lakefront as the jewel of tourism for Michigan City. He said they didn't know what the final disposition of the Armory is going to be. Mr. Waters said they would like for it to be a destination for tourism in order to bring more people to the City and to be able to enjoy the Lakefront. Mr. Waters said they would like to state that as a matter of their opinion what the lakefront should be used for. He said one of their people from the North End Development Commission has been in touch with a lieutenant at the DNR and he believes they are going to paint that to make it look a little bit nicer. Mr. Waters said they would like that to be a destination or a tourism attraction to bring more people down by the lake. He said they have no idea what the plans are for, we would like it to be a attribute to the city and the Yacht Club. Mr. Waters said their opinion is that they would like the Yacht Club to remain a destination point if at all possible for the City of Michigan City. He said they would like to do all things possible that they could in order to keep all of these properties as destination and as attractions for the people who visit Michigan City. He said everyone is aware tourism in the county brings in more than half a billion dollars a year. Mr. Waters said it is the key economic driver for LaPorte County.

Mayor Oberlie said he was in Indianapolis two week ago with DNR and they are in the process of trying to line up some crews either through us or with the state to temporarily paint the old George property along Franklin Street. He said the ultimate plans however still call for the demolition of the structures and opening that up for public access. Mr. Oberlie said it is a matter of timing, capital projects are not run through INDOT. He said as you know last year we had an agreement where the city would have helped to demolish that structure, but that demolition has been pushed off for some time because of both the environmental conditions of the property and the fact that DNR does not do that type of work themselves. Mayor Oberlie said the Armory was the subject of the meeting and we have sent additional communications down asking for information on that. He said there has been no termination by the state as to whether or not the building will be made available to use or anyone else, as it may in fact remain with them. Mayor Oberlie said the Yacht Club as you are aware continues to be a negotiated item with the Port Authority in terms of potential acquisition or systems to that facility.

Board President asked if there were any comments by the public and there was no response.

TREE REMOVAL REQUEST

Mr. Timothy L. Lewis, 302 Derby Street, requests tree removal by the City of Michigan City.

Mayor Oberlie informed the Board those trees have already been removed prior to receipt of the request. He was reassured by Jim Elwell, Supt., Central Services.

CHURCH FESTIVAL

Mr. David C. Bays, Operator, Operator, wrote the following on March 21, 2007:

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

The Parish Festival dates and times are as follows:

Wednesday	June 27, 2007	5:00 p.m. to 10:00 p.m.
Thursday	June 28, 2008	5:00 p.m. to 10:00 p.m.
Friday	June 29, 2007	5:00 p.m. to 12:00 p.m.
Saturday	June 30, 2007	1:00 p.m. to 12:00 p.m.
Sunday	July 1, 2007	1:00 p.m. to 10:00

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, 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 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.

Sgt. Mark Krauklis, Traffic Division, 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.

He said he had just one request, which would be to contact Queens Apartments Complex notifying them of all information.

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

REQUEST PERMISSION TO PAINT FEET ON THE SIDEWALKS

Mr. Doug Waters & Joe Coar, North End Development Zone 1 Committee, wrote the following on March 28, 2007:

We would like to paint feet on the sidewalks showing the way for people to walk to several downtown attractions. They would pass many restaurants and other signs on the way to their destinations.

We would like the path to run between the South Shore tracks on the north to the Franklin street bridge and enter Washington Park. It would go north and south on Franklin and Washington Streets.

Mr. Waters explained the detailed information to the Board. He said the idea came up several weeks ago at their North End Development Zone 1 Committee meeting and he has been them in several cities. He said footsteps and footprints that show the way to several attractions that could be adopted very well here in Michigan City going from the South Shore station down Franklin Street and Washington Street. He said Joe Coar from Tonn & Blank has committed that he will make a stainless steel stencil approximately three feet by three feet that will have four to five footprints in it of different colors. Mr. Waters said those different colors would signify what attraction the people would be leading to, whether it be down Washington Street to Barker Mansion, toward Lighthouse Place, down Franklin Street by the several restaurants that are there, and then lead over the bridge toward the Park. He said Joe mentioned he could get availability of a machine to paint the stencils on there. He said we would like to make it more attractive and easier to find spots for people that come in either from the South Shore or park their cars in the downtown area and like to walk around. Mr. Waters said they feel the downtown attractions have a lot of quality and can bring in a lot of extra revenue for the city if people are made aware of what these are. He said they would also put legends in strategic points of the City showing where different color footprints would lead the people. Mr. Waters went into great detail explaining the placement of the legend of colors. He said he they wanted to put one legend of colors on the corner of Tenth and Franklin, another one on 7th Street, another one on the corner of 5th and Washington, and another one down by the lake area.

President Metzcus asked Mr. Waters how the signage would be posted and Mr. Waters said they were thinking they would put it on possibly the light posts located in the area or whatever the Board recommends. He said their goal is to get something done as quickly as possible so that this summer people that are walking around down there possibly from their boats or from Washington Park we could bring them up into the restaurants into Franklin Street and around that area. Mr. Waters told the Board they would take total direction from the Board. He said Millennium Plaza and the Zoo would be included.

Mayor Oberlie commended everyone for their thought process. He said obviously as you indicated we're going to need

to find a way to work together to develop the specifics on this project and probably the best thing to do would be to refer it to Planning and Engineering Office asking that they incorporate the Main Street Organization and everyone else so we truly go about this in a coordinated and comprehensive fashion. Mr. Oberlie spoke about the attractions map and stated when we get around to reproducing it, it can become a part of that map as well and can become perhaps the distribution can take place at those legends signs that they are preferring to. He said traffic would need to be involved as well, in terms of any crossings.

Mayor Oberlie moved to refer this matter to Traffic, Engineering, and Planning asking that they coordinate with Main Street, Redevelopment and any other institute that wants to participate in the program and to report back at their earliest convenience. The motion was seconded by Mr. Metzcus which carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

REQUEST FOR F GOLF CART PARKING AREA

Thomas J. Moss, on behalf of Beachwalk, wrote the following on March 28, 2007:

I'd like to request, on behalf of Beachwalk, that the City 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/

Please place this matter on the agenda for the Board of Works on April 2nd.

Mr. Thomas Moss, 1949 Lake Shore Drive, representing Beachwalk and also the Beachwalk Homeowner Association, said this is a request both on part of the partnership and the Homeowners Association. He said they have not decided who is going to pay for all of this. He said the concept that they have regarding the golf cart parking idea of using a portion of the right-of-way for golf cart parking is going on the belief that conceptional Beach Walk is attempting to enhance its pedestrian, pedestrian scale, and pedestrian mobility by use of electric golf carts. Mr. Moss said many of their homeowners are using electric golf carts for getting in and around Beach Walk. He said they find it be conceptionally consistent with the increasing social interaction and providing better access for people who are not mobile in one way or the other. This project would be undertaken at the expensive of the Homeowners Association and the development. Mr. Moss informed the Board they are working with Haas and Associates on engineering matters. Mr. Moss went into great detail explaining the plans of the project. He went on to express the second issue he wanted to address regarding the question if they can acquire some kind of a waiver if not permission to allow electric golf carts to cross the 200 feet or so between Beachwalk Lane and Prospect. He said they would provide signage. He said they would like permission to make that crossing without any kind of violation with the Traffic Division of the Police Department.

Mayor Oberlie said the big question would be if we proceed how would we make connection between the two streets. He said he would probably need the engineer to see if perhaps provide for that connecting patch off the street itself and try to minimize some of this movement. Mayor Oberlie said with traffic there are some issues relating to the operations under the statutes, so we have to look at that as well.

City Engineer Phelps said under clarification regarding the crossing "Do you mean from the parking site to cross back to go where the area where they discharge for the beach or coming out of Beachwalk itself?" Mayor Oberlie informed him coming out of Beachwalk going down to the parking area. Mr. Oberlie said it will all be on the same side of the street.

Mr. Moss said it would be in the best interest of the association at some point to have some sort of flashing warning light at the Beachwalk intersection.

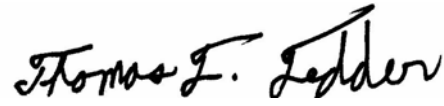
Mayor Oberlie moved to refer the issue of the construction of the parking to the Attorney's Office for preparation of an agreement to be sign by the parties and the second part would be to refer the connection from Beachwalk to Prospect specially to the City Engineer and the Traffic Division to develop a feasibility of a connector road. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

LETTER OF UNDERSTANDING

Mr. Randall E. Russell, Superintendent, Department of Water Works, requests approval concerning a Letter of Understanding between the Department of Water Works of Michigan City, Indiana, and the Michigan City Board of Public Works & Safety, regarding the construction of the water intake improvements in the City of Michigan City.

Mayor Oberlie explained the agreement stating it follows the format that we have used in the past. He said we are not entering the third phase of the repair and replacement of the intakes from Lake Michigan to the Water Plant. He said this project is actually a little more then two million dollars and our share is limited to the two million dollars.

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



PERSONNEL ISSUE

Re: the Executive Session that was held on the 19th day of March, 2007.

Mayor Oberlie said the Board of Public Works and Safety held an Executive Session on the 19th day of March, 2007 to receive information relating to a determination of disability on behalf of Daniel Kubath.

Mayor Oberlie moved that the Board of Public Works and Safety formally refer the matter to the Pension Board for Michigan City for that final determination. 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. 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. 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 10	3/30/07	\$615,765.02

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

Page	Date	Amount
1 of 4	4/2/07	\$2,960,923.33

5TH WARD NEIGHBORHOOD SPRING PICNIC

Willie Milsap, 5th Ward Councilman, requests the closing of Porter Street, from Michigan Boulevard to alley behind the 5th Ward office building for the a Spring Fling Picnic on Saturday, April 14, 2007 from 12:00 noon to 5:00 p.m.

Mayor Oberlie said the 5th Ward has made requests in the past for such closings for social events within the Ward and the Board is not aware of any problems of any kind from traffic or anyone as long as the barricades are up.

Mayor Oberlie moved for the approval of the request, seconded by Mr. Schaefer. The motion carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (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 9:55 a.m.).

Thomas F. Fedder, City Clerk

Thomas F. Fedder