

# REGULAR MEETING – May 4, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, May 4, 2009, 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.

Also noted in attendance:

John Espar, Corporate Counsel  
Sgt. Jeff Loniewski, Traffic Division, M.C.P.D.  
John Pugh, Director, Planning and Inspection  
Jim Elwell, Superintendent, Central Maintenance  
Jack Kahn, Director, Street Department  
Al Walus, General Manager, Sanitary District  
Dave Lamb, M.C.F.D.  
Charlie Cate, Central Maintenance  
Bill Phelps, City Engineer  
Russ Hatfield, Code Inspector  
Yvonne Hoffmaster, Deputy Controller  
Ta-Tanisha Clark, Human Rights Director

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

## APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of April 20, 2009 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.**

## OPENING OF BIDS – Josam Clean-up Project

Five (5) bids were received by the Board, they are as follows:

Bids for laboratory services -

- 1) Microbac - \$41,725.00
- 2) Pace Analytical - \$47,737.00
- 3) Envision Labs - \$37,855.00

Bids for drilling services -

- 4) K & S Testing & Engineering – not to exceed a maximum cost of \$11,146.00
- 5) Enviro-Dynamics – not to exceed a maximum cost of \$6,160.00

Mayor Oberlie made the motion to refer the bids to the Planning/Redevelopment Office and their consultant for review and recommendations; and to report back to the Board. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**STATUS REPORT –**

Russ Hatfield, Code Inspector, addressed the Board, requesting to delay reporting on 5406 Harvey Court and 215 Fir Street until the next meeting.

**116 Grant Street, Estate of John C. Hayes**

Mr. Hatfield addressed the Board stating this property was brought to the Board's attention in November 2008, and was approved for demolitions; in cooperation with the Attorney and the Heir's of the Estate the building was used for "Safe Entry Exercise" by the Michigan City Fire Department. Mr. Hatfield stated that a "Notice to Bidders" will be issued this week, with the bid deadline set for the next Board of Public Works and Safety meeting on May 18, 2009.

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

**1309 West 10<sup>th</sup> Street, New Covenant Outreach Ministries Inc./Rev. Robert Hurt**

Russ Hatfield, Code Inspector addressed the Board stating that on March 18, 2009 the structure on this property was extensively damaged by fire; at the time the structure was in danger of collapsing and was made safe under an "Emergency Order to Demolish" by the City of Michigan City. Mr. Hatfield stated that although the property was insured at the time of the fire, Mr. Hurt has been unable to settle his claim. Mr. Hatfield has been in contact with Mr. Hurt, making him aware of the need to expedite the clean up of this property; it is with the understanding that the City will cause an "Order to Demolish" to be put into place on this property. Mr. Hatfield stated that Mr. Hurt is aware that any and all costs incurred by the City as a result of the clean up will be placed as liens against the property. Mr. Hatfield requested that the Board allow him to pursue "Demolition" of this property.

Mayor Oberlie asked for evidence/pictures relating to the “Order of Demolition”.

Mr. Hatfield produced pictures for the Board to review.

Mr. Metzcus asked about the probability of retrieving funds if a lien is placed on the property.

Mr. Hatfield explained the Insurance situation to the Board.

Attorney Espar asked Mr. Hatfield if he has sent written “Notice” to the Insurance Company regarding the City’s primary right to recover the demolition and clean up costs. Attorney Espar went on to explain how an “Order to Demolish” proceeds. Attorney Espar stated that Mr. Hatfield should go ahead and issue an “Order to Demolish”.

Mr. Hatfield stated this was just to inform the Board of the status of this property, no motion was needed as he would proceed as attorney Espar had explained.

### **121 Dole Street, Toni Spencer**

Russ Hatfield, Code Inspector, addressed the Board regarding this property, stating that this property has been left vacant and not maintained for a number of years. Mr. Hatfield informed the Board that Vector Control has secured this structure on numerous occasions; notification of Ordinance violations has been made to all parties with substantial interest. Mr. Hatfield informed the Board that no attempts have been made to correct or repair the structure on this property; it is Mr. Hatfield’s request that the Board allow him to pursue “Demolition” of this structure. Mr. Hatfield stated this is just to notify the Board of the status of this property.

Attorney Espar asked if an “Order to Demolish” had been placed on the property; Mr. Hatfield stated that is the next step and will be done this week. No motion was needed.

### **AWARDING OF BIDS – 2009 Paving Program-Division A & Division B**

Bill Phelps, City Engineer, addressed the Board, reporting back from the April 6, 2009 bid opening with tabulations for the 2009 Paving Program – Division A: Hot mix asphalt paving and Division B: pavement traffic marking. Mr. Phelps stated that the E.E.O. Officer has reviewed the bids and approved all of the contractors that did bid. Mr. Phelps recommended that the Board accept the bid of Rieth-Riley Construction of LaPorte, IN for Division A-hot mix asphalt paving; and AirMarking Company of Rochester, IN for Division B-pavement traffic marking.

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

**ADDITIONAL 2009 PAVING PROGRAM – Adjusting Inlet Castings to Grade on Lakeshore Drive**

Bill Phelps, City Engineer, addressed the Board informing them to also be included in the 2009 Paving Program is adjusting the Inlet Castings on Lakeshore Drive to grade. Mr. Phelps informed the Board there are seventeen (17) inlets that need to be raised; and that due to pricing this will fall under the State Statute, and that the City could go ahead with quotations for the project. Mr. Phelps reported that quotations for the project were requested from four (4) individuals, as follows: D & M Construction, Smith & Sons Excavating, Woodruff & Sons, and J & B Excavating; two (2) quotations were received by the City Engineer as follows: Woodruff & Sons - \$10,148.00 and Smith & Sons Excavating - \$13, 500.00. Mr. Phelps recommended the Board accept the quotation from Woodruff & Sons for \$10,148.00. Mr. Phelps also reported that the EEO Officer has approved both of these contractors.

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

**RESOLUTION**

RESOLUTION NO. 2797

**A RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR THE PURCHASE OF ONE (1) SINGLE AXLE, 10 FT. DUMP TRUCK WITH PLOW FOR THE STREET DEPARTMENT FOR THE 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) single axle, 10 FT. dump truck with plow** for the 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 (2) consecutive weeks in the News-Dispatch, a daily newspaper of general circulation published in Michigan City, notifying the public that said Board will receive sealed bids for said **single axle 10 FT. dump truck with plow** until the hour of 9:00 a.m. local time, on the 1<sup>st</sup> day of June, 2009, at the Clerk's Office, located in City Hall Building, 100 East Michigan Boulevard, Michigan City, IN 46360.

Bidders shall submit their Bids on a properly completed and executed Form No. 97 Bid Form and an Equal Employment Opportunity Bid Package.

Bidders will be required to comply with the Michigan City Equal Employment Opportunity Program in order for the Owner to consider their Bid.

The Board of Public Works and Safety herewith reserves the right to waive any formality, informality, or irregularity in any bid or bids received and to reject any and all bids received.

INTRODUCED BY: s/s John Schaefer

Mayor Oberlie stated the appropriation is still pending before the Council, but the objective was because of time commitments to go ahead and solicit the proposal to get delivery prior to the snow season; this truck will be used for Michigan Boulevard.

Charlie Cate, Superintendent Central Maintenance, addressed the Board regarding the Resolution requesting the approval for the solicitation of bids for the purchase of one (1) single axle dump truck with plow for use in the Street Department. Mr. Cate informed the Board that the resolution has also been submitted to the Finance Subcommittee of the Common Council.

Mr. Schaefer made the motion to adopt the resolution soliciting bids for the truck. The motion was seconded by Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

## **LETTER OF UNDERSTANDING**

Al Walus, General Manager, Sanitary District, presented the following:

### **A LETTER OF UNDERSTANDING BETWEEN THE SANITARY DISTRICT OF MICHIGAN CITY AND THE MICHIGAN CITY BOARD OF PUBLIC WORKS & SAFETY REGARDING THE CONSTRUCTION OF THE OHIO STREET SOUTHGATE NEIGHBORHOOD SANITARY SEWER INFRASTRUCTURE IMPROVEMENT PROJECT**

WHEREAS, the Sanitary District of Michigan City (herein after referred to as the "District") desires to construct sewer infrastructure improvements on South Ohio Street in the Southgate Neighborhood area; and,

WHEREAS, the City of Michigan City Year 2009 Budget contains appropriations for the construction of new sewer infrastructure in the Southgate Neighborhood, with said fund being administered by the Board of Public Works and Safety (herein after referred to as the "Board").

NOW, THEREFORE the District and Board agree as follows:

- Section 1: That the District will provide engineering services and construction supervision for the Ohio Street/Southgate Neighborhood Sanitary Sewer Infrastructure Improvement Project as described in the whereas clauses of this letter.
- Section 2: That the District will obtain bids for the project and proceed with construction. It being understood that a project of this magnitude will require a Common Construction Wage pursuant to Indiana Law and conformance to the City's Affirmative Action-Equal Employment Opportunity Program.
- Section 3: That prior to beginning construction, the District will present the final plans and specifications to the appropriate regulatory agencies for review and approval.
- Section 4: That after the District has reviewed and approved periodic claims from the contractor, the District will forward said claims to the Board for payment; however, the Board's financial liability under this agreement shall not exceed \$850,000 with all designated for construction and engineering services.

Mr. Walus presented a packet to the Board members with copies of the Letter of Understanding, photos/drawings of the new lift station, sewer connections and fencing. Mr. Walus also explained the specifics of this project, which will include a six (6) inch ground water monitoring well that will have the capability of monitoring the conditions of the lift station; this will give the Sanitary District the means of tracking ground water over time. A natural gas generator will be installed at this lift station in case of a power outage. Mr. Walus asked the Board for approval, stating that they can then issue the Notice of Award to Woodruff & Sons to begin construction of the system. The project is required to be completed by or before November 2009.

Mayor Oberlie made the motion to approve the Letter of Understanding. 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 DELETE EXCESS EQUIPMENT**

Yvonne Hoffmaster, Deputy Controller, submitted the following letter to the Clerk's Office on April 29, 2009:

Please place the following on the agenda for the Board of Public Works and Safety meeting for Monday, May 4.

MCPD has 18 laptops to be reassigned and/or deemed excess equipment. Two of the laptops are to be reassigned to Animal Control. Six of the laptops are to be reassigned to Michigan City Fire Department. The last ten of the laptops have been deemed to be excess equipment and the MCPD has offered them to be available for sale to City employees with a recommended cost of \$50.00 each.

Mrs. Hoffmaster addressed the request to the Board, asking for approval to offer the ten (10) excess laptops to City employees at the recommended cost of \$50.00 each. Mrs. Hoffmaster explained there is no guarantee or warranty on the equipment. Mrs. Hoffmaster went on to explain how the disposition of the excess laptops will be handled.

Mr. Schaefer made the motion to approve the procedure to be used to dispose of these laptops, along with a declaration of the surplus. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

## **REQUEST TO CLOSE STREET**

The following correspondence was received in the Clerk's Office on April 23, 2009 from Michael Wozniak of the Board of Directors of St. Joseph Young Men's Society, Inc.:

St. Joseph Young Men's Society, Inc. would like to request that Tilotson Street be vacated For the two (2) day period beginning June 26, 2009 and June 27, 2009. In addition to Tilotson Street being vacated, we are requesting that the Westside sidewalk of Franklin Street Also be vacated for the same two day period. Your help regarding this matter is most appreciated.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board regarding this annual event. Sgt. Loniewski spoke with Mr. Wozniak who submitted this request; and stated the Mr. Wozniak is aware of the insurance requirements. Sgt. Loniewski recommended the Board approve the request.

Discussion followed regarding closing the sidewalk for the event.

Mayor Oberlie made the motion to TABLE the request until the next meeting on May 18, 2009 to further investigate the necessity for blocking the sidewalk.

## **ANNUAL MEMORIAL DAY OBSERVANCE**

The following correspondence was received in the Clerk's Office on April 30, 2009 from Ron Pitman, Commander, American Legion Post 37:

The American Legion, John Franklin Miller Post 37 is in the process of organizing our Annual Memorial Day Observance. The observance will feature salutes fired at area Veteran's Memorials and a Parade. We request the Board of Public Works and Safety issue Post 37 a parade permit for Memorial Day, Monday, May 25, 2009.

After meeting with Councilman Joe Doyle we are requesting once again to assemble at Pytynia Parkway by Ames Field and then march north on Franklin Street to Decatur Street then right on Decatur Street proceeding to Greenwood Cemetery as usual. The program will follow at the Grand Army of the Republic Monument. The parade will step off at approximately 10:00 a.m. All parade participants really liked the new assembly area near Ames Field as it affords considerably more room and does not interfere with local business during the assembly period.

We also request the Street Department to check for low overhanging limbs on Decatur Street so our flags will not be interfered with on the parade route. Thank you for your prompt attention to this request.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board regarding this annual event, and recommended approval of the request.

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

### **PUBLIC HEARING – Application for Certificate of Public Convenience (Taxi)**

Richard Niess, President, Shamrock Energy Services, LLC., appeared and explained his request and the service he would provide. Mr. Niess responded to questions from the Board. Mr. Niess asked for clarification on the licenses needed for his drivers.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, responded to Mr. Niess's request for clarification on the type of license needed to operate a Taxi service. Sgt. Loniewski informed the Board that he has been working with Mr. Niess on this, and the vehicle inspection process.

Mayor Oberlie asked for the record if Mr. Niess was stating that there is a need for this service in Michigan City; and that he stands ready to comply with the Ordinance in terms of identification, proper markings of the taxi's, etc... described by the code, posting of the insurance, and that the drivers will carry appropriate local identification and license as required by the State. The Mayor also asked if a listing of the vehicles had been received. Mr. Niess responded affirmatively to all questions.

Mr. Schaefer made the motion to the application for a Taxi service, subject to the above referenced as specifically required by the ordinance. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

### **REQUEST FOR "NO PARKING" SIGN – 111 Thomas Street**

The following correspondence was received in the Clerk's Office on April 29, 2009 from Susan Deloris Taylor, 111 Thomas Street:

I live with my mother Susan Davis, 86 years old Senior Citizen, she suffers from Alzheimer's; and my granddaughter, 17 year old Gabrielle Wilborn. I am a Senior Citizen and handicapped. The people and their many company that live at 110 Thomas are my problem. There for one thing is drug activity over there and even if there is room in front of that house, they tell the others to park over here just to bug me. They play loud music by the window where my mom sleeps. I would like a "No Parking" sign put out in front of my yard, or private property. Thank you for listening to my request.

Sgt. Jeff Loniewski, M.C.P.C. Traffic Division, addressed the Board stating that he has look at the request, however he would like more time to look at alternatives to the "No Parking" sign that would take away parking on the street.

Mayor Oberlie made the motion to TABLE this request until the next meeting on May 18, 2009. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

### **DISPOSITION OF GRIEVANCE**

Attorney Espar addressed the Board regarding the disposition of the grievance filed by the Michigan City Fire Department Local 475, dated April 24, 2009, stating that he has prepared recommendations for the Board's consideration and decision.

Mr. Schaefer made the motion that the grievance be denied. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Schaefer (2). NAYS: None (0). Motion carries.**

**Note:** For the record, Mayor Oberlie abstained from the vote as he did not attend the hearing.

**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	04/24/2009	\$414,257.61

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

Page	Date	Amount
1 of 5	05/04/2009	\$402,682.30

**ADDITIONAL BUSINESS – Michigan City Police Department’s Mobile Data System**

Attorney Espar addressed the Board with regards to the negotiations that the Police Department has reached agreements with various businesses throughout the city in connection with their Emergency Services Data Canopy System. Attorney Espar explained that Blue Chip Casino and Hotel is one of the businesses that is allowing an antenna to be placed on their hotel; he stated that Blue Chip has proposed an Addendum for the indemnification of Blue Chip. Attorney Espar stated that he has reviewed the Addendum, and recommends the Board’s approval.

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

**CITIZEN COMPLAINT – 219 Emma Street**

Ms. Vera Foster, 221 Emma Street, appeared before the Board to express her concerns regarding the vacant property at 219 Emma Street; she stated that the landlord does not live in Michigan City, and that she has previously spoken to the Inspection Department.

Mayor Oberlie addressed Ms. Foster, stating that the Inspection Department will do an inspection of the property and report back to the Board at the next meeting on May 18, 2009. Mayor Oberlie made the motion to refer the complaint to the code inspector. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**PROJECT UPDATE**

John Pavy with Haas & Associates addressed the Board to give them an update on the bridge over Trail Creek in Karwick Nature Park; he informed the Board that they received bids last Friday and have an apparent low bidder, and are in contract negotiations.

Attorney Espar asked Mr. Pavy how the easements were going. Mr. Pavy informed him that the easements are moving forward, and also stated that John Carr will forward the N.I.P.S.Co agreement to him.

**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 10:00 a.m.).

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Thomas F. Fedder, City Clerk