

# REGULAR MEETING - MAY 7, 2007

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, May 7, 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 16, 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  
Laura New, Office Manager, Parks & Rec. Dept.  
Bill Phelps, City Engineer  
Cpl. Ken Havlin, Traffic Division  
Jim Elwell, Supt., Central Services  
John Pugh, City Planner  
Al Walus, General Manager, Sanitary District  
Joseph Siegel, Zoning Administrator  
Rus Hatfield, Code Inspector

Thomas Fedder, City Clerk  
Carla Adams, Deputy City Clerk

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

President Metzcus informed the Board the Status Report/Discussion from the Inspection Department, page 2 of the Board Agenda, will be moved up for discussion:

## STATUS REPORT/DISCUSSION

Report from the Inspection Department, re: 128 Green Street.

Mr. Joseph Siegel, Zoning Administrator, introduced Mr. Rus Hatfield, new Code Inspector, to the Board. Mr. Siegel said they were there for a status report and update regarding 128 Green Street. He said this matter was brought before the Board on April 16<sup>th</sup> for an **order to repair** and since that time prospective new owners have provided an estimate for repairs, including structural, mechanical, and exterior work. Mr. Siegel advised that the department would recommend a reasonable time line for these new owners to get started. He said the Board has a copy of the estimate provided by the new owners Marco Kaedack and Angela Dahl, who were present this morning with their realtor Joy Pawlak of Select Realty.

Board President Metzcus asked if there were any comments or questions by the Board.

Mayor Oberlie moved to accept the recommendations of the Inspection Department. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

## 109 COMBS STREET

Mr. Siegel said this matter was before the Board two (2) weeks ago and Notice to Bidders have been sent out. He said the Board should have bids to open on June 4<sup>th</sup>.

### 1110 Michigan Boulevard

Mr. Siegel said there was a fire that destroyed this structure last February and a new owner has purchased the building and will voluntarily demolish within the next thirty (30) to forty-five (45) days.

### 109 Prarie Avenue (Sheridan Beach area)

Mr. Siegel said Mr. Phillip Dien was in the office this morning. Former Code Inspector Tarpley had sent him a notice telling him that he would be before this Board for an *Order to Repair* unless he started work. Mr. Siegel said he has obtained permits for remodeling and hopefully he will get started this next weekend. He has also asked Mr. Dien to go talk with his neighbors and try to amend relationships.

### TEST RUN FOR DERBY CARS

Mr. Johnny Stimley requests the closing of Elston St. to Wabash St. down Barker Avenue on Saturday, May 12<sup>th</sup>, 1:00 p.m. until 2:30 p.m.

Cpl. Ken Havlin, Traffic Division, said this is an annual event that is a positive influence for our city and supports the request. Cpl. Havlin said parking in that area would have to be closed, but feels it will be a good event.

Mayor Oberlie moved to approve both requests (Test Run for Derby Cars and the Soap Box Derby). The motion seconded by Mr. Metzcus was carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3).** **NAYS: None (0).**

### SOAP BOX DERBY

Mr. Johnny Stimley requests the closing of Elston St. to Wabash St. down Barker Avenue on Saturday, May 19<sup>th</sup>, 9:00 until 12:30 p.m.

Mr. Johnny Stimley wrote the following on April 16, 2007:

Johnny Stimley (872-0364)

Requesting:

From Elston St. To Wabash down Barker on Saturday, May 12, 2007 at 1:00 until 2:30 closing for test run for Derby cars.

Requesting:

From Elston to Wabash St. down Barker on Saturday, May 19, 2007 at 9:00 until 12:30 for the Soap Box Derby.

Requesting:

On July 7, 2007 at 9:00 police help with Running Wild 5K run and walk for the Washington Park Zoo.

### RUNNING WILD 5K RUN & WALK

Mr. Johnny Stimley requests Police assistance on Saturday, July 7<sup>th</sup> at 9:00 a.m. for the Running Wild 5K Run for the Washington Park Zoo.

Cpl. Ken Havlin, Traffic Division, said the Traffic Division spoke with Mr. Stimley and, unfortunately the Police will be busy that day. He said this is the big parade day in Michigan City and all resources will be busy with that event. Cpt. Havlin informed the Board that Mr. Stimley has spoken with Emergency Management, Mr. Jones, to see if that department could assist him, but that department also assists the Traffic Division on parade day. He said if he does run the event it would have to be without the assistance of the Police Department blocking off any streets.

Mayor Oberlie moved to table the request and ask Mr. Stimley to bring in some form of a plan on how he would secure the route. The motion was seconded by Mr. Schaefer and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3).** **NAYS: None (0).**

**RECEIPT OF BIDS**

Re: Medium Duty Bus for the Municipal Coach Department.

Mayor Oberlie opened and verbally explained the sole bid received by Mr. Tom Baldwin, Midwest Transit Equipment, 146 W. Issert Drive, Kankakee, IL 60901 in the total sum of \$218, 251.00.

Mayor Oberlie referred the matter for review and recommendations to the Municipal Coach Department, City Engineer, and the EEO Department to report back at the next regular scheduled Board meeting. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

**COMMENDATORY STREET SIGN**

Rev. Ronald Jones, Pastor, The Pleasant Hill Family, wrote the following on the 20<sup>th</sup> day of April, 2007:

On behalf of Pleasant Hill church we are asking if another street sign can be put up on the corner of 10<sup>th</sup> and Maple Street in honor of reverend Ernest Jones, Pastor Emeritus. He is a leader in our Community, was a pastor at Pleasant Hill Church for 25 years and always goes beyond his calling for helping others. Rev. Ernest Jones, over the years demonstrated his true gift as a servant leader which he has also instilled in others. He is the moderator of the United Baptist District Association and under his leadership he has given a vision to help those within the community, locally and nationally. Rev. Ernest Jones started a soup kitchen at our church over 13 years ago, started a monitoring program at the church in 1998. In 2006 he was presented with governor award down in Indianapolis for his outstanding service. In his honor we will be giving him a banquet on May 19 and a special program on May 20. If this street sign is granted for him we would be so appreciative if we could have it up by May 20<sup>th</sup> or your earliest convenience. If you have any questions please call me at 219-871-0920.

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

**4<sup>th</sup> ANNUAL PATCH/HARBORSIDE PICNIC**

Mr. Bennie Edwards, 129 Memorial Drive, wrote the following on April 27, 2007:

As Committee Chairperson for the "4<sup>th</sup> Annual Patch/Harborside Picnic", I would like your permission to conduct the picnic on August 11, 2007 at the former "Patch & Harborside home location between 4<sup>th</sup> and 5<sup>th</sup> Street. Our event is growing and more interest has come about for this annual function. Las year hundreds of citizens from around the country came back to represent an era of time that once they lived. Represented last year were NAACP, Black Expo and several candidates running for LaPorte County seats which we feel help unify the community. Each year we try to enforce a peaceful and entertaining event. We hope with your permission that we can continue our heritage event.. We expect more to attend this year because of the fun atmosphere presented in 2006. We (the Picnic Committee) appreciated the City's help in making this a great day for all and look forward towards your continued support.

The format of the picnic remains the same and the following would be appreciated:

- A. Each family will bring their own grills and food.
- B. Tents of small nature will be set up for comfort from the heat or rain
- C. Music utilized by a local DJ
- D. Blues Bands to play. Question: Could the City help in supplying electrical power?
- E. Parking on Michigan Blvd. – Will have to be permitted during the time from 9:00 a.m. to 9:00 p.m.
- F. Security is needed.
- G. 20 Trash cans, 20 picnic tables, and 4 Port-A-Posts from the Parks and Recreation Department.  
Question: Is it possible the Park Department could furnish Port of Pots? Tents and other picnic settings are responsibility of each family.
- H. Grass-cut by City
- I. Alcohol beverage in plastic containers, provided by family members on grounds.

I hope that his request granted and the citizens of Michigan City will take

this opportunity to fellowship together. If you need any further information, please call me at 872-2216.

Mayor Oberlie said this is an annual event in which he is not aware of any problems. He said the Board has allowed for parking during the day in the pass and have made the accommodations they have requested.

Cpl. Ken Havlin, Traffic Division, said this is an annual event and there has not been any problems. Sgt. Krauklis had a question regarding the sale of alcohol and was informed by Mayor Oberlie said that no liquor would be sold, it is BYOB (bring your own booze) and food. He said this event is just a reunion of good times of everyone who has lived in that area in the past.

Mr. Schaefer moved to approve the request by Bennie Edwards, seconded by Mr. Metzcus. The motion was carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

**CHANGE ORDER #2**

Laura New, Trails and Greenways Director, requests Hansen Park/Passive Park & Peanut Bridge Project Change Order #2.

Ms. New approached the Board and explained the Change Order #2 and stated the amount of the Change Order is \$8,994.90.

Mr. Schaefer moved to approve Change Order #2, seconded by Mr. Metzcus. The motion carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

**EXECUTION OF RESOLUTION**

Resolution of the Michigan City Board of Public Works & Safety, re: Administration by Michigan City Department of Parks and Recreation of: Passive Park, LWCF Trail, Peanut Bridge, and Winding Creek Cove.

**RESOLUTION NO. 2790**

RESOLUTION OF THE MICHIGAN CITY BOARD OF PUBLIC WORKS & SAFETY

RE: Administration by Michigan City Department of Parks and Recreation of: Passive Park, LWCF Trail, Peanut Bridge, and Winding Creek Cove.

WHEREAS, certain real estate owned by the City of Michigan City and known as "Hansen Park", has for many years, been administered by the Michigan City Department of Parks and Recreation (Park Department:) and,

WHEREAS, during the year 2006 through the benefits of grants from the Land and Water Conservation Fund ("LWCF") and the Lake Michigan Coastal Program Grant (LMCP), Hansen Park and certain other real estate acquired by the City (a.) from the Sanitary District (And described on Exhibit "A" to this Resolution) and (b) by Quit Claim Deed from Otis and Elsie Strefling (and described on Exhibit "B" to this Resolution) were improved to provide recreational trail and passive park facilities, for enjoyment and observation of nature by the public, and

WHEREAS, the Park Department has agreed to accept said real estate for administration and maintenance by action of the Park Board on May 3, 2007.

BE IT AND IT IS HEREBY RESOLVED by the Board of Public Works and Safety of Michigan City as follows:

of Michigan City, Indiana, acting by and through its Board of Public Works and Safety, hereby designates and assigns the real estate described in Exhibit "A" (the recreational trails system) and in Exhibit "B" (Winding Creek Cove) to the administration of the Michigan City Department of Parks and Recreation.

Department may place said real estate upon its list of facilities.

Resolution may be spread upon the records of the Park Department and the City Clerk.

Resolution is hereby adopted this 7<sup>th</sup> day of May, 2007.

- 1. That the Civil City
- 2. That said
- 3. That a copy of this
- 4. That this

INTRODUCED BY: Mayor  
Charles Oberlie

Mr. Schaefer moved to approve the adoption of the Resolution. The motion was duly seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (0). NAYS: None (0).**

**ROAD REQUEST**

Mr. Bruce A. Randall, 210 N. Lake Avenue, wrote the following:

I am requesting a road to my home. Currently there is no access for an automobile, ambulance, or any other type of emergency equipment.

The construction taking place on the North side of Colfax and Lake Avenue has removed the side walk and replaced it with a curb cut, elevated ramp for parking a car, and eight concrete stairs. There has also been another curb cut for a drive way on the West side of the same mentioned property. The now 2 private parking areas for this house have resulted in losing 3 public parking spots.

My request will not result in the loss of any parking for my neighbors and will help remove the competing of my 3 vehicles for the remaining vehicles for the remaining valuable spots.

This road has always been recorded on maps even the one located on the wall outside of the planning department. Type my address on

Map Quest and you will see its existence. After digging a hole in the sand the former street has been visually seen.

The following streets; California, Louisiana, Georgia, and Illinois all have been paved appropriately allowing access to the homeowners for the protection we all deserve equally.

Attached: photos regarding the replaced sidewalk, curb cuts, the street below the sand, and The streets mentioned above.

Ps. I also recommend a sewer for the three homes along N. Lake Ave. It will help elevate the problems of the other 6 houses and 3 new town homes.

Mayor Oberlie advised there is also a request for some sewer questions and we should formally refer the action to the City Engineer and the Sanitary District to evaluate the sewer in that particular block and provide the drawings that show the right of way in that area.

Mr. Metzcus moved to refer the request to the City Engineer and the Sanitary District. The motion was seconded by Mayor Oberlie and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

**TRUNK SALE**

Mr. Roger F. Potratz, President of Mainstreet Association, wrote the following on the 30<sup>th</sup> day of April, 2007:

I am writing to you as the President of the Michigan City

Mainstreet Association. On June 23, 2007, the association would like to help expand the planned activities of the day, which already includes the Kiddies Parade in the morning and the Auto Cruise in the afternoon, by hosting two additional events.

These are: a kid's activities day (Kid-O-Rama) possibly to be held in the playground of St. Paul's Church with such activities as face painting, games, balloon tying, and, in conjunction with that, an automobile trunk sale to be held on the east side of Franklin Square between the 8:00 and 7:00 blocks and on 7<sup>th</sup> and 8<sup>th</sup> Streets.

It is my understanding that this type of event (trunk sale) was held in LaPorte and was very successful in helping to bring people downtown for a full day activities. Here in Michigan City we can tie it into the Kiddies Parade on the morning side end and end the day with cruise in the afternoon, adding an extra draw to bring people into the 'downtown' or the Mainstreet section of our City. During this time, there will also probably be food and drink vendors in the area.

The Board of Directors of the Mainstreet Association and I, as President, are therefore making a request that the East side only of the 700 and 800 blocks of Franklin Square and the entire width of 7<sup>th</sup> & 8<sup>th</sup> Streets from Washington to Pine be blocked off from 10:00 A.M. Saturday, June 23, until 1:00 P.M. of the same

day to allow space for a trunk sale.

Thank you for your consideration of request. Attachment - Minutes for April Board Meeting pertaining to the Car Trunk Sale, see page 3.

Cpl. Ken Havlin, Traffic Division, said Sgt. Krauklis spoke with this gentleman and what would be needed is to block off the 100 block of E. 8<sup>th</sup> Street during the event to be barricaded off (that one block area). Cpl. Havlin said his department would recommend the event.

Mr. Schaefer moved to approve the request, seconded by Mr. Metzcus. The motion was carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (0). NAYS: None (0).**

### **MOBILE FOOD TRAILER**

Mr. Sam Mitchell, President, Dunes Fellowship House, wrote the following on May 2, 2007:

The Dunes Fellowship House is a non-for-profit corporation. As such, it is responsible for the maintenance and operation of the property and contents of the "house". We have been in operation since 1972.

Our main objective is to furnish a safe and sober environment for recovering alcoholics and addicts, so that they may begin to lead a healthy and productive life.

The Dunes House has recently experienced some financial difficulties and we are in jeopardy of having to close our doors.

We are requesting permission to operate a mobile food trailer, which we intend on having inspected by the local Health Dept.

The location which we are requesting is located on the corner of 6<sup>th</sup> St. And Pine St. (where the Memorial Hospital Heli-pad once was).

The hours of operation we are requesting are a 4-day week, with

hours from 11:00  
A.M. to 7:00 P.M.

We would appreciate the opportunity to speak with you on the above mentioned.

Thank you for your time.

Mr. Sam Mitchell, President, Dunes Fellowship House, approached the Board and explained his plans regarding the request.

There was discussion among Mr. Mitchell and Mr. Metzcus regarding the number of cars parked in that area. Mayor Oberlie said this matter should be referred to the Redevelopment Department because there are some covenant use and structures. He said before this Board can grant approval we need to make certain those covenants are proper.

Mayor Oberlie moved to refer this matter to the Department of Redevelopment so their attorney can review and make recommendations regarding the approval from this Board. The motion was duly seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

**PARADE PERMIT**

Mr. Roger Storey, Commander, American Legion Post 37, wrote the following on the 28<sup>th</sup> day of April, 2007:

The American Legion, John Franklin Miller Post 37 is in the process of organizing the 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, 5-28-07.

The parade will line up at May St and Washington St. Step off will be at 10-AM, and will cross Franklin St. to Decatur St. to Greenwood Cemetery. A short program will follow at the Grand Army of the Republic Monument.

We also request the Street Dept. To check for low overhanging limbs so our flags will not be interfered with on the parade route.

Thank you for your prompt attention to this request.

Cpl. Ken Havlin, Traffic Division, said this is an annual event that we host here in Michigan City, which is great for our community and his department supports this request.

Mr. Schaefer moved to approve the request, seconded by Mr. Metzcus and the motion was carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

**EXECUTION OF CONTRACT**

Re: JK Enterprises by Janet L. Kostielney (Marketing and Community Relations Consultant).

**Contract**

Whereas, the City of Michigan City desires to engage JK enterprises as Marketing and Community Relations Consultant, and

Whereas, JK Enterprises desires to be engaged as Marketing and Community relations Consultant.

Now, therefore, it is agreed that the preamble to this Contract be and the same hereby is Contract by reference and that it is further agreed as follows:

Section 1: JK Enterprises will:  
a. Create strategic plans of action, approved by Mayor, and manage all relevant tasks

related to these plans of action;

b. Commit 40 hours per week toward the achievement of the stated goals;

c. Provide bi-weekly reports and invoices;

d. Provide an off-site office accessible via fax, telephone, and e-mail;

Section 2: City of Michigan City will:  
a. City of Michigan City will:

- 1.
- 2.

Provide JK Enterprises with 1099 forms annually.

Provide JK Enterpr

Section 3:  
Financial  
Considerations

a.

JK Enterprises shall be paid a be-weekly fee not to exceed \$1,600.00 for professional services in developing and carrying out the action plan activities.

b.

JK Enterprises shall be reimbursed for out-of-pocket expenditures including registration fees, room and board and coach air fare, for attending out of town events and activities as authorized by the Board. Authorized out-of-county mileage will be reimbursed at the rate of \$.38 per mile.

Section 4:  
conflicts of  
Interest

a.

JK Enterprises remains free to represent other clients which are not in conflict with the Goals and objectives of the City of Michigan City and the Mayor.

Section 5: Term  
and Termination  
a. Term  
and Termination

1.

This a

Section 6:  
Independent  
Contract  
Relationship

a.

The parties intend that this Agreement create an independent contractor relationship between them. The City of Michigan City is interested only in the results achieved by the services of JK Enterprises; the manner of legally achieving those results is the Responsibility of JK Enterprises. JK Enterprises is a professional person and is not an agent or employee of the City of Michigan City for any purpose. The City of Michigan City is not responsible for deducting from payments to JK Enterprises any amounts for withholding tax, FICA, insurance or other similar items relating to JK Enterprises. JK Enterprises shall be solely responsible for paying such items.

Enterprises

Kostielney

Accepted by JK

By Janet L.

Date: 5/11/07

Accep

By To

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

Councilman Paul Przybylinski, 1716 Washington Street, approached the Board and spoke about issues with our sewer and infrastructure projects within the City.

**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	04/27/07	\$425,173.25

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

Page	Date	Amount
1 of 6	05/04/07	\$1,226,781.46

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 9:32 a.m.).

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Thomas F. Fedder, City Clerk

*Thomas F. Fedder*