

# REGULAR MEETING – MAY 17, 2010

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, May 17, 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

Officer Kevin Urbanczyk, M.C.P.D. Traffic Division

John Pugh, Director Planning & Inspection Departments

Bill Phelps, City Engineer

Dave Lamb, Fire Chief, M.C. Fire Department

Judy Pinkston, Community Development Director

Russ Hatfield, Code Enforcement Officer

Joe Siegel, Zoning Administrator

Ta-Tanesha Clark, Executive Director Human Rights, EEO Officer

Frank Seilheimer, City Forester

Jack Kahn, Street Director, Central Services

Charlie Cate, Superintendent Central Maintenance

Gale Neulieb, Deputy City Clerk

Kim Sliwa, Asst. Deputy City Clerk

**APPROVAL OF MINUTES**

Mr. Schaefer moved the minutes of the Regular Meeting of May 3, 2010 be approved as printed. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

#### **AWARDING OF BIDS – 2010 Sidewalk Program**

Bill Phelps, City Engineer addressed the Board stating the successful bidder for the 2010 Sidewalk program is Reith & Riley Construction Co., Inc. in the amount of \$214,075.00. Mr. Phelps asked the Board for approval to award the bid.

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

Dennis Metheny, Coolspring Township Trustee, addressed the Board regarding sidewalks along Coolspring Avenue with the new construction.

Mr. Phelps stated there will be sidewalks on both sides of Coolspring Avenue.

#### **ENGINEERING DEPARTMENT – Dickson/Eighth Street Reconstruction Project**

Bill Phelps, City Engineer addressed the Board regarding a Proposal for Professional Engineering and Design Services from John A. Doyle & Associates, Inc. for the reconstruction project at Dickson/Eighth Street. Mr. Phelps recommended the Board approve the Letter of Agreement.

The Mayor made the motion to accept the recommendation of the City Engineer and approve the Agreement. The motion was seconded by Mr. Schaefer and carried as follows:

**AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

**OPENING OF BIDS – NSP Phase I Demolitions**

- Property #1: 116 Grant Street
- Property #2: 907 Ohio Street
- Property #3: 1715 Tennessee Street
- Property #4: 121 Dole Street
- Property #4-A: 125 Dole Street
- Property #5: 410 Williams Street
- Property #6: 408 Greeley Street

Mayor Oberlie opened the following received bids:

Actin/TRI Contracting, LLC . . . . .	\$55,372.00
Phelps Construction . . . . .	\$50,750.00
Howard’s Excavating . .two (2) different amounts listed	\$53,400.00 & \$52,450.00
T.R.I., Inc. . . . .	\$54,652.00

Mayor Oberlie made the motion to refer the bids to the Community Development Office for tabulation and reporting at the next meeting (June 7, 2010). The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

**ORDER TO DEMOLISH – 614 Dupage Street, Owner-J.P. Morgan Chase Bank**

Bruce Arnold, representing J.P. Morgan Chase Bank addressed the Board regarding this property stating that currently the property is not owned by the Bank, but the property is in foreclosure at this time and is set for Sherriff’s sale in June by the original owner.

Mayor Oberlie made the motion to TABLE this item until the representatives has a chance to meet with the Code/Inspection Department.

Corporate Counsel, John Espar addressed Russ Hatfield, Code Enforcement Officer with regards to the title holder and parties with substantial interest. Counsel Espar stated that notice has not been received by Lucille Krueger. Counsel Espar addressed the representative from J.P. Morgan Chase Bank with regards to the status of the foreclosure action. Counsel Espar was informed that there is a foreclosure judgment on the property and the property is scheduled for Sherriff's sale on June 11, 2010.

Mayor Oberlie made the motion to TABLE this item until the June 21, 2010 meeting, and to provide additional notice. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

**ORDER TO DEMOLISH – 1203 E. 2<sup>nd</sup> Street, Owner-John Chalikian**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property, asking for the Board's approval to proceed with the demolition.

Mr. John Chalikian, owner of 1203 E. 2<sup>nd</sup> Street addressed the Board regarding this property, and the problems he has been having getting the proper permits to rehabilitate and/or sell the building.

Discussion ensued between Mr. Chalikian, Mayor Oberlie, Russ Hatfield and Corporate Counsel John Espar.

Mayor Oberlie set the Hearing date for June 7, 2010. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

Corporate Counsel Espar stated for procedural clarification that the June 7, 2010 hearing will be the Hearing on the Order to Demolish; whether to uphold the order, rescind it or modify it. Counsel Espar further stated this will give Mr. Chalikian the opportunity as he requested to secure the assistance of Counsel at the hearing.

#### **OPENING OF BIDS – Surplus Property**

Corporate Counsel John Espar addressed the Board regarding the properties offered for sale to the public after acquisition from the County to return them to adjacent property owners, and to return them to the tax rolls. Counsel Espar explain to the Board the reason these two (2) properties where bid on again. Counsel Espar informed the Board of the following bids:

Parcel no. 460131207016000022 – Hatie Jackson, 333 Holiday Street

And - Dennis Metheny, 6757 W. 450 N. Road

stating that Mr. Metheny bid \$501.00 and should be awarded the property.

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

Mr. Dennis Metheny, 6757 W. 450 N. Road addressed the Board “thanking” them for accepting his bid.

Counsel Espar addressed the Board regarding the second (2<sup>nd</sup>) parcel and the specifics involved:

Parcel no. 460122404032000022 – Gordon Wilson, 504 Nahas Road

And - Emma Williams/Hicks, 510 Nahas Road

stating that Ms. Williams/Hicks bid \$20.00 and should be awarded the property.

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

#### **SOLICITATION OF BIDS – Central Maintenance for two (2) Dump Trucks**

Charlie Cate, Superintendent, Central Maintenance addressed the Board regarding the request stating the Council has approved the amounts to replace one (1) single axle dump truck, and one (1) tandem axle dump truck for the street department for this year.

There was discussion about the bid date, which was set for the June 21, 2010 Board meeting.

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

#### **REQUEST TO CLOSE STREET – St. Joseph Young Men’s Society, Inc.**

The following correspondence was received in the Clerk’s Office on May 17, 2010 from Greg Orzech, Vice-President, St. Joseph Young Men’s Society, Inc.:

St. Joseph Young Men’s Society, Inc. would like to request Tillottson Avenue be closed from Franklin Street to Washington Street for the three (3) days of our festival which is being held on June 25, 26, 27, 2010, which is Friday, Saturday and Sunday. In addition to Tillottson Avenue being closed, we are requesting the north sidewalk on Tillttson be also closed during that time. We will provide proof of insurance to the City for their files.

If you have any questions regarding this matter, you can contact me; Greg Orzech, Vice-President of the St. Joseph Young Men's Society at 877-4967.

Office Kevin Urbanczyk, M.C.P.D. Traffic Division addressed the Board regarding this annual request; stating there has been no trouble in the past, and recommend approving the request upon receipt of their Certificate of Insurance being received in the Clerk's Office prior to the event.

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

#### **REQUEST FOR CAR CRUISE – Tabled from May 3, 2010**

The following correspondence was received in the Clerk's Office on May 3, 2010 from Bob Smith, 303 Earl Road:

I would like to conduct a car cruise on Saturday, May 29. Approximately 50-75 cars. We have acquired permission from Menards to meet in their parking lot. The route to be taken – the cruise will leave Menards at approximately 2:00 p.m. and will head north on Franklin Street to 4<sup>th</sup> Street, East on 4<sup>th</sup> Street to Pine Street. North on Pine Street down to Washington Park, then leaving the park we will be heading South on Washington Street to Tillottson Avenue. Then East on Tillottson Avenue to the final destination at the St. Joe Club parking lot. The objective is to use off duty police officers to help conduct the cruise. Thank you for your consideration.

Mr. Smith addressed the Board regarding the specifics for this event; stating he has spoken with the Indiana Department of Transportation, who informed him that they do not issue permits for a road closure of less than one (1) hour.

Mr. Schaefer made the motion to approve the request subject to proper traffic control, and receipt of Certificate of Insurance in the Clerk's Office.

Officer Kevin Urbanczyk, M.C.P.D. Traffic Division addressed the Board stating after inspecting the proposed route they have compiled a list of twenty-five (25) intersections that are either controlled by traffic signals or stop signs that will require the presence of a police officer. Officer Urbanczyk stated at the last meeting he informed the Board of other car cruises with similar routes requiring anywhere between twenty (20) and twenty-five (25) officers at a minimum overtime cost of approximately \$1,400.00. Officer Urbanczyk recommended a minimum of at least ten (10) off-duty officers; the Fire Department has asked to staff this event at the City's expense of overtime costs of approximately \$800.00, therefore, the Traffic Division would refer the recommendation on this matter to the Board.

Mayor Oberlie clarified the Board's motion to approve the event was subject to proper traffic control to be provided by the sponsors, not the city, receipt of Certificate of Insurance in the Clerk's Office and the necessary officers (10) required for this event.

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

#### **ADDITIONAL BUSINESS**

John Pugh, Director, Planning and Inspection Department addressed the Board regarding a request for a "Dusk to Dawn" light at 908 E. Michigan Blvd. reporting the status of the findings by the M.C. Police Department and the Inspection Department indicating the request was for a light in the alley. Mr. Pugh stated the M.C. Police Department will continue to monitor this area for safety issues, and that the owner has the option to put a light up on her property. Mr. Pugh indicated that the City does not approve the installation of lights in alleys.

**Note:** For informational purposes only.

#### **ADDITIONAL BUSINESS**

Dennis Metheny, 6757 W. 450 N. Road addressed the Board giving “thanks” to Mr. Phelps, City Engineer for his work on the manhole covers below the street level, as well as the sidewalks on Coolspring Avenue. Mr. Metheny addressed a citizen concern about pedestrians walking in the street rather than on the sidewalk; asking if there was a City Ordinance regarding this.

Officer Kevin Urbanczyk, M.C.P.D. Traffic Division addressed the Board stating that State Law indicates anytime there is a sidewalk provided, pedestrians and bicyclists are to use the sidewalk. Officer Urbanczyk further explained that if a sidewalk is not available, pedestrians are to use the far right side of the roadway.

Mr. Metheny addressed the Board about his concerns at Pine Tree Courts-Garden Estates. Mr. Metheny suggested the Management Company for the apartment complex be the one’s charged for calls for assistance, and then perhaps some of the problems will stop.

Mayor Oberlie responded to Mr. Metheny’s concerns.

**Note:** For informational purposes only.

#### **ADDITIONAL BUSINESS**

Bart Lombard, 625 Faulknor Street informed the Board of the 2010 Firefighter Application Process, and thanked all those involved.

Mr. Lombard also addressed the Board regarding the sixty (60) day extension the Board signed with A.L.Co., stating it would expire on May 31, 2010; asking the Board if a decision has been made with regards to signing a longer contract.

Corporate Counsel Espar replied to Mr. Lombard asking if A.L.Co. would be interested in continuing under the same terms and to continue providing service. Counsel Espar indicated he would contact Mr. Lombard after conferring with the Common Council with regards to the length of terms.

**Note:** For informational purposes only.

#### **ADDITIONAL BUSINESS**

Tom Moss, 202 Beachwalk Lane, Beachwalk, LLP, addressed the Board regarding his previous request regarding access to Beachwalk property.

Corporate Counsel Espar addressed Mr. Moss advising that his review of the material/documation that has been supplied to date is complete, and indicated there are still more questions regarding the specifics of the improvements. Counsel Espar asked Mr. Moss to provide to his office all phases, including any Master Plan documents or contracts for the Beachwalk development for his review.

Discussion ensued between Counsel Espar and Mr. Moss about his request to open up a public right of way on Lakeshore Drive at Stop 11, and at Tecumseh Road. Counsel Espar addressed the curb cut on Karwick Road asking Mr. Moss to supply documentation for the recorded easement.

**Note:** For informational purposes only.

#### **ADDITIONAL BUSINESS**

Mr. & Mrs. Richard Lange, 1801 Lakeshore Drive addressed the Board with their concerns regarding the scope of work being proposed by Mr. Moss and Beachwalk, LLC. Mrs. Lange presented the Board with a copy of a letter written to Boyd Phelps, City Engineer, which

has been included in the Board’s record. Mrs. Lange stated she had spoken with Mr. John Doyle of John A. Doyle and Associates, Inc. stating concerns since there are no plans on the building of the roads, such as drainage, sewers for water run-off, composition of under pavement, direction of the roads (not identified) and no termination point for the roads.

**Note:** For informational purposes only.

**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). 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	05/07/2010	\$419,289.66

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

Page	Date	Amount
1 of 5	05/17/2010	\$748,147.46

**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 10:15 a.m.).

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Thomas F. Fedder, City Clerk