

# REGULAR MEETING – June 1, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, June 1, 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 Chuck Oberlie, Member;  
And John Schaefer, Member (3).

**Absent:** None (0).

## A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporation Counsel  
Al Walus, General Manager, Sanitary District  
Bill Phelps, City Engineer  
John Pugh, Director, Planning & Inspection  
Dave Lamb, Chief, M.C. Fire Department  
Jim Elwell, Superintendent, Central Services  
Jack Kahn, Street Director, Central Services  
Monique Cook, Office Manager, Central Services  
Charlie Cate, Superintendent, Central Maintenance  
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division  
Asst. Chief Mark Swistek, M.C.P.D. Administration

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

## APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of May 18, 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.**

## AWARDING OF BID – Karwick Bridge Project

John Pugh, Director, Planning & Inspection addressed the Board to introduce Mr. John Pavy of Haas & Associates, the Engineering Consultant. Mr. Pugh informed the Board that the bids have been reviewed and a recommendation has been made.

Mr. Pavy addressed the Board informing the Board they would like to award the bid for the Karwick Nature Bridge to Tonn & Blank for items 1-13 and 15 only. Mr. Pavy also requested that the Board call a Special meeting for the end of the month to meet to approve a pay application request for this job. Mr. Pavy stated that in accordance to the additional grant for this project there needs to be a certain amount of the funds allocated to the project to receive the additional grant funding for the Lake Michigan Coastal Grant Program. Mr. Pavy also updated the Board on the Temporary Construction Access Easements.

Mayor Oberlie asked for the values of items 1 -13 and 15. Mr. Pavy replied \$268,933.31. Mayor Oberlie informed the Board of the EEO Contract Compliance findings of the two (2) bidders. 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.**

Mayor Oberlie asked for a Special Meeting to be held at 8:00 a.m. on Monday, June 29, 2009 as per Mr. Pavy's request.

### **USE OF EASEMENT – 1602 Lakeshore Drive**

Bill Phelps, City Engineer addressed the Board regarding the correspondence received from Mitch Feikes Builders, Inc. in relationship to the fifty (50) feet of City property immediately adjoining to the west; to be used during the demotion and then construction of a new home. Mr. Phelps recommended the Board allow the contractor use of this property for the intended purposes.

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

### **PETITION FOR VOLUNTARY ANNEXATION**

The following correspondence was received in the Clerk's Office on May 27, 2009 from Attorney Michael Bergerson:

This will confirm the request on behalf of my client, Oehmstead Properties, LLC to be placed on the agenda of the next regularly scheduled meeting of the Michigan City Board of Public Works to resolve any issues raised by the Common Council related to the fiscal plan being considered in conjunction with the petition for voluntary annexation filed by my client.

For the record, my client is not seeking the expenditure of any public funds for the extension of city services to this property as such services already exist for the adjoining real estate also owned by my client.

Attorney Bergerson addressed the Board with regards to this correspondence asking for the Board's assistance in regards to the Voluntary Annexation of this property.

Mayor Oberlie stated there has been a Controller/Council meeting wherein discussion covered using the City Controller with regards to the request, instead of hiring out. The Mayor made the motion to refer the matter to the City Controller, who would in-fact prepare the recommendation based on information from the appropriate departments. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

### **NOTICE TO BIDDERS – One (1) Single Axle, 10ft. Dump Truck**

Tom Fedder, City Clerk informed the Board that "The Notice to Bidders" was not placed in the News Dispatch on May 5 & 12, 2009. The Clerk's Office will be placing the ad in the paper on June 2 & 9, 2009, opening the bids at a Special Meeting of the Board of Public Works & Safety on Monday, June 29, 2009 at 8:00 a.m.

Charlie Cate, Superintendent, Central Maintenance addressed the Board stating he has contacted the bidders about the changed date for opening of the bids.

**Note:** This is for informational purposes only.

### **REQUEST TO USE VACANT PROPERTY**

The following correspondence was received in the Clerk's Office on May 20, 2009 from Allan Whitlow, Executive Director, Boys & Girls Club of Michigan City:

The Boys & Girls Club of Michigan City respectfully requests permission to use the field bounded by 5<sup>th</sup> Street, Spring Street, 6<sup>th</sup> Street and Pine Street again this year for summer program activities. Our summer program will begin June 15 this year. A copy of our liability insurance coverage term and limits is included with this request.

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

**REQUEST FOR DESIGNATED PARKING SPACES**

The following correspondence was received in the Clerk’s Office on May 21, 2009 from Pete Lange, Owner, Head Butcher, Langes Meat Market, 218 W. 7<sup>th</sup> Street:

This Memorial Day weekend is our 18<sup>th</sup> Memorial Day weekend here at 218 West 7<sup>th</sup> Street, right here in Michigan City! In the years of having Lange’s Meat Market, I have witnessed much new growth to our North End. I think it is just wonderful to see the entire 7<sup>th</sup> Street area flourishing! Hard work and devotion to business does pay off.

However, in recent past months, parking has become a major issue. When Tonn and Blank built this building 17 years ago, I was told by the city that I needed to provide “off street parking” for my employees. We agreed, and we park on the side of our market. When Lighthouse Place employees were taking parking spots on 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Streets, action was taken, and employees parked on Outlet property.

The last three weekends, I have done a study on the cars that take up the parking in front of my store. The average time on Saturday is 4 ½ hours, and on Sunday is 7 hours. The average stay of my customer is 8 minutes.

I would like to ask the Board for permission to denote the first 2 parking places in front of my business (west of alley) to Lange’s Meat Market parking, 9:00 am to 6:00 pm. I would have two signs made per your approval and place in front of the two spots. This action just makes sense and I know customers and tourists will appreciate this.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating he has spoken to Mr. Lange with regards to this request, and informed him that at present there are no ordinances that restrict parking on public streets. Sgt. Loniewski informed the Board that he discussed the vacant lot owned by Lange’s Meat Market as a source of private parking for customers, and stated this would be his recommendation.

Mayor Oberlie made the motion to refer the request to the Engineer and Planner to work with the property owner regarding this issue. The Mayor also suggested looking again at a comprehensive analysis of parking in the downtown area as it is an issue that continues, both on the square and the side streets. 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**

Mr. Metzcus, 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 9	05/20/2009	\$425,383.00
1 of 3	05/27/2009	\$43,269.59
1 of 3	06/01/2009	\$233,018.24

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

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Page	Date	Amount
1 of 4	06/01/2009	\$801,582.60

## **ADDITIONAL BUSINESS**

### **NO PERMIT ISSUED**

Mr. Tom Moss, representing the Beachwalk Property owners Association, and also adjacent property owner's to this question, addressed the Board regarding the recent construction of a driveway of one of the member homeowners, from Lakeshore Drive; although it does not qualify under their covenants and they are pursuing that matter; the address involved is 1123 Lakeshore Drive, the homeowner's name is Barry – he began working without a curb cut permit from the City – and he's proceeding, despite the fact that he is now in full knowledge of that. Mr. Moss would ask the Board to consider whether the city could do a Stop Work Order until a permit is obtained and heard before this Board; there is no permit issued.

Mayor Oberlie asked if Mr. Phelps would not normally issue the stop order itself.

Mr. Bill Phelps, City Engineer, replied normally if they come before him; but the party never did and he was unaware of the situation. Mr. Phelps stated one of the Attorneys asked if he has issued one and he replied that he had not, because no one ever approached him; therefore he didn't have the opportunity to say "yes" or "no".

Mayor Oberlie stated that Mr. Phelps has the authority to stop the construction since there's no permit.

Mr. Phelps replied that he had rescinded the permit before, after it was issued.

Mayor Oberlie stated this is an administrative issue of the Engineer, not this Board.

Mr. Moss stated that this is urgent because he is proceeding and it will be a done deal.

### **CITIZEN COMPLAINT – 219 Emma Street**

Ms. Vera Foster, 221 Emma Street, appeared before the Board again to express her concerns regarding the vacant structure at 219 Emma Street. Ms. Foster stated no one has lived in the house for some years, and something needs to be done about it.

John Pugh, Director, Planning and Inspection addressed the Board and Ms. Foster and assured them that the Code Enforcement Officer, Russ Hatfield will visit the property and prepare a report for the Board for their next meeting, June 15, 2009; a copy of the report will be forwarded to Ms. Foster.

### **UPDATE ON GRAFFITI INCIDENTS**

Mark Swistek, Chief of Operations, M.C.P.D. addressed the Board and presented them with a handout of the 2009 Graffiti Reduction Program. Chief Swistek informed the Board that the Graffiti ratification within the community has begun and there has been some progress. Chief Swistek stated that the original waiver forms will be kept on file at Central Services; there is a Task Force meeting scheduled for Tuesday, June 2, 2009 at 11:00 a.m. to set some objectives for the next several weeks.

Corporation Counsel John Espar asked Chief Swistek if any of the violators have been identified and if action has been taken. Chief Swistek replied "yes" and informed the Board of the outcome so far.

## **ALCO**

Bart Lombard, 625 Faulknor Street, Director of Operations Access LaPorte County addressed the Board asking to be put on the next Board of Public Works and Safety Agenda for June 15, 2009; and to find out the availability of Corporation Counsel to meet prior to that meeting to try to work some kind of language in the current contract. Mr. Lombard informed the Board that ALCO will be submitting some updated proposal figures, and is looking for a July 1<sup>st</sup> deadline for the Channel 99 issue.

Mr. Lombard also addressed the Board about some ongoing issues with some of the microphones during the cablecasts and asked permission to come in and test the equipment.

Mayor Oberlie addressed how cell phones also interfere with the recording. The Board gave their approval for the testing of the equipment.

## **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 9:30 a.m.).

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Thomas F. Fedder, City Clerk

**Clerk's note:** The City Clerk changed the Original Bid Opening date from June 15, 2009 at 9:00 a.m. to June 29, 2009 at 8:00 a.m. per State Statute to allow the ten (10) days needed after the second Notice to Bidder's ad publication.