

REGULAR MEETING – June 15, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, June 15, 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, Corporatation Counsel
Al Walus, General Manager, Sanitary District
Bill Phelps, City Engineer
John Pugh, Director, Planning & Inspection
Dave Lamb, Chief, M.C. Fire Department
Jack Kahn, Street Director, Central Services
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division
Russ Hatfield, Code Enforcement Officer
Shelley Dunleavy, Personnel Director

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

Ron Miller, WEFM Radio

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of June 1, 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.**

STATUS OF PROPERTY – 219 Emma Street

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this structure. Mr. Hatfield stated that an exterior inspection of this property did reveal it to be in violation of city ordinances, and that a letter was mailed to all parties with substantial interest in this property notifying them of the violations. Mr. Hatfield received a call from Mr. Larry Boedsma, who stated he was in charge of the property. Mr. Hatfield explained to him that the City would need to see immediate attention to the exterior of the property and that the grass needs to be routinely maintained. Mr. Hatfield asked to have within fourteen (14) days a detailed timeline outlining the repairs of the structure, which will be subject to the Inspection Department's approval.

Ms. Vera Foster, 221 Emma Street, appeared before the Board again to express her concerns regarding the vacant structure at 219 Emma Street.

Mayor Oberlie asked that this item be placed on the Agenda for July 6, 2009. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

APPROVAL OF CONTRACT

Shelley Dunleavy, Personnel Director addressed the Board regarding the contract the City has with the Madison Center for E.A.P. (Employee Assistance Program) services; Mrs. Dunleavy informed the Board that earlier this year the Madison Center gave up their E.A.P. services, and a company by the name of New Avenues has taken over. Mrs. Dunleavy presented the Board with a Business Associate Agreement between the City and New Avenues; which complies with the security and privacy provisions of HEPA. Mrs. Dunleavy stated the length of the new contract is from July 1, 2009 to December 31, 2010; the contract is structured the same as the one with Madison Center, and the cost to the City will not change.

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

TRIATHLON

The following correspondence was received in the Clerk's Office on May 29, 2009 from Jeremy Kienitz, Recreation Director, Michigan City Parks & Recreation:

The Michigan City Parks and Recreation Department is teaming with the LaPorte County Convention and Visitors Bureau to host our first annual Michigan City Triathlon on Saturday, August 22, 2009. The triathlon will consist of a 1.5k swim, 40k bike and 10k run. The event will begin in Washington Park and move through downtown Michigan City and through Long Beach. The Michigan City Triathlon is requesting the closure of roads for this event from 7 am – 11 am. We have already contacted Sgt. Jeff Loniewski, Michigan City Police Department, and he is on board with this request and their assistance in our event. Chief Sulkowski, Long Beach Police Department, and the Long Beach Town Council have approved the route and given consent to shut down the requested roads in Long Beach for the triathlon.

Upon approval from the Board of Works, we are requesting the following closures of roads for the MC Triathlon:

- 2nd St to HWY 12 (around Police Station)
- Washington to 9th St
- 9th St to Pine St
- Pine to HWY 12
- Pine to Bridge/Lake Shore Dr.
- Lake Shore Dr. to Washington Park Main Entrance
- Lake Shore Dr. (Fedders Alley) into Long Beach
- Moore Rd. (from Lake Shore Dr. to Notre Dame Church/School)

A map has been attached to clearly translate the exact bike route. All businesses, restaurants and home owners will be notified via press release and flier well in advance of the event. If you have any further questions, I can be reached at (219) 873-1506. Thank you for your consideration in assisting our event.

Jeremy Kienitz addressed the Board asking for their approval for this event. Mr. Kienitz explained the street closures would be from 7:00 a.m. to approximately 9:30 a.m. for the bike portion of the triathlon.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division informed the Board of his recommendation of this request, and how service vehicles for the other events taking place at Washington Park would access the area. Mr. Schaefer moved 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.**

REQUEST FOR HANDICAP PARKING SIGN

The following correspondence was received in the Clerk's Office on May 29, 2009 from Mr. Rickey Young, 115 Edward Street:

My name is Rickey Young. My address is 115 Edward Street in Michigan City, IN. I am a person who is disabled and I'm requesting a Handicap Parking Sign be put at my residence, because I'm having problems getting to my home. (Plate number 198133) Thank you for your help.

John Pugh, Director, Planning and Inspection Department reported that his office has not had the opportunity to look into this item.

Rickey Young, 115 Edward Street addressed the Board regarding his request.

Mayor Oberlie referred the request to the Planning and Inspection Department, and the Michigan City Police Department's Traffic Division for their recommendations to be heard at the July 6, 2009 Board of Public Works and Safety meeting. 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 OFFER CARRIAGE RIDES

The following correspondence was received in the Clerk's Office on June 2, 2009 from Rachel Halter and Danielle Koonce, Country Lane Carriages, 6944 N. Wilhem Road, LaPorte, IN:

Country Lane Carriages would like to run one vis-à-vis carriage that can hold up to four passengers at one time in the City of Michigan City. A photo is enclosed. We have been in business as of Oct. 2008. Collectively the drivers have 35 years experience with draft horses. The horses we will be using are Belgian Draft Horses. As a company we hold a million dollar insurance policy through Cananwill INC. which is available upon request. The time frame we would like to run is as follows: Starting June first through September thirty-first, Sunday through Saturday, two p.m. till dusk which is negotiable. The highlighted route is what we would like to take, you can find it located on the enclosed map. The carriages are all well maintained and equipped with lights and brakes along with a slow moving sign. Carriage will also contain a professionally trained driver and porter for the safety of our guests and those around. The horses will be wearing rubber shoes to preserve the road along with a manure catching device to be worn by the horse. An environmentally safe solution will be on hand for use in the event of urine on the road. Any further questions or additional information can be directed to Country Lane Carriages 219-778-4434 or by email at countrylanecarriages@yahoo.com.

Mayor Oberlie made the motion to refer the request specifically to the Corporation Counsel's Office for review for compliance with the City Codes. 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 SEWER GRATE REPAIR

The following correspondence was received in the Clerk's Office on June 3, 2009 from Mike Vinson, 2402 Greenwood Avenue:

I am submitting this report in hopes that the urgency of a potential personal injury will be recognized. The condition of the pictured grate was reported June of 2008 to the Michigan City Street Department, who passed me on to the State Highway Department, who passed me on to the Michigan City Water Department. A week after these calls an orange barrel was placed over the grate. Noted this summer, the barrel was missing and the grate still not repaired. What should and can be done to permanently repair this grate? (North West corner of Carroll Avenue and US Hwy 35 (Michigan Blvd.))

Al Walus, General Manager of the Sanitary District stated that this particular sewer grate is a storm sewer system that is part of the Michigan Blvd. system, and is the responsibility of the State Highway Department. Mr. Walus stated that he has contacted them a couple of different times on this matter, and again after receiving this information from Mr. Vinson. Mr. Walus is also checking to see if he has an old grate that would be of the same dimensions that could possibly be used to replace the one that is broken.

Mayor Oberlie asked that the Michigan City Police Department's Traffic Division place some type of warning on the grate in the meantime. The Mayor made the motion to have the City Attorney inform the State of Indiana of the liability that exists at that intersection. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

INSTALLATION OF STREET LIGHT

The following correspondence was received in the Clerk's Office on June 5, 2009 from John Pugh, Director, Planning and Inspection Department:

This is written to request approval of installation of a street light with a 100 watt lamp at the southwest corner of the intersection of Coolspring Avenue and Wabash Street. The light would be mounted on NIPSCO pole # 961232, angled north/northwest over the newly constructed traffic calming island. The contract would be for a 10-year period.

Thank you for your consideration in this matter.

Mr. Pugh addressed the Board regarding this request and asked the Board's approval.

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

Mr. Dennis Metheny, Coolspring Township Trustee, addressed the Board regarding this request, asking what type of lighting would be installed. Mr. Metheny was informed it would be an overhead street light to illuminate the intersection.

REQUEST FOR TAXI CAB SERVICE

The following correspondence was received in the Clerk's Office on June 10, 2009 from Mr. Charles Obafemi Alalade, President, Blue Ribbon Taxi, South Bend, IN:

The Blue Ribbon Taxi Cab Company of South Bend Indiana is planning to start a taxi cab company in Michigan City Indiana to fully service the demands of the residents of Michigan City a 24 hour dependable taxi service that will cover the whole quadrant of Michigan City, Indiana. We will be doing business as the (Blue Ribbon of Michigan City) and the (Yellow Cab of Michigan City). We are hereby asking for the Board's consideration to permit our request to secure an office and start operating our taxicab service in Michigan City, Indiana. Thanks for the consideration and opportunity to service the residents of Michigan City with a professional taxi service in advance.

Mayor Oberlie explained that the Taxi Cab Ordinance requires that a Public Hearing be held, that all taxi cab vehicles have to be identified and marked inspected by the Michigan City Police Department's Traffic Division. The Mayor made the motion to have the Michigan City Police Department's Traffic Division and Corporation Counsel work with Mr. Alalade for the completion of the application, and authorized the setting of a public hearing subject to receipt of that information. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ALCO PROPOSAL AND OPERATING PLAN

Bart Lombard, 625 Faulknor Street, Director of Operations Access LaPorte County addressed the Board and presented an updated Proposal and Operating Plan. Mr. Lombard stated he has met with Corporate Counsel to work on the language of the proposal, and that this is still on going. Mr. Lombard went over the proposed fees and scheduling. Discussion regarding the viewing area took place. Mr. Lombard also explained local franchising.

Phil Jankowski, 410 Duneland Drive, of the Michigan City Common Council addressed the Board stating he felt the citizens of Michigan City would be better served by soliciting proposals from other vendors for the government access and local cable television. Mr. Jankowski also stated he has prepared a Resolution for the Common Council to support that concept.

Dennis Metheny, 6757 W. 450 North Road, stated his concerns regarding the public access channels, the viewing area and soliciting bids from other vendors.

Al Austin, 116 E. Warren Road, addressed the Board stating his concerns regarding the public access channels, and the City soliciting bids from other vendors.

Mayor Oberlie made the motion to have the Clerk's Office submit copies of the proposal to the Common Council, and that Corporate Counsel will be authorized to prepare an agreement pursuant to the proposal and it be placed on the agenda for the first meeting in July. 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 STREET CLOSINGS

The following correspondence was received in the Clerk's Office on June 10, 2009 from Johnny Stimley, 3205 Tilden Avenue:

We are requesting that the following streets be stopped for traffic on July 11, 2009 from 9:00 a.m. to about 9:45 a.m. for the Washington Park Zoon 5K Race:

LakeShore Drive to Stop 9
Fogarty to Oming
Nevada to the Beach

Center Street
Arndt to South Lake

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding this request stating this is an annual event; and it has been their experience that the event can be hosted without completely closing any of the streets, and recommends approval.

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

DISPOSITION OF GRIEVANCE – Amalgamated Transit Local No. 517 grievance dated May 22, 2009

Corporation Counsel, John Espar presented the following disposition of a grievance filed by Camille Williams, Tyshona Hales and Robin Barzoni-Tillman. Counsel Espar read the findings of fact, conclusion, and advised that it should be denied. Mr. Schaefer moved to accept the recommendation of Counsel Espar. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ADDITIONAL BUSINESS

ALCO

Bart Lombard, 625 Faulknor Street, Director of Operations Access LaPorte County addressed the Board and reported on the testing of the council sound system; and reminded everyone that anytime a cell phone or text messaging is on the system will still have some buzzing.

COOLSPRING AVENUE

Mr. Bill Phelps, City Engineer informed the Board he had received a request from the LaPorte District LPA Engineer referencing Coolspring Avenue, they have requested that the City prepare a letter for acceptance of the low bid, which was Reith & Riley. Mr. Phelps prepared the letter for the Board for their approval and signature. There being a consensus the board agreed to sign the letter.

Mayor Oberlie asked Mr. Phelps to give the Board an update on the scheduled paving. Mr. Phelps reported that Ohio Street has been milled and should be paved within the next few days. The following week Jackson Street from Gardena Street to Barker Avenue, work is scheduled for the Main Street area, and also Holiday Street where some test cores are being taken now to establish the base.

Mayor Oberlie asked that an update on paving be given at each meeting to help keep the public up to date.

Dennis Metheny, 6757 W. 450 North Road thanked the Board for being allowed to speak before the Board on every item.

REQUEST FOR BRICK PAVERS – HABITAT FOR HUMANITY

The following correspondence was received in the Clerk's Office on June 15, 2009 from Barbara Merten:

My name is Barbara Merten, and I live at 1699 N. Country Lane in Michigan City. I serve on the board of LaPorte County Habitat for Humanity, and I am a LaPorte County Master Gardener. For the past four years, Master Gardeners have been landscaping Habitat partner family homes in Michigan City and LaPorte. This service is in keeping with our mission of "Helping Others Grow."

Then too, the Master Gardener association offers a "It's My First Yard-What Do I Do?" workshop for Habitat for Humanity families and other interested home owners in our community. The workshop has been quite a success, and in May the association was awarded an honorable mention at the national Master Gardener convention for this original project.

I have asked to speak to the Board of Public Works today because this is the first time two homes are being simultaneously built in Michigan City by LaPorte County Habitat. To make the homes a bit more special and to tie them to the city's sense of history, I am asking that we be allowed to build two sidewalks using old pavers from Michigan City streets. One sidewalk is planned at 15' by 4' and the second is planned at 30' by 4'.

Master Gardeners are meeting at the two homes on Willard on June 26 and 27 to do the planting and landscaping. Thank-you for considering this request.

Ms. Merten addressed the Board regarding her request. Mayor Oberlie clarified that the sidewalks will be built from the public sidewalk to the house. Mayor Oberlie made the motion to approve the request, and asked that Ms. Merten work Mr. Jim Kintzele of the Refuse Department for the identification of the proper bricks. 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 PLACE FLOWER BOXES/PLANTERS OF PUBLIC SIDEWALKS

The following correspondence was received in the Clerk's Office on June 12, 2009 from Roger Potratz, President, Mainstreet Association, 813 Franklin Sq.:

As you might know, in several weeks Michigan City will be hosting a panel of observers from "America In Bloom" for a period of three days. At a meeting of the Michigan City Mainstreet Association this past Wednesday, it was noted that some members of our association might like to put out additional freestanding planters (flower boxes) in front of their businesses to enhance the newly revived curb planters along Franklin Square.

As president of the Mainstreet Association, I am asking what the criteria might be for business owners on either side of Franklin Street (from 4th to 11th streets) to place urns or flower boxes on the sidewalk in front of their buildings. This information will then be passed on to the Mainstreet members.

Mr. Jerry Peters, for Mr. Roger Potratz, addressed the Board regarding this request.

Mayor Oberlie stated that the only concern is that the City's ordinance requires that the sidewalks be maintained free and accessible. The Mayor stated that the business owners would need to work with the Michigan City Police Department's Traffic Division, Sgt. Jeff Loniewski. Mayor Oberlie made the motion to authorize the M.C.P.D. Traffic Division to work with the owners with regards to the placement of the planters. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CONDITION OF LaFAYETTE STREET – BETWEEN 9TH, 10TH, & 11TH STREETS

Ms. Zerita Pasha, 406 E. 10th Street addressed the Board regarding her concerns of the streets condition on LaFayette Street.

Mayor Oberlie explained that this area has been allowed to deteriorate as the City is pursuing the construction of a storm sewer in that location; the City is waiting to hear about a Grant that will be used for the work and expects to hear something probably by the middle of next month, in which case the street will be torn out. If the City is not awarded the Grant, the streets will be put on a schedule for repair and paving. The US Hwy 12 corridor is the responsibility of the State of Indiana, who is soliciting an Engineering Proposal for design that would allow for the repaving of that section of highway from the City limits to City limits.

MOORE ROAD – SPEEDING AND PEDEISTRAN SAFETY CONCERNS

Mrs. Dawn Kryston, 121 Beechwood Trail addressed concerns regarding speeding and pedestrian safety on Moore Road. Mrs. Kryston stated she is working with the Chief of the Long Beach Police Department and the Michigan City Police Department’s Traffic Division. Mrs. Kryston is working with Sgt. Jeff Loniewski to have a Radar Trailer set up to monitor speeds; and that a Traffic Study is going to be done for that area in an effort to justify the installation of some Stop signs along Moore Road. Mrs. Kryston would like the input of the Engineering Department after the studies have been completed to look into the installations of Stop signs along Moore Road between Westwood to LakeShore Drive on both sides to help limit the excess speeds.

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. 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 9	06/05/2009	\$441,928.95

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

Page	Date	Amount
1 of 7	06/15/2009	\$2,593,285.0 0

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 9:55 a.m.).

Thomas F. Fedder, City Clerk