

# REGULAR MEETING – July 6, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, July 6, 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  
Bill Phelps, City Engineer  
John Pugh, Director, Planning & Inspection  
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division  
Russ Hatfield, Code Enforcement Officer  
Monique Cook, Office Manager, Central Services

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

## APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of June 15, 2009 and the minutes of the Special Meeting of June 29, 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 he has spoken to Mr. Larry Boedsma, who is in control of this estate, regarding the “Orders-to-Repair”. Mr. Boedsma is currently getting estimates for the necessary repairs, and estimates for demolition of the structure to come up with the most feasible option to bring this property into compliance. Mr. Boedsma also stated that he has a possible buyer for the property. Mr. Hatfield stated that he informed Mr. Boedsma that if the property sells, the “Orders-to-Repair” would remain in effect on this property. Mr. Hatfield also informed Mr. Boedsma that if the Inspection Department didn’t see a substantial effort to bring this property into compliance within the next 14 days, the City would have no choice but to modify the “Orders-to-Repair” to an “Order-to-Demolish”; Mr. Boedsma was informed that this would be recorded against the deed.

Mayor Oberlie asked that Mr. Hatfield submit a copy of his report to the concerned neighbors so they know what is going on with the property.

## **REQUEST FOR HANDICAP PARKING SIGN**

John Pugh, Director, Planning and Inspection Department reported that his office and the Michigan City Police Department's Traffic Division compiled a report regarding the parking on Edward Street, specifically 115 Edward Street. Mr. Pugh stated that the Planning and Inspection Department recommend not placing a handicap sign at 115 Edward Street at this time.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board informing them that he has spoken with Mr. Young regarding this request. Sgt. Loniewski explained to the Board that Mr. Young's main complaint is with the crime taking place on his street. Sgt. Loniewski explained that Mr. Young has a legitimate concern; however, the Traffic Division would rather correct those problems with their Special Operations Group, which has saturated the area. Sgt. Loniewski doesn't feel installing a handicap parking sign will be of any benefit as far as correcting the crime issues in that area.

Rickey Young, 115 Edward Street addressed the Board regarding his request. Mr. Young stated that he will go along with the Board's decision.

Mayor Oberlie and Sgt. Loniewski discussed parking along the street. Sgt. Loniewski reported that the street is very narrow and the sidewalk is even with the street which makes parking on the sidewalk very easy to do. Sgt. Loniewski informed the Board that they will attempt to address the issues with increased parking enforcement; however, as stated by the Planning Department Mr. Young does have access to a two car driveway and access to his porch with leads to his front door with both the entrances to the home by stairs, not ramps.

Mayor Oberlie wants to give the S.O.G. a chance to address parking issues to see if that will address the parking problem, if not then the issue can be re-addressed. The Mayor moved to reject the request at this time. 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 regarding the updated Proposal and Operating Plan that was submitted at their last Regular Meeting; where the Board asked to have contractual language drawn up based on a proposal that was reviewed by the Board for a combined public access/governmental channels. Mr. Lombard stated he has been working with Corporate Counsel to develop a contract.

John Espar, Corporate Counsel addressed the Board and stated he has exchanged drafts with Mr. Lombard; and they continue to work towards a working draft that all parties have approved, however, they are not at that point yet. Mr. Espar stated that at the next Board of Public Works and Safety meeting all the details will hopefully be worked out, and will be in a position to present a final draft to the Board.

Mr. Lombard stated they are in the process of switching the way the programs are taped/aired to a digital/DVD format due to the aged equipment that was donated years ago by Comcast.

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

## **RESIGNATION – M.C. POLICE DEPARTMENT**

Officer Jennifer L. Maxey tendered her resignation effective June 16, 2009. This is for informational purposes only.

## **PROJECT COORDINATION CONTRACT**

John Pugh, Director, Planning & Inspection Department addressed the Board regarding this, stating this started out as a Federal Safety Improvement Program Grant which the Board gave its approval for the application and the City did receive it through NIRPC. Mr. Pugh informed the Board that the Grant has gone through INDOT, and it's gone through the selection process for a Consultant, which is Butler and Fairman. Mr. Pugh stated the item before the Board is the L.P.A. Agreement and requests the Board's approval, so the process can proceed with the improvements at Woodland Avenue and Barker Road. Mr. Pugh informed the Board there will be new signage and markings, looking into lane widening in the preliminary plans to improve traffic flow as it enters Highway 20. Mr. Pugh stated it is over the initial contract at this point, at over \$640,000.00; this is all Federal monies and INDOT will forward the funds, pay for the project and be reimbursed by the FEDS. This agreement is for the Engineering Phase for about \$65,000.00 and those funds are reimbursable, once the agreement is signed and returned to INDOT the Engineering Phase will be able to begin, with construction some time next spring.

Mayor Oberlie made the motion to approve the contract. 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 SIGN NAME CHANGE – BLUE CHIP HOTEL AND CASINO**

The following correspondence was received in the Clerk's Office on June 30, 2009 from the Blue Chip Casino Hotel, 2 Easy Street:

I am writing you gentlemen today regarding the directional signs that are posted around Michigan City. When they were originally posted, they had to say "Riverboat" and were not able to have the exact name of a casino. This law has since changed and we would like to have Blue Chip Casino, Hotel & Spa displayed on the directional signage. Is this something that can be easily done by the city? I look forward to your reply!

Mayor Oberlie informed the Board the signs Blue Chip wants changed are the roadside, color coordinated system signs. The Mayor made the motion to refer this specifically to the Planning Department, stating that if Blue Chip can meet all the specifications the City will allow them to make the changes. 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 ANCHOR**

The following correspondence was received in the Clerk's Office on July 1, 2009 from Edward Arnold, Harbor Grill/M.C. Yacht Club:

I would like your permission to remove the old Anchor (in the sidewalk) in front of the old Goerg Boat Motors building. I would like to display the Anchor along with a plaque of it's origin outside my establishment at the Harbor Grill in the Washington Park basin. After I remove the Anchor I will repair the sidewalk so as not to cause a pedestrian hazard. Thank you for your consideration.

Mayor Oberlie informed the Board that the Anchor is presently on the property owned by the State of Indiana, and once demolition activities have concluded it becomes the Port Authority's. The Mayor directed the Clerk's Office to indicate to Mr. Arnold that he would need to contact the Indiana Department of Natural Resources; and work directly with the Port Authority. This is for informational purposes only.

### **APPROVAL ON AGREEMENT – Central Services**

Monique Cook, Office Manager for Central Services addressed the Board informing them that the Central Services Department has applied for and received 100% funding for the purchase of a Bobcat; the total is \$39,730.00. Ms. Cook explained this grant is being processed differently than past grants by making the M.P.O. actually the person responsible, and that fee is going to the City of Michigan City for \$492.62 for the over-site of the grant. Ms. Cook informed the Board that Corporate Counsel has reviewed all the contents of the contracts, and approves them. Ms. Cook asked for the Board's approval to proceed with the grant.

Mayor Oberlie made the motion to approve the agreement. 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 STREET CLOSURE**

The following correspondence was received in the Clerk's Office on July 1, 2009 from Pastor Carey, Greater Worship Center Church, 113 Skwiat Legion Avenue:

We are a new church in the area. We would like to introduce ourselves to the neighborhood with a social event. We need permission to block off the street by the church (Skwiat Legion Ave) from 11:00 a.m. to 5:00 p.m. on Saturday, July 25, 2009. I can be reached at (219) 878-1204.

Pastor Robert Carey, Greater Worship Center Church addressed the Board regarding his request. Pastor Carey informed the Board the street closure is for their Community Day event.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division informed the Board that he has spoken with Pastor Carey and has looked at the set up of the street, and recommends approving the request with the only stipulation being the closure would be just West of Franklin Street so access can still be allowed to the businesses in that area.

Mayor Oberlie asked for advanced notice to be posted on Washington Street to notify vehicular traffic of the street closing. Sgt. Loniewski stated this will be done.

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.**

### **OTHER BUSINESS**

Mr. John Vail, 8 Constitution Drive addressed the Board regarding his concerns about the frequent number of stop signs on the bus routes. Mr. Vail asked about converting 9<sup>th</sup> Street to a two way street; and the frequent number of stop signs on Wabash Street. Mr. Vail asked the Board to look into this.

Mayor Oberlie stated the City is looking into a conversion of 9<sup>th</sup> Street as a part of the Elston Grove upgrade, however, the West side does pose problems with the close proximity of the connecting streets. This is for informational purposes only.

## **PAVING UPDATE**

Bill Phelps, City Engineer addressed the Board to update them on current road closures and paving. Mr. Phelps received notification from NICTD stating they will be closing the Chicago Street crossing from August 3<sup>rd</sup> to August 8<sup>th</sup> for track repair. Mr. Phelps also stated paving will begin between Coolspring Avenue and Gardena Street on Wrobel, Oakwood, Hollywood, Woodrow & Elmer Streets. Mr. Phelps stated that milling will begin on Valentine Court, Virginia Court, Beverly Court and Avalon Court; following then will be Cleveland Avenue from Garrettson to Coolspring, and Garrettson from Coolspring Avenue to Concord Drive, and Concord Drive from Garrettson to Coolspring Avenue. Mr. Phelps informed the Board that as of June 29, 2009 there have been 6 lane miles of work.

Mayor Oberlie asked if Mr. Phelps had heard from the CSX, as it appears they are dropping new crossings at Carroll Avenue and a couple of other locations. Mr. Phelps has not heard from them. Mr. Phelps did mention there is a dip on Ohio Street on the north side of the CSX, he has spoken to the contractor and asked them to lay some patch on it.

## **CITIZEN COMPLAINT**

Mr. Don Ross, 509 E. Barker Avenue presented the Board with a letter and pictures from Charlie's Bar, 517 E. Barker Avenue from the outdoor events that have been hosted there two (2) weekends in a row, and that for one of the weekend's there was no permit issued. Mr. Ross stated he doesn't want this type of venue to continue due to the close proximity of the residences.

Mayor Oberlie asked the Planning Department to look into zoning restrictions on outdoor activities; the Mayor asked that those restrictions be brought into the record as we go forward in allowing outdoor activities throughout the community.

## **CITIZEN COMPLAINT**

Mr. Al Austin, 116 E. Warren addressed the Board about the drug problem in Michigan City. Mr. Austin stated there is a drug dealer across the street from him upstairs at 119 ½ Warren. Mr. Austin said he has given this information to Cpl. Legros, the Head of the Drug Task Force; he also stated that at least two of his neighbors have called about this. Mr. Austin asked the Board to help Cpl. Legros beef up the Drug Enforcement Task Force, and ask the State Police to see if they can help.

## **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:

| <b>Page</b> | <b>Date</b> | <b>Amount</b> |
|-------------|-------------|---------------|
| 1 of 10     | 06/19/2009  | \$448,019.11  |
| 1 of 3      | 06/25/2009  | \$231,848.80  |
| 1 of 3      | 06/26/2009  | \$49,703.21   |

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

| <b>Page</b> | <b>Date</b> | <b>Amount</b>  |
|-------------|-------------|----------------|
| 1 of 6      | 07/06/2009  | \$1,236,086.99 |

#### **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 9:50 a.m.).

---

Thomas F. Fedder, City Clerk