

REGULAR MEETING –August 2, 2010

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, August 2, 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

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division

John Pugh, Director Planning & Inspection Departments

Bill Phelps, City Engineer

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

Russ Hatfield, Code Enforcement Officer

Jim Elwell, Central Services

Charlie Cate, Superintendent, Central Maintenance

Thomas F. Fedder, City Clerk

Kim Sliwa, Asst. Deputy City Clerk

APPROVAL OF MINUTES

Mayor Oberlie moved the minutes of the Regular Meeting of July 19, 2010 and the Special Meeting of July 28, 2010 be approved as printed. The motion was seconded by Mr. Metzcus.

RETIREMENT

The following correspondence was received in the Clerk's Office on July 19, 2010 which read:

I, Ben Neitzel, herewith tender my retirement from the Michigan City Police Department, after having served thirty-two (32) years with the department. It is requested that my retirement be effective after the close of business on the 30th day of July, 2010.

Note: This is for informational purposes only.

STREET CLOSING

The following correspondence was received in the Clerk's Office on July 23, 2010 from Ryan Bos, Tower Run Race Director:

The Tower Run committee would like to be included on the Board of Works meeting agenda scheduled on Monday, August 2, 2010, at 9:00 a.m. Due to work obligations, we request to be placed at the beginning of the agenda. We will ask for permission to use approximately a mile of Lakeshore Drive for the 18th Annual Tower Run scheduled for Sunday, September 12 at 9:00 a.m. We have already been approved by the Michigan City Parks & Recreation Department.

The Tower Run race will start at 9:00 a.m. from the Washington Park parking lot 2. The finish will be on Parker Parkway near the bumper car building in Washington Park. The course takes participants through the scenic areas of the Michigan City Beach communities and Washington Park. It includes the challenging hill and steps to the historic WPA Observation Tower.

1. At minimum, we request police presence at the following two traffic points where traffic needs to be stopped
 - Lakeshore Drive at the entrance to the Beachwalk community. Runners will cross Lakeshore Drive from the boardwalk to enter the Beachwalk community.
 - Lakeshore Drive at Marine Drive/Amphitheatre Street. Runners/Walkers will run

down the hill after circling the Tower and than run up Marine Drive toward the Senior Center. This is the most critical point as runner/walkers are moving fast down a steep hill.

2. Other traffic points that warrant attention and where we place volunteers
 - The Washington Park exit/Yacht Club entrance on Lakeshore Drive. Runners cross this point from both directions as they loop around Millennium Plaza and the Yacht Club.
 - The back entrance to Washington Park at Krueger Ave.
 - Lakeshore Drive and N. Lake Ave.

3. As long as we have support at those critical traffic points, we don't see the need to close Lakeshore Drive traffic from either direction. Police support last year was phenomenal. We will discuss with them the best course of action to ensure the safety of all participants and volunteers.

Proceeds benefit the Tower of Excellence Student Education Support Grants. These grants provide financial assistance for classroom projects designed by teachers and students in the public and private schools of the Michigan City area.

The Tower Run continues to be one of the most unique races and a part of the Calumet Region Striders Gold Cup Series.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding this request, stating he has spoken with Mr. Bos regarding the route being the same as last year, and that this is a well organized annual event with plenty of volunteers which helps the Police Department minimize their overtime obligations. Sgt. Loniewski recommended approval of the request.

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.

STREET CLOSING

The following correspondence was received in the Clerk’s Office on July 23, 2010 from Deb Hickman, COO, HealthLinc:

Senator Dick Lugar and HealthLinc, Inc., are sponsoring a Back to School Health Fair Event in honor of National Health Center Week. Our health centers are making preparations for a great turnout this year, anticipating over 250 families to participate in each local community event.

Our Michigan City HealthLinc location is requesting to block 7th Street from the Church up to Franklin Street. This area is mostly right in front of the HealthLinc building. We are asking to do this on Tuesday, August 10 from 8 a.m. – 3 p.m. We would acknowledge the Michigan City Street Department.

All three HealthLinc Inc., locations will be participating in the National Health Center Week, with the theme of “Turning the Vision into Reality”. We are committed to giving free immunizations, sports physicals and dental exams to the uninsured in our community that are going to school for the first time or those returning to school and participating in sports or extra curricular activities.

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| August 10 | 10am-1pm | Michigan City, 710 Franklin Street, Michigan City, IN
(219) 872-6200 x 3755 Tina Jolevski, Site Manager |
| August 10 | 3pm-6pm | Knox, 104 E. Culver Road, Suite 101, Knox, IN
(574) 772-7400 x 1101 Angelina Garner, Site Manager |
| August 12 | 10am-1pm | Valparaiso, 454 S. College Ave., Valparaiso IN
(219) 462-7173 x 2226 Karen Bonner, Site Manager |

By working together, all of us contribute to a much brighter, healthier future for the youngest citizens of our community. We look forward to working with you.

Ms. Tina Jolevski, Site Manager for HealthLinc, Inc., addressed the Board regarding the Health Fair event on August 10, 2010.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating there are no issues with the request and recommended approval.

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.

STREET CLOSING

The following correspondence was received in the Clerk's Office on July 23, 2010 from Hallie Anderson:

To whom it may concern; I, Hallie Anderson reside at 802 Russell Street, Michigan City. on August 7, 2010 I will be hosting a graduation /going away to collete/birthday party. I would like to request for the corner of Russell & Tennessee, and Russell & Kentucky Streets to be blocked off 4:00 pm until 9:00 pm. I would also like to ask permission for my guests to use the Central Services parking lot located on Kentucky Street. This would be greatly appreciated, and thank you for your consideration in this matter.

Ms. Hallie Anderson, 802 Russell Street addressed the Board regarding her request.

Mayor Oberlie addressed Ms. Anderson regarding the parking at the Central Services parking lot, stating that normal operations will be continuing on that day and employees will be utilizing the lot for parking.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating that he has spoken with Ms. Anderson, and that this request if only for a one (1) block closure between Russell and Kentucky Streets, and there are no issues with this request. Sgt. Loniewski recommended approval of the request.

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.

AGREEMENT – ASCAP (American Society of Composers, Authors and Publishers) Music License Agreement

Corporate Counsel John Espar addressed the Board regarding the Agreement stating it is the same as the previous Agreement with BMI (Broadcast Music Inc.) for the broadcasting of any and all copyrighted music that is played throughout City venues; i.e., music on hold, bands playing at festivals, etc.... Counsel Espar informed the Board that the fee is \$305.00 annually and recommended that the Board sign the Agreement.

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

BID OPENING – City owned property

Corporate Counsel John Espar addressed the Board regarding the sale of City owned property located on W. 9th Street, identified as parcel number 460129358009000022, which is a vacant lot. Counsel Espar informed the Board that letters informing the adjacent property owners of the City's intent to offer this property for sale pursuant to the provisions of Indiana Code 36-1-11-5.9 was sent out to James and Constance Messacar, Marie and George LaDonne, Nellie and May Richardson, Florida Parker and Al Walker, Robert and Bennie Yarber; with bids received from James and Constance Messacar as well as Robert and Bennie Yarber. Counsel Espar opened the sealed bids received as follows: 1) James and Constance Messacar ~ bid of \$25.00 2) Robert and Bennie Yarber ~ bid of \$401.00. Counsel Espar stated that these two (2) bidders will have the opportunity to re-bid on the property pursuant to the statutory procedures for offering the real estate under these provisions, and his office will notify them of such. Counsel Espar recommended that this be placed back on the Agenda at the Board's next meeting for receipt of any additional bids that the adjacent land owners may wish to submit.

Mayor Oberlie made the motion to approve Counsel's recommendation. The motion was seconded by Mr. Schaefer.

Mr. Robert Yarber, 1016 W. 8th Street addressed the Board regarding his bid and the procedures explained by Corporate Counsel.

Discussion ensued between Counsel Espar and Mr. Yarber regarding the bidding procedure; which Counsel Espar explained.

The vote carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3).**
NAYS: None (0). Motion carries.

CONTRACT AWARD – Phase I Conversion of City owned traffic lights to LED lighting & Phase II Install Pedestrian Audio Signals on same traffic signals

Charlie Cate, Superintendent, Central Maintenance addressed the Board regarding the awarding of the contract for Phase I and Phase II; informing the Board that the lowest bidder was Michiana Contracting Inc., 7843 Lilac Road, P.O. Box 929, Plymouth IN. Mr. Cate informed the Board of the awarding of the project as follows: 1) Phase I – Conversion of City owned traffic lights to LED lighting ~ \$47,169.00; 2) Phase II – Installation of Pedestrian Audio Signals on same traffic signals ~ \$34,307.00; option #1 ~ \$3,354.00; option #2 ~ \$4,284.60 for a total of \$89,114.60. Mr. Cate stated that the E.E.O. Office has approved, and that Mr. Bill Phelps, City Engineer has reviewed the bid and prepared a contract for the Board to sign. Mr. Cate informed the Board that Phase I costs would be 100% reimbursable from the Grant awarded from the State Department of Energy, with Phase II being within the budget approved, and recommended approval.

Mayor Oberlie made the motion to accept the recommendation of Mr. Cate and include options # 1& # 2. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3).** **NAYS: None (0). Motion carries.**

ENGINEERING UPDATE – Coolspring Avenue Construction Change Orders

Mr. Bill Phelps, City Engineer addressed the Board regarding Construction Change Orders on Coolspring Avenue, explaining the changes and informing them of the cost being \$24,351.00; and recommended approval.

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

AWARDING OF BIDS – NSP Grant Phase III Demolitions

Russ Hatfield, Code Enforcement Officer advised the Board that the Department has reviewed demolition bids for Phase III of the NSP Demolitions and recommends the contract be awarded to Smith and Sons Excavating in the amount of \$25,300.00; which includes the following three (3) properties – 121 Patrick Street, 342 Lincoln Avenue and 1368 Russell Street. Mr. Hatfield stated that 1221 W. 10th Street was originally on the bid schedule; however it has been requested that the Board allow this to be TABLED for thirty (30) days.

Mayor Oberlie made the motion to accept the bid for the three (3) properties and TABLE 1221 W. 10th Street for thirty (30) days. The motion was seconded by Mr. Schaefer.

Mattie Stalling addressed the Board regarding the property at 1132 Green Street and the current demolition order. Ms. Stalling stated her intent is to purchase the property and bring it back up to code.

Discussion ensued between Ms. Stalling, Russ Hatfield, Mayor Oberlie and John Bloski of Americo Engineering regarding the structure and the current order to demolish. Mr. Hatfield addressed the Board regarding the posting of performance bonds to be sure these properties are brought back into compliance. Mayor Oberlie inquired if there was anything

that would stop an interested party from buying the property; and if the potential buyer could get with the inspection department to produce a schedule of repairs to be brought back before the Board that could be presented at the next meeting.

The vote carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3).**
NAYS: None (0). Motion carries.

EVALUATION OF CURRENT ORDERS TO DEMOLISH

508 West 11th Street, James A. Spsychalski – owner

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property stating he has seen no activity for the past year; and that all attempts to contact Mr. Spsychalski, who is the current owner, have gone undeliverable. Mr. Hatfield updated the Board on the status of the structure, stating he has not been able to gain access to the interior and requests Corporate Counsel to help the Inspection Department get a Court Order for an interior inspection.

Mayor Oberlie made the motion that the Board authorizes the Inspection Department to work with the Corporate Counsel to seek a Court Order for the inspection. The motion was seconded by Mr. Schaefer.

Mr. Wayne Miller, 113 Dole Street addressed the Board regarding properties that have been brought to them for demolition in the past ten (10) years, stating that these houses were boarded up (secured) regardless of what was inside and that most of the owners of these homes that were demolished could not afford to do the necessary repairs to bring them up to code. Mr. Miller asked what State Statute/Ordinance does Michigan City follow that allows them to do interior inspections and require the homeowners to make the repairs or they will be demolished.

Corporate Counsel John Espar explained to Mr. Miller that the statute is set forth under Title 31, stating there are provisions which grant municipalities the authority to demolish structures that are left vacant, because vacant structures create a public nuisance and place the community at risk of all kinds of risk, including attracting rodents, criminal elements, they provide a opportunity for other crimes and otherwise place the other property owners at risk of diminished property values.

More discussion ensued between Mr. Miller and Mr. Espar regarding the vacant structures located in Michigan City.

The vote carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3).**
NAYS: None (0). Motion carries.

314 Willard Avenue, Edwin & Patricia Blumenfeld, & Youth Business Club, owners

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this structure updating the Board of the condition of the property, stating he has not been able to gain access to the interior and requested Corporate Counsel to help the Inspection Department get a Court Order for an interior inspection.

Mayor Oberlie made the motion that the Board authorizes the Inspection Department to work with the Corporate Counsel to seek a Court Order for the inspection. The motion was seconded by Mr. Schaefer.

Mr. Wayne Miller, 113 Dole Street addressed the Board regarding this property, informing the Board that he has spoken with an Attorney about the property located at 317 Willard Avenue, and that he will advise his Attorney about the property at 314 Willard Avenue; asking the Board for a continuation until their next meeting.

The vote carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3).**
NAYS: None (0). Motion carries.

ORDERS TO DEMOLISH

305 N. Carroll Avenue, Joseph Geck – owner

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property advising that it has been condemned by the LaPorte County Health Department for the interior conditions, explaining the inspections completed, informing them of the fire that started in the electrical panels, that no permits have been issued since 2004, all proper notification have been made to parties with substantial interest and recommended demolition of the structure.

Discussion ensued between Mayor Oberlie, Mr. Hatfield and Corporate Counsel Espar regarding the notices sent to parties with substantial interest.

Mayor Oberlie made the motion based on the evidence provide to the Board to find the structure unsafe for human habitat, public nuisance pursuant to the statutes of the State of Indiana and to move forward with the demolition. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3).**
NAYS: None (0). Motion carries.

613 S. Carroll Avenue, Ernest Kihlstrom and Betty Forrest Cates – owners

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this structure informing the Board of its history.

Mr. Ernest Kihlstrom, owner 613 S. Carroll Avenue addressed the Board providing them with current pictures of the structure, explaining his situation, and asked for a continuance to resolve the current land contract with Ms. Betty Forrest Cates. Mr. Kihlstrom advised the

Board that he is getting quotes for demolition and is trying to establish the donation of the property.

Discussion ensued between Mayor Oberlie and Mr. Kihlstrom regarding the demolition of the structure and the donation of the property.

Mayor Oberlie made the motion to grant the continuation of this demolition for thirty (30) days. 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 Chalikian, 609 Franklin Street addressed the Board regarding the money the City received for the Neighborhood Stabilization Program, and the property at 907 Ohio Street, asking when something would be done to make the area safe and look better. Mr. Chalikian informed the Board that he would sign a release for any damage that might happen to his building. Mr. Chalikian addressed graffiti that has not been removed from the property and the several calls made to the Mayor's Office about it. Mr. Chalikian also addressed other blighted properties in the community.

Discussion ensued between Mr. Chalikian, Russ Hatfield, Code Enforcement Officer and Mayor Oberlie regarding the proper survey of the property that is needed before any work can be done; and that the tree removal is a civil matter between the two (2) property owners.

(Note: For Informational purposes only.)

ADDITIONAL BUSINESS

Russ Hatfield, Code Enforcement Officer addressed the Board informing them that he received a request from Safe Environmental Corporation, 2301 Cline Avenue, Suite 106, Schererville, IN, advising they want to be added to the contractors bidders list for Asbestos Abatement for future demolitions through the Neighborhood Stabilization Program.

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

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 12	07/30/2010	\$711,807.40

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

Page	Date	Amount
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1 of 5	08/02/2010	\$1,095,672.95
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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 10:10 a.m.).

Thomas F. Fedder, City Clerk