

REGULAR MEETING – August 3, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, August 3, 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
Russell Hatfield, Code Enforcement Officer
Judy Pinkston, Neighborhood Planner
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division
Shelley Dunleavy, Personnel Director
Dave Lamb, Fire Chief
Jim Elwell, Superintendent Central Services
Frank Seilheimer, Forester
Dave Morlan, Vector Control 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 July 20, 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.**

PERSONNEL DEPARTMENT

Shelley Dunleavy, Personnel Director addressed the Board asking for approval of a request for a leave of absence for an employee, up to ninety (90) days. Mrs. Dunleavy stated that the provisions of the employees contract requires the City to maintain the healthcare benefits during the period of leave, with the employee paying their portion/contribution for the premium; and the employee would be required to inform the Personnel Department of updates to their medical treatment.

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.**

APX ALARMS – Door to Door Itinerant Vendor’s Licenses

Reno Mendenhall of APX Alarms addressed the Board asking for nineteen (19) itinerant vendor’s licenses to sell door-to-door home security systems and monitoring contracts.

Mayor Oberlie addressed Mr. Mendenhall regarding proper identification being worn/carried by the sales associates. Mayor Oberlie addressed the code regarding hours of operation; Corporation Counsel John Espar stated he will give Mr. Mendenhall a copy of the relevant provisions. Corporation Counsel Espar stated he did want the opportunity to review the code and make sure that all requirements for the itinerant vendor’s licenses have been met. Counsel Espar asked that if the Board grants the licenses that they be subject to further review by his office.

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

ALCO PROPOSAL AND OPERATING PLAN

Corporation Counsel Espar advised the Board that he had presented the draft agreement to them at the last meeting for review.

Mr. Schaefer addressed the Board stating that the City will be putting together next year’s City budget and asked that this issue be TABLED until the City has a better idea of the funds that will be available.

Mr. Schaefer than made the motion to TABLE the item until such time that the Council has approved the 2010 budget. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

Mr. Al Austin, 116 E. Warren addressed the Board regarding his concerns with the proposed contract and competitive bidding for the Public Access Channel programming. Discussion ensued between Mr. Austin, Mayor Oberlie and Mr. Schaefer.

REQUEST FOR STREET CLOSURE

The following correspondence was received in the Clerk’s Office on July 22, 2009 from John C Pease, 134 Concord Drive:

I am making this request on behalf of my neighbors on Concord Drive. We would like to have Concord Drive closed for our annual block party on Sunday, August 30th from 3 to 7 PM. For Additional information contact John C. Pease, 134 Concord Drive, M.C., IN – phone 874-6157.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board to inform them that he has spoken with Mr. Pease, stating this is an annual request closing Concord Drive from Coolspring Avenue to Garrettson Avenue and recommended that the Board approve the request.

Mr. Metzcus called for the vote which was unanimous carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ORDERS TO DEMOLISH – 1309 West 10th Street, New Covenant Outreach Ministries, Inc., Rev. Robert Hurt

Russ Hatfield, Code Enforcement Officer addressed the Board with regards to 1309 West 10th Street, stating that on March 18, 2009 the structure on this property was extensively damaged by fire. Mr. Hatfield stated that at the time the structure was in danger of collapsing and was made safe under an “Emergency Order to Demolish”; since that time, the insurance company has denied the claim and an “Order to Demolish” has been put in place by the City of Michigan City. Mr. Hatfield informed the Board that Reverend Hurt has been very cooperative and is aware of the demolition process; with the Board’s approval a “Notice to Bidders” will be issued.

Reverend Dewayne Hurt addressed the Board stating the property was “Quick Claim Deeded” to the church by his father, Reverend Robert Hurt; the problem is that the names were never changed with the insurance company which is why the claim is being denied. Reverend Dewayne Hurt informed the Board that the Church does not have the funds to take care of the demolishing, but is willing to work with the City in any manner possible.

Corporation Counsel John Espar asked why the church isn’t having the site cleared and the debris removed. Reverend Hurt replied due to lack of funds.

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

ORDERS TO DEMOLISH (1st under the Neighborhood Stabilization Program) – 121 Dole Street, Toni Spencer

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property at 121 Dole Street informing them that the property has been left vacant and unmaintained for a number of years; notification of “Orders to Demolish” has been made to all parties with substantial interest. Mr. Hatfield stated that the Inspection Department has had no inquiries from any of the parties holding interest; and that in July of 2008 the Code Enforcement Team inspected the structure and found it to be an unsafe premise and placed “Order to Repair” on the structure with no one stepping forward to bring the structure into compliance. Mr. Hatfield asked for the Board’s approval to give “Notice to Bidders”, stating the bidding and demolition process of this structure will be overseen by the Inspection Department as well as Judy Pinkston from Community Development. Mr. Hatfield informed the Board that this will be the first (1st) demolition which will be funded by the N.S.P. grant.

Mayor Oberlie asked if Mrs. Pinkston would tell the Board how the N.S.P. grant process works in regards to demolitions. Mrs. Pinkston explained the process to the Board, stating this program is funded through H.U.D. and must meet the Federal Regulations which requires that an Environmental Review be done. Mrs. Pinkston also stated that the review encompasses approval from the State Historic Preservation Office in Indianapolis through the Department of Natural Resources; clearance through the Coastal Zone Management Program, and is in compliance with Zoning. Mrs. Pinkston informed the Board this process can take four (4) to six (6) weeks, and there is a Environmental Review Process that is required under the regulations of the Neighborhood Preservation Program; if there are any questions or concerns by any of the agencies it will have to go through a Public Comment Period and Review of thirty (30) days and all of these requirements have been passed in addition to what is required by the City.

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

ENGINEERING DEPARTMENT UPDATES

Bill Phelps, City Engineer addressed the Board and reported the following:

2009 Paving Program – Mr. Phelps reported through July 23, 2009 there has been 10.7 lane miles milled and paved; which consisted of 24 street segments. Mr. Phelps informed the Board that bids will be taken on Monday for Village Green, and on Tuesday for Walker Street; depending on how the bids come in will determine the next program as far as the paving.

2009 Sidewalk Program – Mr. Phelps reported that as of July 31, 2009 there has been approximately 20,603 square feet of 4” and 6” concrete sidewalk poured, including 12,031 square feet of rubber sidewalk; and there have been 40 ADA ramps with detectable warning devices poured into the concrete and 6 surface mounted devices.

CSX Crossings – Mr. Phelps reported that crossings have been completed at Tryon Road and Woodland Avenue; however a “sink-hole” has developed, which the street department has filled temporarily until the railroad has been contacted and permanent arrangements are made. Mr. Phelps reported the problem exists approximately nine (9) feet from the rail (in the approach work), and spoke to the subcontractor who did the paving. Mr. Phelps also reported that the CSX proposes to renew the crossing at Carroll Avenue from August 11th through August 13th; and August 12th through August 14th Tilden Avenue, Buffalo Street and Ohio Street crossings will be done.

Coolspring Avenue Reconstruction – Mr. Phelps reported to the Board that the right-of-way has been staked and clearing has begun starting at Roeske Avenue going west. Mr. Phelps stated that coordination meetings are being held this week with the contractors and utilities; construction will begin next week from Woodland Avenue going east.

Michigan Blvd. Reconstruction – Mr. Phelps reported there will be a public meeting on Tuesday, August 11, 2009 at 7:00 p.m. in the City Council Chambers and that a press release is being prepared.

Mr. Phelps updated the Board on the mitigation of Coolspring Avenue in regards to the impact to the Fryer Road ditch, which encompassed Supplemental Agreement No. 1. Mr. Phelps presented to the Board Supplemental Agreement No. 2 due to the DNR requesting additional borings to be taken; under the original agreement there was \$7,430.00 that was not used, and the cost for the borings will be \$6,940.00.

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

Chief Dave Lamb of the Michigan City Fire Department asked Mr. Phelps if Franklin Street, Wabash Street and Ohio Street were going to be closed all at the same time. Mr. Phelps informed the Chief that this will only be for Tilden Avenue, Buffalo Street and Ohio Street from August 12th through August 13th, with a lap-over at Carroll Avenue because of

pavement. Chief Lamb asked Mr. Phelps to e-mail him a copy of the schedule; Mr. Phelps will also e-mail a copy to Sgt. Loniewski of M.C.P.D. Traffic Division.

REQUEST TO WALK

The following correspondence was received in the Clerk's Office on July 29, 2009 from Brandon Williams of Voice of LaPorte County:

We are the Voice of LaPorte County, a youth group dedicated to exposing the truth about the tobacco industry and empowering Hoosier teens. We educate the public about the tobacco industry and their advertising practices.

On Saturday, October 10, 2009, we would like to host a Tobacco Free Walk from Pin Street behind Elston Middle School to the Gazebo at Washington Park Beach. The walk is to inform and educate the community about tobacco companies advertising techniques and the effects of these different practices.

To get more information about ourselves, please go to www.voice.tv and go to "My Town". choose your home county on the map and continue from there.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating there are no issues with this request, there should be no need to close any streets and an Officer will be provided to help with the crossing at US Hwy 12; Sgt. Loniewski recommended approving the request.

Mayor Oberlie asked if the Park Department had been heard from in regards to using their facilities. Sgt. Loniewski responded not that he knew of.

Mayor Oberlie made the motion to TABLE the request and a copy be sent to the Park Department for their approval before the Board takes any action. 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 CLOSE ½ OF ALLEYWAY – Janet Bergeron, 718 Cedar Street

The following correspondence was received in the Clerk's Office on July 30, 2009 from Janet Bergeron, 718 Cedar Street:

I am having a new roof put on my house; but because of the limited area from the side of My house to the alleyway, safety for the workers will be an issue. I am requesting that ½ Of the alley be closed so the workers will be safe, and also the alley traffic. (Map included)

Mayor Oberlie referred the item to the Engineer and the Traffic Division and allow them to make the decision as necessary. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

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:

Page	Date	Amount
1 of 13	07/31/2009	\$719,807.29

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

Page	Date	Amount
1 of 1	07/31/2009	\$2,175.75
1 of 5	08/03/2009	\$821,767.27

REQUEST TO CLOSE STREET

Shawn Murphy, 504 Monroe Street addressed the Board regarding closing Monroe Street from the alleyway to the corner from Monroe Street to Ashland Street (behind the McDonald’s on Michigan Blvd.) for Friday, August 21, 2009 for a family reunion from 5:00 p.m. to 10:00 p.m.

Mr. Schaefer asked if it was the street or the alley that would be closed off. Mr. Murphy replied it would be from the alley to the corner of the street (closing Monroe Street for half (1/2) the block).

Mayor Oberlie made the motion to refer the item to Sgt. Loniewski, M.C.P.D. Traffic Division to allow them to make 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.**

ADDITIONAL BUSINESS

Mr. David Maslowski, 4707 Westgate Way addressed the Board on behalf of the Shoreland Hills Homeowners Association regarding the stop signs on Moore Road stating he has been in contact with Sgt. Loniewski, M.C.P.D. Traffic Division, who did a traffic study at Westwood Drive and Moore Road. Mr. Maslowski explained that the west side of Moore Road is Michigan City and the west side of Moore Road is Long Beach, stating that most vehicular and pedestrian traffic access the beach from Moore Road and Westgate Way. Mr. Maslowski stated there is a dune that causes a blind spot coming from either direction and would like to have a stop sign placed to help slow traffic down in this area. Mr. Maslowski feels the real traffic hazard is at Westgate Way and Moore Road, and would like a stop sign installed there as well as possibly at Westwood Drive and Moore Road.

Mayor Oberlie addressed Mr. Maslowski’s concerns and explained the process that is followed. Mayor Oberlie made the motion to refer Mr. Maslowski to John Pugh, Director of Planning and Inspection. 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

Mr. Bart Lombard, 625 Faulknor Street addressed the Board regarding Access LaPorte County (ALCo.) with regards to clarification on when the Board will be able to sign the proposed contract.

Mayor Oberlie addressed Mr. Lombard's concerns stating once the budget is put through for next year so as to be sure there is funding for the contract for 2010. Mr. Schaefer stated he is hoping to have the final approval of the budget at the Council meeting on September 15, 2009; Mr. Schaefer suggested Mr. Lombard approach the Board after that date.

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