

# REGULAR MEETING – OCTOBER 19, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, October 19, 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; John Schaefer, Member;  
and Mayor Charles Oberlie, Member (3).

**Absent:** None (0).

## A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporation Counsel  
Russ Hatfield, Code Enforcement Officer  
Joe Siegel, Zoning Administrator  
Sgt. Chris Yagelski, M.C. Police Department  
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division  
Bill Phelps, City Engineer  
John Pugh, Director, Planning & Inspection  
Dave Lamb, Fire Chief  
Jim Elwell, Superintendent Central Services  
Jack Kahn, Director, Street Department  
Al Walus, General Manager, Sanitary District

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

## APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of October 5, 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.**

## DEMOLITION HEARINGS

### 1203 E. 2<sup>nd</sup> Street - John Chalikian, owner.

Russ Hatfield, Code Enforcement Officer addressed the Board and introduced Attorney Michael Bergerson, 601 Franklin Street, from the Redevelopment Commission. Attorney Bergerson informed the Board that the Redevelopment Commission is currently in preliminary discussion with Mr. Chalikian related to the purchase of his property at 1203 E. 2<sup>nd</sup> Street, by the Redevelopment Commission. Attorney Bergerson asked the Board for an additional thirty (30) days to conclude negotiations and report back.

Mayor Oberlie made the motion to continue for thirty (30) days as requested by Attorney Bergerson. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**1202 Washington Street – Alexandra Jackson, owner.**

Joe Seigel, Zoning Administrator addressed the Board informing them of the on-going issues with the structure on this property, which included the collapsed foundation. Mr. Seigel informed the Board that he and Mr. Hatfield have had numerous discussions and meetings with Attorney Barry McDonnell, who represents Ms. Jackson. Mr. Seigel asked the Board to allow the department to order bids for demolition of the structure, if rehabilitation does not take place.

Attorney Barry McDonnell, 601 Franklin Street addressed the Board stating he represents Ms. Alexandra Jackson, owner of 1202 Washington Street. Attorney McDonnell informed the Board that Ms. Jackson has re-roofed the structure and has started some interior renovations; also, that the foundation collapse was not by natural means and it took some time to get the insurance worked out and the foundation repaired. Attorney McDonnell stated that Ms. Jackson has hired a painting contractor and is waiting bids from Meyer Glass for windows, she is also going to make the siding repairs that Mr. Seigel has cited. Attorney McDonnell asked the Board for thirty (30) days to accomplish the remaining outside work on the structure; and stated that if the work is not completed by that time, then the Board can issue the Order to Demolish.

Mayor Oberlie asked if there has been a recent interior inspection on the structure. Mr. Hatfield stated the previous Code Enforcement Officer did the last interior inspection. Mr. Metzcus asked about the broken windows and any inside damage. Mr. Hatfield stated the windows were broken by vandals, and no interior damage can be seen.

Mayor Oberlie made the motion to grant the additional thirty (30) days that Attorney McDonnell asked for; and asked that the owner work with the Inspection Department to allow for an inspection of the interior. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**5406 Harvey Court- Regina Sturgeon, owner.**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the structure on this property, stating it has been left vacant and not maintained for an excess of four (4) years now. Mr. Hatfield stated that the roof leaks severely which has contributed to the extensive water damage throughout the interior of the structure, seal plates are rotting, areas of the siding are missing and the garage portion has collapsed; a thorough inspection of the mechanicals is not possible due to the extent of the damage and all utilities being terminated. Mr. Hatfield informed the Board that Orders to Demolish have been issued and proper notifications have been made. Mr. Hatfield asked the Board on behalf of the Inspection Department to allow a "Notice to Bidders" be issued.

John Espar, Corporation Counsel asked Mr. Hatfield where the notices to the owner were being sent. Mr. Hatfield informed Mr. Espar that the notices were sent to all parties with substantial interest, which are listed on the deed, as well as being published in the local news paper.

Mayor Oberlie made the motion to find the property a public nuisance and unfit for habitation pursuant to the statute and to authorize the Inspection Department to proceed with the solicitation of bids. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**1111 E. 8<sup>th</sup> Street – Mary London, owner.**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the structure on this property, stating there is extensive exterior decay from lack of maintenance. Mr. Hatfield informed the Board that an Order to Demolish has been put into place and proper notifications have been made with no responses. Mr. Hatfield asked the Board on behalf of the Inspection Department to allow them to proceed with the demolition of this structure and issue a "Notice to Bidders".

Mr. Schaefer inquired about the title work which states Lake County, Indiana. Joe Siegel, Zoning Administrator explained that some of the paperwork dates back to the 1930's, and that proper notification was sent to all interested parties including Ms. London.

Corporation Counsel Espar made the suggestion to hold on this until a corrected commitment could be prepared to make sure notice was given to everyone entitled to receive notice.

Mr. Schaefer made the motion to TABLE this item for two (2) weeks until the paperwork is straightened out. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**824 Grand Avenue – Elizabeth Floyd-Stantz, owner.**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the structure on this property, stating the property has been secured by the Code Enforcement Team on several different occasions over the past few years. Mr. Hatfield informed the Board that notice to repair the structure was issued in May of 2007; and that responses from the parties holding substantial interest explained that the property was involved in a Bankruptcy, and that no attempts have been made to bring this property into compliance. Mr. Hatfield further explained that the Inspection Department has placed an Order to Demolish on this property and that with the Boards approval a "Notice to Bidders" will be issued.

Mayor Oberlie asked if an interior inspection has been done. Mr. Hatfield stated the Inspection Department has done an interior inspection, but was not able to take pictures the last time through it. Mr. Hatfield informed the Board that the M.C. Police Department has been utilized when securing the structure to be sure there was no one in it.

Mayor Oberlie asked about the conditions of the mechanicals. Mr. Hatfield stated there are no utilities, so proper inspection of the mechanicals would not be possible as far as the HVAC, but did note that the electrical seemed fairly well intact and in good shape. Mr. Hatfield also noted that the interior of the structure did not seem very bad at all, but it's a last resort as no one has taken responsibility to maintain the property or structure.

Mayor Oberlie made the motion to have the M.C. Police Department supply the Board with a computer print out of the calls made to the location to justify the nuisance value; that an interior inspection be done; and that Corporation Counsel investigate to see if the City can file charges to have the property repaired; to be reported back to the Board in two (2) weeks. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

(Note: Member, John Schaefer excused himself from the meeting.)

Sgt. Chris Yagelski, M.C. Police Department addressed the Board stating there have been numerous calls for service over the years from neighbors as well as concerns from the Krueger Neighborhood Association.

### **DEMOLITION UPDATE - 1309 W. 10<sup>th</sup> Street**

Russ Hatfield, Code Enforcement Officer addressed the Board notifying them that the structure on this property was demolished by Salat Excavating, LLC; and as per bid requirements all debris was removed, the lot was back-filled, leveled and seeded. Mr. Hatfield made his final inspection and finds that Salat Excavating, LLC has satisfied the contract with the City of Michigan City. **(Note:** for informational purposes only)

### **REQUEST FOR SCHOOL ZONE SIGNS – St. Stanislaus School**

The following correspondence was received in the Clerk's Office on October 13, 2009 from Marc Espar, Councilman, 2<sup>nd</sup> Ward:

Brother Shawn of St. Stanislaus School has requested traffic signs indicating a school zone be placed in the appropriate locations along Ripley Street. Currently, there are no signs on Ripley Street, from Wabash through Pine Streets.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding this request stating that the Planning Department has already been out to Ripley Street and has located positions for the "school zone" signs. **(Note:** for informational purposes only)

### **REQUEST FOR TRAFFIC STUDY**

The following correspondence was received in the Clerk's Office on October 13, 2009 from Marc Espar, Councilman, 2<sup>nd</sup> Ward:

Please have the traffic division look into traffic patterns along S. Woodland Avenue from Coolspring Avenue to Highway 20. Since I opened my office across from Welnetz Road on 02/01/09, there have been 3 auto accidents that I've seen. In addition, most traffic exceeds the posted speed limit of 30 mph through that stretch. Most evenings it is difficult entering Woodland Avenue from Woodland Court.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding this request stating his traffic study is already complete and will be referred to the Planning Department for their recommendation. **(Note:** for informational purposes only)

### **OFFER TO DONATE PROPERTY**

The following correspondence was received in the Clerk's Office on April 7, 2009 by Dawn R. Kmak, 1451 N. 425 E., Michigan City:

Dear Board of Public Works and Safety: I would like to give these two lots to the City of Michigan City. Parcel # 42-01-31-238-002. I am a widow with an 8 year old and live in Porter County. The taxes have always been paid. My child and I live on Social Security. Please accept these and relieve us from the hardship they are causing us. Thank you.

John Pugh, City Planner addressed the Board stating the Planning Department was asked to look at this request, and also to gather information and reports from other departments with regards to this property. Mr. Pugh distributed an aerial photo of the property; and explained that after reviewing the information the Planning Department is recommending that the City accept the property as a donation from the owner.

Mayor Oberlie made the motion to authorize the Attorney's Office to accept the gift. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0). Motion carries.**

### **REQUEST FOR STREET LIGHT**

The following correspondence was received in the Clerk's Office on October 1, 2009 from Frances & Melvin Metcalf, 201 Holiday Street:

I, Melvin C. Metcalf live at 201 Holiday Street with my son. Due to the area being so dark I am asking the Board of Works and Public Safety to please put in a street light in front of my home, for the safety of the children and homeowners in the area.

John Pugh, City Planner addressed the Board and presented aerial photos of the area, along with suggestions for improving the visibility in that area. Mr. Pugh stated he is not recommending a light there at this time, in hopes that the actions taken will help improve this situation. Mr. Pugh informed the Board that if a light is approved, there would be a need for an additional pole(s) installed as power grid is in alley.

Mayor Oberlie made the motion to refer the recommendations to the M.C. Police Department, the City Forrester, the Street Department, the Water Department and Fire Department to get their comments on when they can address the issues; after the suggested improvements have been made then a determination can be made on how or if additional lighting will be provided. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0). Motion carries.**

### **STREET CLOSING**

The following correspondence was received in the Clerk's Office on October 6, 2009 from Johnny Stimley, 401 Franklin Street:

We are requesting that between Washington Street and Wabash Street to be closed from 5:45 p.m. to about 6:30 p.m. on Barker Avenue. This would be for the Bed Races which will be held on Saturday, October 31<sup>st</sup>.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating this is an annual event, and falls on the same night as the City's Trick or Treat so extra patrols will already be on staff; and recommended approving the request.

Mayor Oberlie made the motion to approve the request. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0). Motion carries.**

### **REQUEST FOR SKEDADDLE 5K RACE**

The following correspondence was received in the Clerk's Office on October 13, 2009 from Karl O. Roessler, 2010 Somerset Road:

The Samaritan Center would like to request permission for our 7<sup>th</sup> Annual Samaritan Skedaddle 5K Race on April 24, 2010.

Last year, our race entertained 500 runners and raised over \$15,000.00 for the Samaritan Center. this money helped many people get the counseling help that they need.

The race will keep the same course as last year. We will start on Washington and Eighth Street, turn on Ninth, run down Pine, then through Washington Park, and finish down Washington to Eighth Street. We will host the after race party in the parking lot of the Presbyterian Church immediately after the race (following the same format as last year).

**Thank you for all your support last year.**

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding this event, stating this is a well organized annual event and that no streets are closed during the event by utilizing one (1) lane of Washington, Pine and Ninth Streets. Sgt. Loniewski informed the Board that he spoke with Mr. Roessler and the starting time would be the same as in the past, that being 9:00 a.m.; and suggested approving the request.

Mayor Oberlie made the motion to CONTINUE this item until the next meeting when overtime costs for last years event are presented by the Police Department. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0). Motion carries.**

## **REQUEST FOR BRICK PAVERS**

The following correspondence was received in the Clerk's Office on October 9, 2009 from Carl J. Davis-Bey, 217 West 9<sup>th</sup> Street:

I would like a donation of pavers for a eight feet by thirty-five feet driveway. No parking signs have been approved for my address.

Mayor Oberlie explained that the historic brick pavers are considered an asset of the City's, and they would have to be sold. The Mayor went on to explain that the City has only conveyed to Not-for-Profit Organizations; and made the motion to refer the matter to the legal department and City Engineer to determine the interest in the property, and report back to the Board at the next meeting. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0). Motion carries.**

## **REQUEST TO CLOSE STREETS**

The following correspondence was received in the Clerk's Office on October 13, 2009 from Joe Condon, John Pavy, John Vander Wagen III, Lou Hapke, John Vail, Fred Miller:

We are formally requesting the following streets be closed for one week:  
The North side of 11<sup>th</sup> from Main Street to Spring Street  
The North side of 11<sup>th</sup> Street at Washington Street, Buffalo Street, Manhattan Street, Elston Street, Tennessee Street, Kentucky Street, Claire Street between 10<sup>th</sup> & Green Streets  
Alley between Willard Avenue and Donnelly Street  
Alley between Donnelly Street, and Carlon Court, Carlon Court - \*see map for clarification

When: Sunday, October 25 – Saturday, October 31, 2009

Why: These are the same streets that are to be permanently closed according to the current South Shore relocation proposal.

Considering that, the purpose of this request is two-fold:

- 1) To prepare city services for what may become a permanent situation
- 2) To gauge public opinion concerning the potential closings

Dennis Metheny, 6757 W. 450 N. addressed the Board regarding this request, and if the street and alley on the opposite side of 11<sup>th</sup> Street will be closed also. Discussion ensued about which streets were proposed to be closed.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating that from a Police and Fire perspective, he would recommend denying the request at this time.

Mayor Oberlie made the motion to refer the request to the Planning and Engineering Offices, and the M.C.P.D. Traffic Division for their recommendations. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). 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 Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). 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 8	10/06/2009	\$415,162.68
1 of 1	10/09/2009	\$1,263.91

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

Page	Date	Amount
1 of 4	10/16/2009	\$1,482,936.39

**ADDITIONAL BUSINESS**

Beryle Burgwald, 1914 Greenwood Avenue addressed the Board regarding the process for getting a street light fixed; there is a street light at Greenwood Avenue and Calumet Avenue that has been out for six (6) months, and has been reported several times.

Mr. Metzcus informed Mr. Burgwald on how the process works. Mayor Oberlie addressed Mr. Burgwald’s concerns.

**AGREEMENT FOR CONSULTING SERVICES**

Mayor Oberlie brought before the Board an Agreement for Consulting Services from TND Planning Group for a follow up workshop to be held to present the report and findings from the initial workshop about the proposed South Shore Line improvements. The Mayor informed the Board the workshop will be held on Monday, October 26, 2009 at 6:30 p.m. in the City Hall Council Chambers, 100 E. Michigan Blvd.; fee for this workshop is \$2,700.00.

Mayor Oberlie made the motion to authorization the Board to execute the agreement. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0). Motion carries.**

**MEMORANDUM OF UNDERSTANDING – Between the Michigan City Board of Public Works and Safety and Local No. 228/Council 62 American Federation of State, County and Municipal Employees, AFL-CIO**

Corporation Counsel, John Espar addressed the Board and explained the Memorandum of Understanding, stating it has already been signed by the labor union. Mr. Espar went on to explain that this resolves the grievance of Charles Anderson.

Mayor Oberlie made the motion to approve the Memorandum of Understanding. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus and Oberlie (2). NAYS: None (0). Motion carries.**

**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 9:47 a.m.).

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Thomas F. Fedder, City Clerk