

REGULAR MEETING – NOVEMBER 2, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, November 2, 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
Jim Elwell, Superintendent Central Services
Jack Kahn, Director, Street Department
Al Walus, General Manager, Sanitary District
Charlie Cate, Superintendent, Central Maintenance
Deputy Chief Novak, M.C. Fire Department
Battalion Chief Zawacki, M.C. Fire Department

Thomas F. 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 October 19, 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 STATUS

1202 Washington Street – Alexandra Jackson, owner.

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property at 1202 Washington Street informing them a local businessman, Ron Hamilton, is interested in purchasing the property. Mr. Hatfield asked the Board if they would be willing to rescind or modify the Order to Demolish if Mr. Hamilton purchased the property.

Ron Hamilton, 13322 S. 600 W. addressed the Board stating his interest in the property, and conveyance of a clear deed. Mr. Hamilton asked the Board if they would take the Order to Demolish off the deed so the owner can convey clear title to him. Mr. Hamilton stated the exterior work will be addressed first.

Mayor Oberlie asked to be advised by Corporate Counsel of the steps needed to be taken to clear the title/deed for purchase by Mr. Hamilton.

Corporate Counsel Espar advised the Board that the Order to Demolish can be removed from the property, but will remain as a judgment against the previous homeowner.

Mayor Oberlie made the motion to authorize Corporate Counsel Espar to prepare the necessary documents to allow for the release. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

OPENING OF BIDS – 2003 Bluebird Bus

Mayor Oberlie informed the Board of the one (1) bid received for the sale of a 2003 Bluebird Bus from Central Maintenance. The Mayor opened the following bid:

Mr. Roberto Enamorado, 206 Chicago Street, Michigan City, IN \$1, 200.00

Mayor Oberlie made the motion to refer this item to the Municipal Coach Department and Corporate Counsel Espar for tabulation, and reporting back at the next meeting. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following correspondence was received in the Clerk's Office on October 28, 2009 from Ron Dombkowski, Commander, Frank & Edward Skwiat American Legion Post 451:

On Veterans Day, Wednesday, November 11th, the Frank & Edward Skwiat American Legion Post 451 is again planning a program honoring our veterans and will be held at the Post Home, 121 Skwiat Legion Avenue.

Veterans' organizations from the Michigan City area and the public are being invited to attend these ceremonies which will take place from 10:30 to 11:00 AM outside the front entrance to the Post Home.

As in the past, we are again requesting your permission for barricades to be placed at the entrance to Skwiat Legion Avenue from Washington Street and on Skwiat Legion Avenue just east of the Post Home. Your granting this request will be greatly appreciated.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating this is an annual event and there are no overtime costs involved. Sgt. Loniewski recommended approval for this request.

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.**

REQUEST FOR PROPOSAL – for the Operation of the Public Access & Government Channels

Mr. Phil Jankowski, 6th Ward Councilman addressed the Board requesting they solicit bids for the operation of the Local Cable Channels for both the Public Access and Government Channels.

Mayor Oberlie proceeded to update the Board regarding his written request to the County Commissioners to determine their interest in participating in a County-wide Public Access Station; as well as communicating with Comcast asking for any technical specifications for connection to their system should another bidder be successful in hosting the facilities. The Mayor also advised the Board that pursuant to the existing agreement notification needs to be made to A.L.Co. to advise them that as of December 31, 2009 the contracts will cease to exist as there is no funding.

The Mayor asked the Board to support a motion to have Corporate Counsel write said letter. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

Bart Lombard, Access LaPorte County (A.L.Co.) addressed the Board regarding the status of A.L.Co with the City.

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 8	10/21/2009	\$416,958.89
1 of 3	10/30/2009	\$231,311.11

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

Page	Date	Amount
1 of 4	11/02/2009	\$355,412.25

ADDITIONAL BUSINESS

REQUEST FOR BRICK PAVERS - Carl J. Davis-Bey, 217 West 9th Street

Bill Phelps, City Engineer addressed to the Board regarding the request made by Mr. Davis-Bey for the donation of pavers for an eight foot by thirty-five foot driveway, stating in the past the City has only released bricks to “Non-Profit” Organizations. Mr. Phelps informed the Board that he has spoken to the Legal Department of the City, and they have concurred that the bricks should not be given to private enterprise and should be kept for the City’s use. Mr. Phelps explained there are a number of streets protected by Ordinance throughout the City; and recommended the City not award the brick out for any other purpose.

REQUEST TO PURCHASE RECLAIMED PAVING BRICKS

The following correspondence was received in the Clerk’s Office on October 29, 2009 from Bill & Dalia Wendt, 1922 Lake Shore Drive – Stop 20:

We would like to purchase about 5,000 sq. ft. of paving bricks from Michigan City to use for a driveway in Long Beach that we're now installing. It's our intention to begin about Nov. 4, 2009 and finish about a week later. We have owned our property for 39 years and have patios, driveways and parking areas equally more than 5,000 sq. ft. All of the bricks were reclaimed from Michigan City streets and installed by Bill Woodruff.

Attorney Pat Donoghue told us to call Mr. Jim Kintzele who told me to contact you. Mr. Kintzele said that the bricks were on skids and were ready to go subject to the approval of the board. Most of the competitive prices we've received were \pm \$0.70 per brick delivered to the jobsite and assumed 4.5 bricks per sq. ft. or a sq. ft. price of \$3.15 per sq. ft. Thanks for your consideration in this matter.

Mr. Bill Wendt, 1922 Lake Shore Drive addressed the Board regarding his request to purchase some of the City's reclaimed bricks. Discussion ensued between Mr. Wendt, John Espar-Corporate Counsel, Bill Phelps-City Engineer, and the Board regarding this request.

Mayor Oberlie made the motion to deny the request of both individuals for the reclaimed paving bricks. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

MICHIGAN CITY MAINSTREET ASSOCIATION—Free Wagon Rides & Holiday Events

Mr. Gerald E. Peters, Member, Michigan City Mainstreet Association Executive Board, addressed the Board requesting permission to again provide free wagon rides through Michigan City's downtown on Saturday, November 28th, Saturday, December 5th and Saturday, December 12th from 2:00 p.m. to 5:00 p.m. Mr. Peters informed the Board of the other activities they have planned for the holiday season; and stated the wagon rides will be provided by the LaPorte County Draft Horse Association which has liability insurance to cover its wagons and riders.

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

Mayor Oberlie made the motion to approve the request, with the stipulation that a copy of the Associations liability insurance be forwarded to the Clerks Office, with the City being named as an additional party, to be kept on file. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

FIRE MERIT UPDATE

Mr. Bart Lombard, 625 Faulknor Street addressed the Board informing them the Fire Merit Commission conducted the agility testing for the recruitment of the minority list as per City Council Ordinance, to establish the minority list. Mr. Lombard stated that ten (10) applicants that completed the testing at Portage; six (6) were completed and passed the CPAT for the certified agility testing who will move on to the final portion which is the personal interview, then the ranking will be done. (**Note:** For informational purposes.)

REQUEST FOR SAMARITAN SKEDADDLE 5K RUN – tabled from previous meeting

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division reported back to the Board the requested information on the overtime costs for the Samaritan Skedaddle 5K Run from the last event; handouts were given to the board members and explained by Sgt. Loniewski,

along with a copy of Municipal Ordinance No. 94-312 which would allow the City to charge for parades or processions.

Mayor Oberlie stated this item will continue to be TABLED until the Board has time to review the information presented to them today. (**Note:** For informational purposes.)

824 Grand Avenue – Elizabeth Floyd-Stantz, owner

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the structure on this property, stating the property was reported at the last meeting for a Demolition Hearing and that the Board had asked for additional information on this property from the M.C. Police Department, Vector Control, as well as interior pictures. Mr. Hatfield informed the Board that he had the requested information with him and would like to present it to the Board at this time; handouts were given to the board members and explained by Mr. Hatfield and Sgt. Chris Yagelski, M.C. Police Department. Mr. Hatfield stated there are no utilities, so proper inspection of the mechanicals would not be possible. Mr. Hatfield also noted that as of yet no one has called concerning the “orders” that were put into place on the property and that proper notifications were given as well as public notification. Discussion ensued between Mr. Hatfield, Board Members and Corporate Counsel Espar regarding conditions of the property, previous “notices/orders” placed on the property, title work, bankruptcy, and where notification was being sent to the listed owner.

Sgt. Chris Yagelski, M.C. Police Department informed the Board that Vector Control issued a citation which was delivered to Elizabeth Floyd-Stantz, 4304 E. Michigan Blvd. by certified mail; and reported the calls for service the Board had requested.

Mayor Oberlie made the motion to set this item for a formal hearing with an additional notice, and have the Corporate Counsel’s Office involved so that the process can proceed. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

AGREEMENT FOR ACCEPTANCE OF BRIDGE STRUCTURE NO. 35-46-03386B

Mayor Oberlie brought before the Board, pursuant to the agreement with INDOT to assume Michigan Boulevard, an Agreement for Acceptance of Bridge Structure No. 35-46-03386B stating there is one (1) bridge that qualifies with statute for County maintenance and that under the agreement the City is required to have an agreement where the County acknowledges they have officially taken it over. The Mayor made the motion to authorize the Board to sign 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.**

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.).