

REGULAR MEETING – NOVEMBER 16, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, November 16, 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
John Pugh, Director, Planning & Inspection
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division
Bill Phelps, City Engineer
Jim Elwell, Superintendent Central Services
Jack Kahn, Director, Street Department
Al Walus, General Manager, Sanitary District
Charlie Cate, Superintendent, Central Maintenance
Dave Lamb, Fire Chief, 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 November 2, 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.**

OPENING OF BIDS (Demolition)

5406 Harvey Court, Regina Sturgeon – owner

Mayor Oberlie informed the Board that five (5) bid packets were received in the Clerk's Office, as follows:

KTM Services	\$5,775.00
Phelps Construction	\$3,900.00
G.E. Marshall	\$10,900.00
TRI Demolition Contractor	\$6,830.00
Andy Salat Excav./Const. LLC.	\$5,800.00

Mayor Oberlie moved to refer the bids to the Planning and Inspection Office, and the EEO for tabulation, to be reported back at 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.**

AWARDING OF BID – 2003 Encore Bluebird Bus

Mayor Oberlie made the motion to accept the bid from Mr. Roberto Enamorado, 206 Chicago Street, Michigan City, IN of \$1, 200.00. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

FOLLOW UP ON REQUEST FOR STREET LIGHT

The following correspondence was received in the Clerk's Office on November 2, 2009 from Randall E. Russell, Superintendent, Department of Water Works:

We are in receipt of a letter dated October 26, 2009, addressed to Frances & Melvin Metcalf of 201 Holiday Street.

Mr. John Pugh, City Planner explained the reason for being notified was so that we would check the area around the fire hydrant near 201 Holiday Street, and determined the hydrant was visible and clear.

(Note: informational item only.)

REQUEST FOR PARKING SURVEY

The following correspondence was received in the Clerk's Office on November 9, 2009 from Councilman Bob McKee:

I was contacted by Mrs. Baker that lives on Bruce Drive. Apparently, the amount of parked cars on this road has become a problem for the width of this roadway. I am requesting that this be placed on the Board of Works Agenda so that the issue can be looked into and some resolution provided. The issue is most problematic after 5:00 p.m. So much so, that it is her belief, that it could cause problems for emergency vehicle access.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating he has completed the parking survey, however, the Planning Department is still researching the original design of the roadway and requested the Board allow more time to complete the research.

Mayor Oberlie made the motion to TABLE this matter for two (2) weeks to allow the Planning Department to complete their research. 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 CITY PROPERTY

Pastor Martin, All Nations Church, 429 Willard Avenue requests the Board consider donating the vacant lot across the alleyway to the Church. Pastor Martin indicated the lot would be kept as "green space" for special events and over-flow parking.

Mayor Oberlie made the motion to formally refer the request to the Community Development Office and the Planning Office to determine whether or not there's a City need for the property. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

RETIREMENT

A correspondence was received in the Clerk's Office on November 9, 2009 which read:

The Michigan City Fire Department announces that Captain Richard Santana retired November 6, 2009, with 30 years of service.

Thank you, Dave Lamb, Fire Chief

(Note: informational item only.)

REQUEST TO SOLICIT DONATIONS

The following correspondence was received in the Clerk's Office on November 12, 2009 from Erica Iacovetti, Michigan City Pop Warner:

Hopefully you are aware through recent news coverage that our football program has been very successful. The current events at hand with the Jr. Pee Wee and Pee Wee teams are now advancing into state playoffs this coming weekend at Ames Field and the Jr. Midgets won their state title this passed weekend. The road has been long and hard for the teams. We are up to the challenge but are going to start traveling out of "Our Fair City" which entails travel expenditures. The ultimate outcome to our continued winning streak is the National Pop Warner Super Bowl in Orlando, Florida during the week of December 5th – 12th.

We are requesting to collect donations on the intersection of Pytynia Pkwy. and Franklin Street on Sunday, November 22nd from 9:00 a.m. to 5:00 p.m. during red lights. We are also asking for another location at Wabash St. and 6th Street in the median on Friday, November 27th from 8:00 a.m. to 4:00 p.m. Only adults wearing reflector vests will be collecting donations during this time. Please consider this request and thank you for your time and consideration. If you have any questions, please contact Erica Iacovetti, Jr. Pee Wee team parent.

Mrs. Pam Swenson-Clarkson addressed the Board on behalf of the Pop Warner Football team parents, stating this would be a "helmet drive" to collect donations for the team's advancement to the National Pop Warner Super Bowl in Orlando, Florida.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding this request stating there are concerns with pedestrians and vehicular traffic. Sgt. Loniewski reminded the Board about the Indiana Code which governs state highways that already prohibits soliciting by pedestrians on a roadway, and recommended the Board not approve the request.

Mr. Kevin Clarkson, member of the Michigan City Pop Warner Board of Directors addressed the Board regarding the request.

Mayor Oberlie made the motion to accept the recommendation of the M.C.P.D. Traffic Division of not approving 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.**

CORRESPONDENCE

The following correspondence was received in the Clerk's Office on November 3, 2009 from Mr. Tim Richardson, Police Pension Secretary:

On 9/14/2009, Officer Mark Zummak penned a letter to the Michigan City Police Pension Board requesting a hearing with the board to determine if he is disabled and entitled to Disability benefits as defined by State law.

On September 29th, 2009, the Police Pension Board convened and evidence was presented in this case. The board made a determination on this date to table the meeting pending additional documentation from Mark Zummak's private physician.

On November 2nd, 2009, the Police Pension Board re-convened and reviewed all evidence presented in this case. After such review, the board made a unanimous vote that Officer Mark Zummak is disabled and entitled to disability benefits.

Chief of Police Ben Neitzel has determined that there is no suitable position available for Officer Mark Zummak, as a police officer, due to his disability. Indiana Code 36-8-8-13.1(a)(1) requires a determination additionally be made by the safety board regarding suitable work within the department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act.

Please forward any questions or concerns regarding this matter to the Police Pension Board.

(Note: informational item only.)

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 Mayor Oberlie 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	11/06/2009	\$399,872.48
1 of 3	11/13/2009	\$41,819.99

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

Page	Date	Amount
1 of 5	11/16/2009	\$1,062,461.45

ADDITIONAL BUSINESS

ENGINEERING DEPARTMENT

Bill Phelps, City Engineer addressed the Board stating he has the L.P.A. Consulting Contract for the Michigan Boulevard pipelining and manhole installation project. Mr. Phelps asked for the Board’s approval; then the contract will be sent to INDOT for their final approval. Mr. Phelps stated that “bid letting” will be the first part of December 2009.

Mayor Oberlie made the motion to authorize the President of the Board to execute 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.**

PLANNING DEPARTMENT

John Pugh, City Planner addressed the Board regarding a request of limited parking on Holiday Street, and presented handouts with the area outlined. Mr. Pugh explained to the Board that after reviewing the situation, the recommendation would be to place “No Parking” signs along the northern edge of Holiday Street from Carroll Avenue to Dickson Street along with the temporary flagging above the first sign west of Carroll Avenue as an attention-getting device.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding the new overflow parking lot on Carroll Avenue, indicating the lot should be able to handle the amount of cars that usually park along Holiday Street. Sgt. Loniewski stated the situation not only poses a security issue, but a safety issue as well.

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.**

PUBLIC COMMENT

Mr. Anthony Childers, 205 Douglas Avenue addressed the Board with his concerns regarding the City’s involvement with several different entities. Discussion ensued between Mr. Childers, members of the Board and Corporate Counsel.

REQUEST FOR SAMARITAN SKEDADDLE 5K RUN

CC Kayler, Director of the Samaritan Counseling Center addressed the Board regarding the Samaritan Skedaddle 5K Run that takes place in April, 2010; asking the Board if a decision has been made.

Mayor Oberlie stated this item will continue to be TABLED until the Board has time to review the overtime costs as it relates to the Police Department, and that a decision will be forthcoming. (**Note:** For informational purposes.)

FINAL INSPECTION

Russ Hatfield, Code Enforcement Officer informed the Board that clean up of the property on Willard Avenue and 9th Street (former grocery store) started last week and should be completed by the end of this week. Mr. Hatfield stated the only involvement the City will have is his final inspection to be sure the backfill and seeding does take place. (**Note:** For informational purposes.)

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 9:30 a.m.).

Thomas F. Fedder, City Clerk