

REGULAR MEETING – DECEMBER 7, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, December 7, 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 Vice-President, John Schaefer, who presided.

Noted Present: John Schaefer, and Mayor Charles Oberlie, (2).

Absent: Anthony Metzcus, President (1).

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
Bill Phelps, City Engineer
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division
Asst. Chief John Kintzele, M.C. Police Department
Asst. Chief Mark Swistek, M.C. Police Department
Jim Elwell, Superintendent Central Services
Dave Lamb, Fire Chief, M.C. Fire Department

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

APPROVAL OF MINUTES

Mayor Oberlie moved the minutes of the Regular Meeting of November 16, 2009 be approved as printed. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

AWARDING OF BID (Demolition) - 5406 Harvey Court, Regina Sturgeon – owner

Russ Hatfield, Code Enforcement Officer informed the Board that demolition bids have been reviewed by the Inspections Department and the E.E.O. Officer, and recommend that Phelps Construction with a bid of \$3,900.00 be awarded the bid.

Mayor Oberlie moved to accept the recommendation of the E.E.O. Officer and the Code Enforcement Office and award the bid. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

ORDERS TO DEMOLISH

Russ Hatfield, Code Enforcement Officer addressed the Board stating he has several properties to discuss, and asked the Board to allow him to reschedule 310 Lafayette Street, David Heckman – owner, to gather more documentation to present to the Board.

Mr. Schaefer asked if there was anyone present to discuss the demolition of 310 Lafayette Street. There was no response.

Neil Keintez, 423 E. 10th Street, in the Elston Grove Neighborhood, Historic Review Board, addressed his concerns regarding the condition of the property located at 310 Lafayette Street.

Mayor Oberlie made the motion to TABLE the item until the next meeting. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

824 Grand Avenue – Elizabeth Floyd Stantz, owner

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property, stating this property has been before the Board several different occasions. Mr. Hatfield informed the Board that at the November 2, 2009 meeting the Board advised to set another formal hearing for demolition with additional notifications to all parties with substantial interest; all this has taken place and none of the parties have contacted the Inspection Department. Mr. Hatfield asked for the Board's approval to continue on with the demolition process.

Mr. Schaefer asked if there was anyone present to discuss 824 Grand Avenue. There was no response.

Mayor Oberlie reviewed the status of the property and structure. The Mayor made the motion to find the building to be a nuisance and unsafe pursuant to the statutes of the state and authorized the demolition. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

1111 E. 8th Street – Mary Q. London, owner

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property, stating that on October 19, 2009 the property was brought before the Board for an Order to Demolish hearing. Mr. Hatfield stated there were concerns of title work discrepancies and the Board advised that new title work be ordered to be sure that all parties with substantial interest receive proper notification; this has been done and all proper notices have been issued. Mr. Hatfield informed the Board that the Inspection Department has had several correspondences with family members who may have any kind of interest in this property; it seems as if the family is in dispute among themselves and none are willing to take responsibility to bring this property up to code. Mr. Hatfield stated that the one family member who may have interest in this property has spoken to Joseph Seigel, Zoning Administrator and Amber Lapaich, City Attorney. Mr. Hatfield asked for the Board's approval to continue on with the demolition process.

Mr. Schaefer asked if there was anyone present to discuss 1111 E. 8th Street. There was no response.

Discussion ensued between Mr. Hatfield and Corporate Counsel John Espar with regards to the appearance of the structure and if it was inhabitable.

Mayor Oberlie made the motion to find the building to be unsanitary and a nuisance and unsafe pursuant to the statutes of the state and authorized the demolition. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

509 East 9th Street – Lonnett Phillips & Evelyn Hayes, owners

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property, stating the property was destroyed by fire on February 12, 2007; and that the property owners were not covered by insurance. Mr. Hatfield further stated that in October 2007 the Inspection Department caused an Order to Demolish to be place on the property; the property was brought before the Historic Review Board twice (2) receiving a Certificate of Appropriateness to demolish the structure. Mr. Hatfield asked for the Board's approval to the Inspection Department will issue a Notice to Bidders for Demolition.

Mr. Schaefer asked if there was anyone present to discuss 509 E. 9th Street. There was no response.

Neil Keintez, 423 E. 10th Street, in the Elston Grove Neighborhood, Historic Review Board, addressed his concerns regarding the condition of the property located at 509 E. 9th Street, informing the Board there was a petition signed supporting the demolition of this structure.

Mayor Oberlie addressed the status of the structure since the fire damage, including the mechanical systems. Mr. Hatfield informed the Board that no mechanicals were present as they have been removed; and stated the second floor received the most fire damage. The Mayor made the motion to find the building to be unsafe and a nuisance pursuant to the statutes of the state and authorized the demolition. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following Correspondence was received in the Clerk's Office on November 18, 2009 from John Schaefer, Vice President, Board of Public Works and Safety

Butler, Fairman and Seufert, Inc., Attn: John W. Brand, President, 8450 Westfield Blvd., Suite 300, Indianapolis IN 46240-5920

Dear Mr. Brand,

The Michigan City Parks and Recreation Department was awarded a Recreational Trails Program grant in the amount of \$150,000 on December 21, 2006 for the Peanut Trail project, #RT-06-004.

The project has been delayed for several years due to the Lake Avenue extension project which dissects the proposed trail route and closes a railroad crossing that we had planned to use to bring the trail to Canada Park. The Lake Avenue extension project will drastically alter the proposed trail route and has forced us to look at alternate routes which will change the scope of the project.

The Park Board, with support of Mayor Charles Oberlie and City Engineer Bill Phelps, believes it is necessary at this time to withdraw the Peanut Trail project from the grant process. We also find it necessary to terminate our contract with Butler, Fairman and Seufert for engineering services related to the project dated September 17, 2009. Please let this letter serve as the 30-day written notice of termination as required by the contract. Please submit payment requests for services rendered to date under the contract no later than December 31, 2009.

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

GATEWAY PARK PROPOSAL

Mr. John Pugh, Director, Planning & Inspection addressed the Board stating that Mr. Phelps, City Engineer and himself have negotiated the agreement with Lohan Anderson and asked for the Board’s support and approval for the Mayor to sign the agreement; and also authorize the issuance of a Notice to Proceed.

Mr. Schaefer noted for the record that the City Council has approved an appropriation for this purpose. Mr. Schaefer asked if there were any comments on the Gateway Park Proposal, there was no response.

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

ENGINEERING DEPARTMENT

Bill Phelps, City Engineer addressed the Board with regards to Reith-Riley’s offer to extend their existing contract for the proposed 2010 paving program using the same unit prices. Mr. Phelps informed the Board that subject to Code 522-17-4, where a contract may be renewed a number of times with the agreement of the Contractor and Purchasing Agency (the Board); however, the term of the renewed Contract cannot be longer than the term originally stated. Mayor Oberlie moved to approve; the motion was seconded by John Schaefer, and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). 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 Oberlie and Schaefer (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	11/19/2009	\$415,979.85
1 of 3	12/01/2009	\$230,069.08
1 of 7	12/04/2009	\$399,979.19

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

Page	Date	Amount
1 of 6	12/07/2009	\$1,381,798.72

ADDITIONAL BUSINESS

M.C. POLICE DEPARTMENT

Asst. Chief John Kintzele, M.C. Police Department addressed the Board stating a contract for the Michigan City Police Department's, City of Michigan City and Miner Electric for the 900 mghz Mobile Data System. Asst. Chief Kintzele informed the Board this project has been in the works for four (4) years, have had public hearings for the additional appropriations of funds which were approved by the City Council; and asked the Board to sign the contract that was presented to Corporate Counsel prior to any other costs being incurred.

Mr. Schaefer asked Corporate Counsel, John Espar is the contract was in order. Mr. Espar informed the Board that the contract was in order.

Mayor Oberlie made the motion to authorize the approval of the contract. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

PUBLIC COMMENT

SOUTH SHORE REALIGNMENT PROJECT

Mr. Joe Condon, 115 Washington Street, addressed the Board with a request for the release of aerial photographs from SturcturePoint that were used in the Gateway Park presentation, stating that some of the aerial photographs are of areas directly concerned with the South Shore realignment (11th and Franklin Streets). Mr. Condon informed the Board that StructurePoint will not release the photographs to him as they are the property of the City of Michigan City; therefore, he needs the Boards permission to have them released.

Mr. Phelps, City Engineer, stated this is typical of a consulting engineer.

Mayor Oberlie made the motion to have Mr. Phelps contact StructurePoint and ask for the photographs and to then forward them onto Mr. Condon. Mr. Condon requested to contact Mr. Phelps by e-mail with the specifics.

A.L.CO.

Mr. Bart Lombard, 625 Faulknor Streeet, Director of Operations Access LaPorte County addressed the Board regarding Corporate Counsel's letter regarding the contract for the government channel and the operations as of December 31, 2009; asked the Board if there is someone they should be working with the try to resolve some of the issues (software licensing fees, insurance, update equipment, etc...).

Mayor Oberlie addressed Mr. Lombard's questions and concerns.

CORRESPONDENCE

The following correspondence was received in the Clerk's Office on December 7, 2009 from John Schaefer, Vice-President, Michigan City Board of Public Works and Safety:

After reviewing the reports of the Michigan City Police Pension Board and reviewing administrative positions in the department with the Police Chief and the Personnel Director, the Board of Public Works and Safety has determined that there are no positions available for Mr. Mark Zummak.

Mayor Oberlie addressed the Board regarding the correspondence received from the Michigan City Police Pension Board and Michigan City Police Chief relating to a disability pension for Mark Zummak; and that after reviewing the positions of the Police Department with the Personnel Officer, made the motion to authorizing the Vice-President of the Board of Public Works and Safety to sign a letter indicating that in fact there are no position available at this time for Mr. Zummak in the Police Department. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

MICHIGAN CITY AREA SCHOOL CORPORATION's FIBER LOOP

Mayor Oberlie also made the motion to authorize the Corporate Counsel to sign a letter of engagement relating to negotiating the City's connection to the Michigan City Area School Corporation's "fiber loop". The Mayor stated the objective is to connect all City buildings to the school's "fiber loop" and reduce some of the City's operating overhead costs. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (2). NAYS: None (0). Motion carries.**

2010 FIREWORKS

Mayor Oberlie asked the Board to authorize him to execute an agreement for the 2010 Fireworks show to be on July 11, 2010. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Oberlie and Schaefer (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 9:30 a.m.).

Thomas F. Fedder, City Clerk