

REGULAR MEETING – May 5, 2008

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, May 5, 2008, 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 Charles Oberlie, Member; and John Schaefer, Member (3).

Absent: None (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporate Council
Sgt. Jeff Loniewski, Traffic Division, M.C.P.D.
Al Walus, General Manager, Sanitary District
John Pugh, Director, Planning & Inspection
Jim Elwell, Superintendent, Central Services
Bill Phelps, City Engineer
Dave Lamb, Fire Chief, M.C.F.D.
Charlie Cate, Superintendent, Central Maintenance
Joe Siegel, Zoning Administrator
Russ Hatfield, Code Inspector

Jason Miller, The News Dispatch

Thomas Fedder, City Clerk
Kim Sliwa, Assistant Deputy City Clerk

APPROVAL OF MINUTES

Mr. Schaefer moved the Minutes of the Regular Meeting of April 21, 2008, 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.**

AWARDING OF BIDS

FIR STREET IMPROVEMENT PROJECT-from Eighth Street to Vail Street – note: Bids were received on April 21, 2008.

John A. Doyle, Project Engineer, addressed the Board regarding the three (3) bids that were received stating that all bidders are in compliance with requirements for this bid project; D & M Excavating, Inc. submitted a bid of \$ 94,998.00; Woodruff & Sons, Inc. in the amount of \$119,788.00; and HRP Construction, Inc. in the amount of \$128,318.00. Mr. Doyle recommended that the Board accept the bid of D & M Excavating, Inc.

Mayor Oberlie and Mr. Doyle discussed the necessary paperwork that would need to be completed for this bid.

Mayor Oberlie moved to accept the recommendation of the Consulting Engineer to accept the bid of D & M Excavating, Inc for \$94,998.00. 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 BIDS

2008 SIDEWALK PROGRAM – note: Bids were received on April 28, 2008.

Bill Phelps, City Engineer, addressed the Board regarding the bid process for this project, stating that the bid is based on individual unit prices-based upon an estimated quantity that we supplied. Mr. Phelps informed the Board that the lowest bidder is Deutscher Construction, LLC, of Michigan City; bids were also received by Woodruff & Sons, Inc. and Rieth-Riley Construction Co., Inc. Mr. Phelps explained that the EEO officer has approved Deutscher Construction, LLC; and that the state wage scale will be used, he recommended the Board accept this bid.

Mr. Jim Stemmler, President of the LaPorte County Building Trades, and also Business Manager for the Iron Workers of Northwest Indiana, addressed the Board with his concerns about the 2008 Sidewalk Program.

Mayor Oberlie addressed Mr. Stemmler's concerns with regards to the State wage scale.

Mayor Oberlie moved to accept the recommendation of the City Engineer to accept the bid of Deutscher Construction, LLC for \$268,000.00. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

Regarding 513 Pleasant Avenue

A correspondence was received in the Clerks Office on April 30, 2008, from Eugene Hollins which read:

I'm writing to request to be on your next meeting agenda; the reason is one of my renting houses was involved in a drug raid, and they condemned the house. I need to find out if I can get it rescinded or find out what I need to do to get it repaired and rent out again.

Russ Hatfield, Code Inspector, addressed the Board with regards to his findings of this property. Mr. Hatfield, at the Code Groups request, asked that the Board let the Condemnation Order stay in place and demolition of this structure be pursued.

Mr. Eugene Hollins addressed the Board asking what he can do to update the property so he can rent it out.

Mr. Hatfield recommended that if the Board is going to allow this property to be repaired, that all repairs be made to the minimal State code standards within 30 days or pursue demolition.

Mayor Oberlie moved to have the Inspection Department do a write up of all the details, give a copy to the owner so he knows what is expected of him and come back before the Board for a hearing in two weeks and set a Bond for the completion of the project. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

STATUS REPORTS

232 Willard Avenue, Carlotta Adams – owner

Russ Hatfield, Code Inspector, reported the status of this property to the Board stating that Cinnamon Creek Excavating produced a signed contract for work to be done to the structure with a starting date of May 19, 2008. The Inspection Department will continue to monitor the status of this property.

Note: no Motion required, this is just a report.

910 Green Street, James & Doris Gast-owners/Cassandra English-purchaser

Russ Hatfield, Code Inspector, reported the status of this property to the Board stating that the purchaser is steadily rehabilitating this structure. The Inspection Department will continue to monitor the status of this property.

Note: no Motion required, this is just a report.

1202 Washington Street, Alexandra Jackson – owner

Russ Hatfield, Code Inspector, reported the status of this property to the Board stating that the property sustained structural/foundation damage when NIPSCO and the Water Department were working on utilities in the adjoining alleyway. The owner is in litigation with the utility companies involved. Mr. Hatfield's recommendation to the Board of Public Works and Safety is to authorize the Enforcement Authority to collect bids for this structures repair so as to re-open the alleyway in a speedy manner.

Attorney Barry McDonnell, 601 Franklin Street, representing Alexandra Jackson, addressed the Board with regards to this situation, and the additional hardship the closure of the alley is having on the residents of that block along with the Salvation Army. Attorney McDonnell has spoken with the Water Department's Insurance carrier, who in turn has been negotiating with NIPSCO's Risk Management.

Discussion followed between Mayor Oberlie, Mr. Hatfield, Mr. Metzcus, Mr. Schaefer and Attorney McDonnell.

Mayor Oberlie made the motion to direct the Attorney Espar to send a notice to all three parties, stating they have thirty days to resolve the situation or the City will make the repairs and put a lien on all. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

1212 West 9th Street, Michael Crane – owner

Russ Hatfield, Code Inspector, reported to the Board that the Attorney for this is Mr. Pagus, and that he was requested to be at the meeting today, however, he was not in attendance. Mr. Hatfield reported the status of the structure to the Board members, stating that it has been one year since the original order to demolish was put in place; and asked the Board to authorize him to issue Notice to Bidders immediately for the demolition of this unsafe structure.

Corporate Counsel, John Espar, addressed the Board regarding the fire investigation findings, and his communications with the owner's attorney.

Mayor Oberlie moved to go forward with the solicitation of bids for demolition. The Motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0). Motion carries.**

STREET CLOSING

A correspondence was received in the Clerks Office on April 24, 2008, from Lynette Havis of 1006 ½ W. 8th Street which read:

I hereby request that the Board of Public Works and Safety of the City of Michigan City, Indiana, approves/permits the closure of 8th Street from Kennedy to Willard Avenue on May 10, 2008 from 5 p.m. to 11:30 p.m. I can be reached at (219) 879-5211 if you should have any questions. Thank you for your time and consideration. The reason we want street blocked is so the kids won't get hurt out there. I will appreciate if you allow our family to have a picnic for mothers for Mother's Day. Thank you in advance.

Ms. Havis addressed the Board regarding her request, and that the street closing would only be from 5 p.m. to 7 p.m.

Mayor Oberlie, Ms. Havis and Sgt. Loniewski discussed closing 8th Street which is a major thoroughfare, and other possible options available.

The request was rescinded.

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. 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	04/25/2008	\$418,025.77
1 of 3	05/01/2008	\$238,900.52
1 of 1	04/30/2008	\$ 52,948.99

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

Page	Date	Amount
1 of 4	05/02/2008	\$598,498.89

ANNUAL MEMORIAL DAY OBSERVANCE

A correspondence was received in the Clerks Office on May 2, 2008, from Ray Cowgill, Commander, of American Legion Post 37 which read:

The American Legion, John Franklin Miller Post 37 is in the process of organizing our Annual Memorial Day Observance. The observance will feature salutes fired at area Veteran's Memorials and a Parade. We request the Board of Public Works and Safety issue Post 37 a parade permit for Memorial Day, Monday, **5-26-2008**.

After meeting with Councilman Joe Doyle we are requesting once again to assemble At Pytynia Parkway by Ames Field and then march north on Franklin Street to Decatur Street then right on Decatur Street proceeding to Greenwood Cemetery as usual. The program will follow at the Grand Army of the Republic Monument. The parade will step off at approximately 10:00 a.m. All parade participants really liked the new assembly area near Ames Field as it affords considerably more room and does not interfere with local businesses during the assembly period.

We also request the Street Department to check for low overhanging limbs on Decatur Street so our flags will not be interfered with on the parade route.

Thank you for your prompt attention to this request.

Mr. Schaefer made the motion to approve the request for the Annual Memorial Day Parade and Observance. 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 9:50 a.m.).

Thomas F. Fedder, City Clerk