

REGULAR MEETING – February 15, 2011

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, February 15, 2011, at the hour of 6:30 p.m., local time, in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

The meeting was called to order at 6:30 p.m. by Council President Marc Espar.

Roll call was authorized and the following were noted present and/or absent:

PRESENT: COUNCIL MEMBERS Joe Doyle, Marc Espar, Phillip Jankowski, Robert McKee, Ron Meer, Richard Murphy, Faye Moore, Pat Boy, Angie Nelson (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

ALSO PRESENT: City Clerk – Thomas Fedder, Deputy Clerk - Gale Neulieb, and Council Attorney – James Meyer.

APPROVAL OF MINUTES

President Espar inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of February 1, 2011.

Councilman Meer made a motion to approve the minutes as printed, second by Councilwoman Boy. The minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

Councilman Jankowski advised the Finance Committee met prior to the Council meeting, stating the committee unanimously recommended approval for Riverboat Fund #9000 in the amount of \$222,155.25.

Councilman Jankowski stated the Utility Committee received information requested from Mr. Walus, General Manager, Sanitary District regarding the contracts and invoices for legal fees obtained in 2010. Mr. Jankowski stated the majority of the breakdown on these invoices were blacked out and that he asked Mr. Schaefer, City Controller to try and obtain the information in greater detail.

Councilman Jankowski reported on the Finance Committee meeting held on Thursday, February 10, 2011 advising the Finance Committee's recommendation was to **TABLE** the appropriation in the amount of \$8,300.00, asking Mr. Schaefer to look at alternative sources for funding. Mr. Jankowski also advised the Finance Committee's

recommendation regarding the full time position in the Controller's Office would be they explore hiring two (2) part time people in place of just one (1) full time person.

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no reports of special or select committees.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Jan Orlich, Superintendent of the Michigan City Parks and Recreation Department presented the 2010 Parks and Recreation Annual Report.

Council President Espar thanked Ms. Orlich for doing this presentation.

CLAIM DOCKETS

Councilman Jankowski made a motion to approve the claims from Fund #9000 – Riverboat in the amount of \$222,155.25 second by Councilman McKee and Murphy.
Motion carried 9 - 0.

PETITIONS

The Clerk read the petition by title only, **PETITION FOR VOLUNTARY ANNEXATION INTO THE CITY OF MICHIGAN CITY by VIRK VER, LLC**

Attorney Michael Bergerson, representing Virk Ver, LLC, addressed the Council regarding the petition brought before them advising the location of the petition was the BP gas station on 400 North and Franklin Street.

(NOTE: Council President Espar advised there would be a formal public hearing held on second reading regarding the proposed ordinance at the March 15, 2011 Council meeting.)

COMMUNICATIONS

There were no communications.

RESOLUTIONS

The Clerk read by title only, there being no objections

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4466

REQUESTING THE MICHIGAN CITY PLAN COMMISSION AND THE MICHIGAN CITY PLANNING AND INSPECTION DEPARTMENT TO WAIVE BUILDING PERMIT AND INSPECTION FEES

WHEREAS, Michigan City Common Council has given support to the creation and the need of decent and adequate housing IN Michigan City and supports the need to help make better housing available to those who would not qualify for home ownership under normal circumstances; and

WHEREAS, LaPorte County Habitat for Humanity. Inc., (Habitat For Humanity) is a non-profit corporation that works in partnership with people in need of decent and adequate housing who would not qualify for home ownership under normal circumstances; and

WHEREAS, Habitat for Humanity acquires property and builds a house in partnership with a qualified family that is selected by a committee of being in need of housing; and

WHEREAS, Habitat for Humanity, purchases building material with funds raised through various fund-raising activities and uses volunteer labor in building houses; and

WHEREAS, upon completion, the home is sold to the family with a no-profit, no-interest mortgage; and

WHEREAS, Habitat for Humanity, works with homeowners, helping them to become responsible homeowners before and after move-in; and

WHEREAS, the Common Council wishes to have the City lessen the financial burden for Habitat for Humanity for construction of three (3) houses in Michigan City so that they can proceed with construction without delay and undue costs.

NOW, THEREFORE, BE IT RESOLVED, by the Michigan City Common Council that it in order to encourage and assist in the construction of decent and affordable housing in Michigan City for families who could not otherwise afford to be home owners respectfully requests that the Michigan City Plan Commission and the Planning and Inspection Departments waive all fees for the construction of three (3) houses to be constructed by LaPorte County Habitat for Humanity, Inc., on sites located at 223, 225, and 229 Willard Avenue, Michigan City, Indiana and more particularly described as follows:

Parcel Numbers	460129352006000022
	460129352009000022

Lots 6, 7, 8, and 9 in Block 2 as shown on the recorded plat of On & DeWolfe's Addition recorded in Plat Book 2, Page 51 in the Office of the Recorder of LaPorte County, Indiana.

Upon the passage of this Resolution, the City Clerk will send a copy to each member of the Plan Commission, the Board of Public Works and Safety, and to the Planning and Inspection Departments for their consideration and compliance and for future production to the State Board of Accounts.

This Resolution shall be in full force and effect after passage and approval by the Mayor of Michigan City.

Introduced by: /s/ Ron Meer

Councilman Meer advised that waiving the building and inspection fees has been done traditionally to assist Habitat for Humanity, that it coincides directly with the Neighborhood Stabilization grant that was targeted for the west side. Mr. Meer stated that several dilapidated homes have been demolished and will now be replaced with new construction.

Councilman Meer read the following; **NOW, THEREFORE, BE IT RESOLVED**, by the Michigan City Common Council that it in order to encourage and assist in the construction of decent and affordable housing in Michigan City for families who could not otherwise afford to be home owners respectfully requests that the Michigan City Plan Commission and the Planning and Inspection Departments waive all fees for the construction of three (3) houses to be constructed by LaPorte County Habitat for Humanity, Inc., on sites located at 223, 225, and 229 Willard Avenue, Michigan City, Indiana.

Councilman Meer made a motion to adopt the proposed resolution, second by Councilmen McKee and Murphy.

Council President Espar asked if there were any comments or questions by the general public or Council and hearing none, the resolution was adopted by the following vote:

AYES: Council Members Espar, Jankowski, McKee, Meer, Moore, Murphy, Nelson, Boy, and Doyle (9). NAYS: None (0).

ORDINANCES

The Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ANIMAL CONTROL FUND FOR COMPLIANCE WITH THE ORDINANCE 3965**

Introduced by: Marc Espar
Richard Murphy
Phillip Jankowski

(DECREASE: Animal Control Fund # 0615 Unappropriated Balance \$16,298.78.
INCREASE: Account # 0615 0000 03 439.011 Contractual Services \$16,298.78)

(NOTE: Council President Espar advised there would be a formal public hearing held at the March 1, 2011 Council meeting.)

Council President Espar stated without objection he would not be referring the proposed ordinance to committee.

President Espar asked if there were any comments or questions by the general public or Council and hearing none, the ordinance was laid over for second reading.

The Clerk read on first reading by title only, **APPROVING A LEASE FOR CERTAIN PUBLIC IMPROVEMENTS BETWEEN THE MICHIGAN CITY REDEVELOPMENT AUTHORITY AND THE MICHIGAN CITY REDEVELOPMENT COMMISSION FOR THE ELSTON GROVE HISTORIC DISTRICT RECONSTRUCTION PROJECT**

Introduced by: Richard Murphy
Ron Meer

Councilman Murphy addressed the Council regarding the history of the Elston Grove Streetscape, thanking the Redevelopment Commission for their recognition of Elston Grove as a significant in the revitalization effort, asking the Council to support the proposed ordinance.

(NOTE: Council President Espar advised the proposed ordinance would be referred to the Finance Committee for consideration, requesting the Redevelopment Commission to secure Bond Counsel to be present at that meeting.)

Neil Kienitz (423 E. 10th Street), Derrick Dircks (436 E. 8th Street) President of the Elston Grove Neighborhood Association, addressed the Council asking for their support to the proposed Ordinance.

President Espar asked if there were any comments or questions by the general public or Council and hearing none, the ordinance was laid over for second reading.

The Clerk read on second reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR A CONTRACTUAL EXPENDITURE OF THE CLERK'S OFFICE**

Introduced by: Patricia Boy

(DECREASE: Riverboat Fund #9000 Unappropriated balance \$8,380.00. **INCREASE:** Account # 9000 0000 03 439.011 Contractual Services \$8,380.00)

Councilwoman Boy made a motion to **TABLE** the appropriation until further notice, second by Councilwoman Nelson.

The motion was passed to **TABLE** the proposed ordinance by the following vote: **AYES: Council Members Jankowski, McKee, Meer, Moore, Murphy, Nelson, Boy, Doyle, and Espar (9). NAYS: None (0).**

(NOTE: Council President Espar stated that since the ordinance was TABLED there wouldn't be a formal public hearing at this time.)

The Clerk read on second reading by title only, **APPROVING ADDITIONAL APPROPRIATION FOR THE REINSTATEMENT OF THE POSITION OF SECRETARY II IN THE OFFICE OF THE CITY CONTROLLER**

Introduced by: Marc Espar

(DECREASE: General Fund #0101 Unappropriated balance \$36,380.61. **INCREASE:** General Fund #0101 Account # 0101 0040 411 001 Salaries and Wages \$22,205.20, Account # 0101 0040 413 004 Health Insurance \$9,923.11, Account #0101 0040 413 001 FICA \$1,698.70, Account # 0101 0040 413 002 PERF \$2,253.60, Total for General Fund \$36,380.61)

Council President Espar stated the appropriation was to fill a position that had been vacated by a retirement, advising during the Finance Committee meeting their recommendation was to approve the ordinance with their request that the Controller advertise for both part-time/full-time Secretary II positions gearing for two (2) potential part-time candidates.

President Espar asked if there were any questions or comments by the general public or Council and hearing none, President Espar opened the formal public hearing, repeating three times "Any questions or comments by the general public at this time?" There was no response and the public hearing was closed.

Council President Espar asked if there were any comments or questions by the Council and hearing none, the proposed ordinance was laid over for third reading.

The Clerk read on second reading by title only, **AN ORDINANCE TO AMEND ORDINANCE NO. 3832 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ESTABLISHING TRAVEL RULES, REGULATIONS, AND REIMBURSEMENT SCHEDULES FOR MUNICIPAL EMPLOYEES AND OFFICIALS**

Introduced by: Marc Espar

President Espar asked if there were any comments or questions by the general public or Council and hearing none, the ordinance was laid over for third reading.

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4126

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVER BOAT FUND FOR CENTRAL MAINTENANCE CAPITAL EXPENDITURES

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2011 Annual Budget for the River Boat Fund for capital expenditures for Central Maintenance; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the River Boat Fund # 9000 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE River Boat Fund #9000 Unappropriated balance	\$ 294,000.00	
 INCREASE ACCOUNT #9000 0000 04 444.009 Other Machinery & Equipment - CM		 \$294,000.00
 TOTAL FOR FUND	 \$ 294,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Marc Espar, President
Michigan City Common Council

/s/ Richard Murphy, Member
Michigan City Common Council

(NOTE: Council President Espar stated there was a formal public hearing held at the February 1, 2011 Council meeting and that the Finance Committee recommended approval of this ordinance).

Councilwoman Nelson made a motion to adopt the proposed ordinance, second by Councilman McKee.

Council President Espar asked if there were any comments or questions by the Council and hearing none, the proposed ordinance was adopted by the following vote: **AYES: Council Members McKee, Meer, Moore, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4127

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVER BOAT FUND FOR THE COMPLETION OF THE ENGINEERING PLANS AND SPECIFICATIONS FOR PATRIOT PARK

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2011 Annual Budget for the River Boat Fund for the completion of the engineering plans and specifications for the soccer building, parking facilities, and two (2) ball fields at Patriot Park; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the River Boat Fund #9000 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE River Boat Fund # 9000 Unappropriated balance	\$ 150,000.00	
INCREASE ACCOUNT # 9000 0000 04 443.007 Park Projects		\$150,000.00
TOTAL FOR FUND	\$ 150,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Marc Espar, President
/s/ Richard Murphy, Member
/s/ Joseph Doyle, Member

Councilman Doyle explained the Parks and Recreation committee met and reviewed the plans and that they strongly supported moving ahead on this project.

(NOTE: Council President Espar stated there was a formal public hearing held at the February 1, 2011.)

Jan Orlich, Superintendent of the Parks and Recreation Department addressed Councilman Meer's questions regarding the time frame of the project and the parking issues at Patriot Park.

Councilman Meer made a motion to adopt the appropriation ordinance, second by Councilman Doyle.

Council President Espar asked if there were any comments or questions by the Council and hearing none, the motion carried by the following vote: **AYES: Council Members Meer, Moore, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, and McKee (9).**
NAYS: None (0).

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4128

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
RIVER BOAT FUND FOR CEMETERY EQUIPMENT**

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2011 Annual Budget for the River Boat Fund for cemetery equipment; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the River Boat Fund #9000 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE River Boat Fund # 9000 Unappropriated balance	\$ 108,000.00	
INCREASE ACCOUNT # 9000 0000 04 444.010		

Cemetery Equipment \$ 108,000.00

TOTAL FOR FUND \$ 108,000.00

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Marc Espar, President
Michigan City Common Council

/s/ Richard Murphy, Member
Michigan City Common Council

(NOTE: Council President Espar stated there was a formal public hearing held at the February 1, 2011 Council meeting and that the Finance Committee recommended approval of this ordinance.)

Councilwoman Nelson made a motion to adopt the proposed ordinance, second by Councilwoman Boy.

Council President Espar asked if there were any comments or questions by the general public or Council and hearing none, the ordinance was adopted by the following vote: **AYES: Council Members Moore, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, and Meer (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4129

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVER BOAT FUND FOR THE CITY’S ALLOCATION OF FUNDS TOWARDS THE TIGER II PLANNING GRANT BY NICTD AND CONDITIONING PAYMENT OF THOSE FUNDS

WHEREAS, on August 17, 2010, the Michigan City Common Council adopted Resolution No. 4452 authorizing the application for a TIGER II Planning Grant by NICTD for the realignment of the South Shore rail line through Michigan City, wherein the Common Council also supported a One Hundred Thousand Dollar (\$100,000.00) allocation from “casino funds” to be used as matching funds if the Grant was approved; and

WHEREAS, the Common Council had previously adopted its Resolution No. 4435 which stated the various goals and purposes of the Council and the Mayor in regards to the manner of carrying out the planning study and selecting the preferred alignment location for the rail line; and

WHEREAS, NICTD filed an application for the TIGER II Planning Grant and notice was recently received that the Grant had been approved to fund the South Shore realignment study; and

WHEREAS, the City has discussed and come to an agreement with NICTD as to the form of a written Agreement between the City and NICTD regarding their joint venture for the Project and a Request For Proposals and Instructions For Proposers for the purpose of securing the services of a highly qualified professional consultant to carry out the South Shore realignment study to be funded by the TIGER II Grant and matching funds; all consistent with the provisions of Council Resolutions Nos. 4435 and 4452; and

WHEREAS, it has been demonstrated to the Michigan City Common Council that in order to proceed with the South Shore realignment study it is necessary to appropriate more money than was appropriated in the 2011 Annual Budget to pay the City’s One Hundred Thousand Dollar (\$100,000.00) matching funds for implementing the TIGER II Planning Grant; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the River Boat Fund #9000 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	AMOUNT <u>REQUESTED</u>	AMOUNT <u>APPROPRIATED</u>
DECREASE River Boat Fund # 9000		
Unappropriated balance	\$ 100,000.00	

INCREASE ACCOUNT # 9000 0000 03 431.005 \$100,000.00
 Other Professional Services

TOTAL FOR FUND \$ 100,000.00

However, the City shall not pay NICTD any of said appropriated funds until NICTD has agreed to and has executed the Agreement that is attached hereto as Exhibit A and NICTD has agreed to issue the Request For Proposals and Instructions For Proposers in the form that are attached hereto as Exhibits B and C.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Richard Murphy, Member
 Michigan City Common Council

(NOTE: Attachments “A”, “B”, and “C” are filed in the Clerk’s Office)

Councilman Murphy reminded the Council that the NICTD Select Committee unanimously approved the recommendation of the proposed ordinance based on amendments the Council unanimously approved on second reading.

(NOTE: Council President Espar stated there was a formal public hearing held at the February 1, 2011 Council meeting.)

Councilman Meer stated the NICTD Select Committee took great consideration to make sure that Michigan City residents were going to be well represented in the process of this study. Mr. Meer stated this was the first study he supported since he served on the Council, advising he would be supporting this ordinance.

Councilman Murphy made a motion to adopted the proposed ordinance, second by Councilman McKee.

Council President Espar asked if there were any comments or questions by the general public or Council on the proposed amendment and hearing none, the ordinance was adopted by the following vote: **AYES: Council Members Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, and Moore (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4130

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVER BOAT FUND FOR PARK CAPITAL EXPENDITURES

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2011 Annual Budget for the River Boat Fund for park capital expenditures; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the River Boat Fund # 9000 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	AMOUNT <u>REQUESTED</u>	AMOUNT <u>APPROPRIATED</u>
DECREASE River Boat Fund # 9000		

INCREASE Account #0227 -0000-01-413.004
 Health Insurance \$ 295,000.00

TOTAL FOR FUND \$ 295,000.00

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Marc Espar, Member
 Michigan City Common Council

Councilman McKee made a motion to adopt the proposed ordinance, second by Councilman Meer.

Council President Espar asked if there were any comments or questions by the general public or Council and hearing none, the proposed ordinance was adopted by the following vote: **AYES: Council Members Boy, Doyle, Espar, Jankowski, McKee, Meer, Moore, Murphy, and Nelson (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4132

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CREDIT FUND FOR CONTRACTUAL SERVICES TO MAINTAIN THE GOVERNMENT AND PUBLIC ACCESS CHANNEL

WHEREAS, the Michigan City Board of Public Works and Safety awarded the Government Access Channel Programming (Channel 97), Public Access Channel Programming (Channel 99), and the Public Access Studio bid to Access LaPorte County (ALCO) at a Special Meeting held on December 28, 2010;

WHEREAS, Ninety-Nine Thousand Dollars (\$99,000.00) will be required to pay the provider for the year long service and Twenty Thousand Dollars (\$20,000.00) will be used as needed to replace or repair equipment owned by the City and utilized in the studio and/or City buildings for the public access shows or City government meetings; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the CREDIT Fund # 0227 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE CREDIT Fund #0227 Unappropriated balance	\$ 119,000.00	
INCREASE ACCOUNT #0227-0000-03-439.011 Contractual Services		\$119,000.00
TOTAL FOR FUND	\$ 119,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Marc Espar, President
Michigan City Common Council

Councilman Jankowski made a motion to approve the proposed ordinance, second by Councilwoman Nelson.

Council President Espar asked if there were any comments or questions by the general public or Council and hearing none, the proposed ordinance was adopted by the follow vote: **AYES: Council Members Doyle, Espar, Jankowski, McKee, Meer, Moore, Murphy, Nelson, and Boy (9). NAYS: None (0).**

UNFINISHED BUSINESS

Council President Espar stated nominations to the Michigan City Social Status of African-American Males Commission was TABLED at the last Council meeting (February 1, 2011) advising the reason it was TABLED was there was a question if this matter be before the Council for any vote. President Espar reviewed the Ordinance establishing this Commission advising the appointments were from various agencies throughout the City and did not need the Council's approval on the appoints.

(NOTE: The following were recommended by their respective agencies: Ms Albertine Allen, Mr. Rodney Washington, Mr. Willie Milsap, and Rev. Charles Dowdell)

President Espar stated the Council's one and only appointment to the Commission was Mrs. Faye Moore.

NEW BUSINESS

Council President Espar advised Mayor Oberlie requests the advise and consent of the members of the Michigan City Common Council regarding the following ten (10) Appointments to the newly created Public Art Committee:

Carolyn Saxton: Lubeznik Center for the Arts
Jane Daley: At Large
Linda Simmons; LaPorte County Convention & Visitors Bureau
Judy Jacobi; Purdue University
Robin Kohn: Michigan City Public Library
Tim Haas; Engineer
Jan Orlich; Michigan City Park Department
Bennie Edwards; At large
Carol Ann Brown; Arts Community
Janet Bloch; Arts Committee

President Espar advised this matter would be reviewed and voted on at the next Council meeting, March 1, 2011.

Councilman Murphy requested the Council's appointment be addressed at the next meeting. Mr. Murphy stated the Public Art ordinance states the newly created Public Art Committee would consist of ten (10) appointments by the Mayor and one (1) appointment by the Council.

Council President Espar read the following letter received on February 1, 2011;

Pursuant to my contract and City Code, I am hereby requesting that I be paid at my standard hourly rate for the time spent on the preparation of documents to be used to secure a consultant to do the TIGER II Grant South Shore realignment study. This work includes reviewing and extensively editing the agreement between NICTD and the City, the request for proposals, and the instructions for proposers before they were recently advertised. It is my understanding that the Council also wants me to assist in the review of the proposals when they are received. I do not anticipate that the gross amount of billings for this project during 2011 would exceed \$5,000. Thank you for your consideration of this request.

Attorney James B. Meyer

Councilman McKee made a motion to approve Attorney Meyer's request, second by Councilwomen Boy and Nelson.

Council President Espar asked if the Council had any comments or questions and hearing none, the motion carried by the following vote: **AYES: Council Members Espar, Jankowski, McKee, Meer, Moore, Murphy, Nelson, Boy, and Doyle (9).** **NAYS: None (0).**

COMMENTS FROM THE PUBLIC

Dennis Boy, 218 Southwood Drive, thanked the Council for making progress into the legal bills used to defend the Sanitary District Superintendent.

COMMENTS FROM THE COUNCIL

Councilwoman Boy thanked everyone that participated in the snow removal stating what a great job that was done.

Councilman McKee commended Jan Orlich, Superintendent of the Michigan City Parks and Recreation Department for the presentation she presented and thanked the entire Park staff for the great jobs they do.

Councilman Doyle also commended the Park Department for a job well done.

ADJOURNMENT

A motion by Councilman Doyle, supported by Councilwoman Nelson, and there being no further business to transact, President Espar declared the meeting ADJOURNED (approximately 7:45 p.m.).

Thomas F. Fedder, City Clerk