The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, August 19, 2003, at the hour of 7:30 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 7:30 p.m. by Council Vice President Denzil Wilson, who presided.

The Pledge of Allegiance to the Flag and a short period of silent prayer were observed.

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

**PRESENT:** COUNCIL MEMBERS Evelyn D. Baker; Charles Lungren; Willie Milsap; Paul A. Przybylinski; Denzil D. Wilson; and JoEileen Winski (6)

**ABSENT:** COUNCIL MEMBERS Carolyn Harmon; Joseph LaRocco; Virginia R. Martin (3)

A QUORUM WAS NOTED PRESENT.

**APPROVAL of MINUTES**

Acting President Wilson inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of August 5, 2003, and, there being no objections, declared the minutes approved as printed.

**REPORTS of STANDING, SPECIAL, or SELECT COMMITTEES**

Councilman Lungren reported on the Commission on the Social Status of African American Males and the Solid Waste District.

**REPORTS of OTHER CITY OFFICERS and DEPARTMENTS**
Mayor Oberlie announced that the City Team had won the softball game with Meijer. The victorious team won $2,000.00, which will be donated to Michiana Resources and Northern Indiana Food Bank.

Mr. Oberlie said he had a proposal on his desk from Design Organization, whom he would like to retain for the purpose of providing preliminary space studies, analysis, and costs for the renovation of the Michigan Boulevard fire station to house the Fire administrative offices, for the single classroom training facility for all City departments, and for Emergency Operating Center. The concept of the Emergency Operating Center has changed drastically as a result of 9-11, significant funds are becoming available for training requirements, etc., to make sure we are prepared in case of a major disaster. Our objective is to house that all in the one facility. He chose Design Organization because they were the firm who had been employed by the City to design the improvements to the Police Station, with the objective of housing the Fire Department there, so they’re already aware of the general space needs for the facility. The preliminary cost will be not to exceed $14,000.00, to come from the demolition fund. His aim is to get the Fire Department out of Central Station because the costs “are eating us up.”

Mayor Oberlie announced that, on August 28, the local Harley-Davidson dealer will be host to an estimated 2,000 - 5,000 Harley-Davidson riders, preliminary to Harley Davidson celebrating their 100th birthday at their corporate headquarters at the end of the month. The motels, and restaurants will be full and they will be spending money in our city.

Mr. Oberlie said the Board of Works has asked the City Attorney to obtain appraisals on three lots we own on Lake Shore Drive, adjoining a never-opened Warren Road. It is assumed that each lot will be appraised at more than $50,000.00 and we will bring to the Council a request to proceed with the advertising for sale of those separate lots. We may also take some time to determine, if it’s not in the best interests of the City, to vacate Warren Road prior to the sale and, therefore, add a fourth lot to that transaction.

Mayor Oberlie stated that, after talking with the Police Chief, he has established a task force to investigate leads on dog fighting in Michigan City. Any citizen can call the hot line anonymously at 873-1488.

There was discussion of the move to the Michigan Boulevard fire station by Mayor Oberlie and Councilman Lungren.

At this time, Mr. Oberlie introduced Al Walus, General Manager, Sanitary District, who gave a presentation on the projects and goals of the department. After the presentation, Mr. Walus responded to questions from Councilmen Przybylinski, Milsap, and Lungren.

PETITIONS
There were no petitions.

COMMUNICATIONS
There were no communications.

RESOLUTIONS

RESOLUTION

The Clerk read by title only, there being no objections.

RESOLUTION NO. 4187

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AUTHORIZING THE SUBMITTAL OF THE INDIANA DEVELOPMENT FINANCE AUTHORITY BROWNFIELD'S SITE ASSESSMENT GRANT

WHEREAS, the Common Council of the City of Michigan City, Indiana recognizes the need to continue its efforts in addressing its Brownfield's issues; and

WHEREAS, it is necessary to determine the recognized environmental conditions at the former Krueger & Sons Kleeners located at 141 N. Dickson Street; and

WHEREAS, this grant will identify potential environmental liabilities and allow the City to continue its efforts to inventory, assess, and clean up Brownfield's sites.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Michigan City, Indiana that:

1. The Mayor of the City of Michigan City is authorized to prepare and submit an application for grant funding to address environmental site assessment at a former dry cleaning establishment, Krueger & Sons Kleeners, at 141 N. Dickson Street, a residential neighborhood.

2. The amount of the grant is $23,600 with no matching funds required.

3. The City Controller is hereby authorized to establish a fund to receive the grant monies and to distribute them without further appropriation for the purposes identified in said grant.

INTRODUCED BY:  /s/ Evelyn D. Baker

Councilman Przybylinski moved to adopt the Resolution, seconded by Councilwoman Winski.

City Planner John Pugh explained the purpose for the Resolution.
The motion carried and the Resolution was adopted by the following vote: AYES: COUNCIL MEMBERS Milsap, Przybylinski, Wilson, Winski, Baker, and Lungren (6). NAYS: None (0).

There being no objections, the Clerk read by title only,

RESOLUTION NO. 4188

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, pursuant to Indiana Code 36-4-10-2, the City Controller is the fiscal officer for the City of Michigan City, Indiana; and

WHEREAS, the City Controller serves as the financial contact and signator on behalf of and for the City of Michigan City, Indiana with banks, the Public Employees Retirement Fund (PERF), as well as various State and Federal agencies; and

WHEREAS, John Schaefer has been appointed office of City Controller, pursuant to Indiana Code 36-4-9-6 for the City of Michigan City, Indiana.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Michigan City, Indiana that Jerome Eisele, Yvonne Wray and Charles Oberlie be removed as the financial contacts and signators for the City of Michigan City, Indiana; and

BE IT FURTHER RESOLVED John Schaefer and Yvonne Hoffmaster shall be named as the financial contacts and signators on behalf of, and for the City of Michigan City, Indiana.

INTRODUCED BY: /s/ Denzil Wilson

Councilman Przybylinski moved to adopt, seconded by Councilwoman Winski. The motion carried and the Resolution was adopted as follows: AYES: COUNCIL MEMBERS Przybylinski, Wilson, Winski, Baker, Lungren, and Milsap (6). NAYS: None (0).

ORDINANCES

The Clerk read on first reading by title only, AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK, MAYOR AND ALL COMMON COUNCIL MEMBERS, introduced by Virginia Martin.

Councilman Przybylinski requested suspension of the rules to allow amendments on third reading. There were no objections.
The Ordinance was then laid over for second reading.

The Clerk read by title only on first reading, **AN ORDINANCE SETTING SALARIES FOR APPOINTED OFFICIALS AND EMPLOYEES OF CITY OF MICHIGAN CITY, INDIANA FOR THE YEAR 2004**, introduced by Virginia Martin.

Councilman Przybylinski requested suspension of the rules to allow amendments on third reading. There were no objections.

President Wilson offered an amendment as an author’s amendment on behalf of Councilwoman Martin: Change the salary for the Fire Marshall and the Fire Training Officer from $45,082.86 to $45,564.39. There were no objections.

The Ordinance was then laid over for second reading.

The Clerk read on first reading by title only, **ORDINANCE FOR APPROPRIATIONS AND TAX RATES**, introduced by Virginia Martin.

Councilman Przybylinski requested suspension of the rules to allow amendments on third reading. There were no objections.

The Ordinance was then laid over for second reading.

The Clerk read by title only on third reading, there being no objections, **ORDINANCE NO. 3897**

AN ORDINANCE TO THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, FOR PARTIAL WAIVER OF BUILDING PERMIT FEES

WHEREAS, the Common Council of the City of Michigan City, Indiana recognizes that the waiving of building permit fees for the current Michigan City building project will greatly benefit Michigan City Schools; and

WHEREAS, the Michigan City Area Schools have already paid $23,944.00 in permit costs on the middle schools currently under construction; and

WHEREAS, the savings on these construction permit costs will go directly to the Michigan City Area Schools for further improvement of the Schools’ within the community; and

WHEREAS, the Michigan City Area Schools are not-for-profit public schools corporation which provide an education to the Michigan City Area School children; and
WHEREAS, the Michigan City Area Schools are not requesting a waiver of permit fees for plumbing, mechanical, and electrical; and

WHEREAS, the Michigan City Area Schools are an asset to the Michigan City area, and a point of pride within the community. Thus, a waiver of such permit fees will benefit the City of Michigan City and surrounding areas.

NOW, THEREFORE, BE IT ORDAINED that the Common Council of the City of Michigan City, Indiana waives all further building permit fees in connection with 2002/2004 addition/renovation projects for Barker Middle School, Krueger Middle School, Elston Middle School, and Michigan City High School building projects for the Michigan City Area Schools, with the exception of inspection and permit fees for plumbing, mechanical and electrical.

INTRODUCED BY: /s/ Virginia Martin

Councilman Przybylinski moved to adopt the Ordinance, seconded by Councilwoman Winski.

There was favorable comment by Councilmen Przybylinski, Lungren, and Milsap.

The motion carried and the Ordinance was adopted by the following vote: AYES: COUNCIL MEMBERS Wilson, Winski, Baker, Lungren, Milsap, and Przybylinski (6). NAYS: None (0).

The Clerk read on third reading by title only, there being no objections, AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 2114, introduced by Evelyn Baker (Bartlett’s South Shore Acres, Bartlett’s Dunes Sheridan Division, Schnick Block 5 and Pt. Blair’s Woodlawn Park Addition - Agricultural and Business-3 to Residential-1 and National Park. The Michigan City Plan Commission is the petitioner. Agreement was reached to allow amendments on third reading).

Councilwoman Baker moved to adopt the Ordinance, seconded by Councilwoman Winski.

Acting President Wilson stepped down and Councilman Przybylinski assumed the chair. Councilman Wilson then spoke on the Ordinance.

The formal public hearing was opened. Responding were Mike Landess (209 Silver Lake), LeRoy Kloss (105 Kloss Avenue), Mr. Voorhees (340 Woodlawn), Al Krickhan (817 Woodlawn), City Planner John Pugh, and Robert Arrowsmith (County Line Road). The public hearing was then closed.

Councilman Wilson moved to table the Ordinance and send it back to the Plan Commission to have a workshop with the Council so we can enter our views. The motion, seconded by
Councilman Milsap, carried as follows: **AYES:** COUNCIL MEMBERS Winski, Baker, Lungren, Milsap, Przybylinski, and Wilson, (6). **NAYS:** None (0).

Councilman Przybylinski then stepped down and Acting President Wilson returned to the chair.

The Clerk read on third reading by title only, there being no objections,

**ORDINANCE NO. 3898**

**AN ORDINANCE TO AMEND ORDINANCE NO. 2681 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, ALL COLLECTIVELY KNOWN AS THE POLICE DEPARTMENT ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**

WHEREAS, the Michigan City Police Merit Ordinance with the passage of time needs clarification and modification; and

WHEREAS, the Michigan City Police Merit Commission wishes to expand the applicant pool for the Michigan City Police Department; and

WHEREAS, I.C. 36-8-4-2 now states that members of the Police Department must reside:

(1) Within the county in which the city, town, or township is located; or
(2) In a County that is contiguous to the county in which the city, town, or township is located.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that the Michigan City Police Merit Ordinance shall now read as follows:

Section 70-143 shall be removed in its entirety:

Residency and Other Requirements for Appointees:

When an applicant has been appointed to the police department, the officer shall become a bona fide resident of the county residing within 15 miles of the corporate boundaries of the city, have adequate means of transportation into the city, and maintain in his residence telephone service with the city, within 90 days after such appointment in order to comply with all existing laws, ordinances and regulations relating to citizenship requirements in effect.

Section 70-143 shall now read as follows:

Residency and Other Requirements for Appointees:
When an applicant has been appointed to the Police Department, the officer shall become a bona fide resident of the County of LaPorte, or any contiguous County within the State of Indiana (Porter, Starke, or St. Joseph Counties); have adequate means of transportation into the City; and maintain in his or her residence telephone service with the City within ninety (90) days after such appointment in order to comply with all existing laws, ordinances, and or regulations relating to citizenship requirements in effect.

INTRODUCED BY: /s/ Carolyn Harmon

Councilwoman Winski moved to adopt the Ordinance, seconded by Councilman Milsap.

There was discussion among Council Members Przybylinski, Milsap, Baker, Winski, and Lungren, Mayor Oberlie, and Police Chief Gene Simmons.

Councilman Lungren moved to table the Ordinance until we have a workshop to see if we have a policy concerning take-home cars or whether we need an ordinance. The motion was seconded by Councilman Przybylinski. The motion failed by the following vote: **AYES:** COUNCIL MEMBERS Lungren and Przybylinski (2). **NAYS:** COUNCIL MEMBERS Baker, Milsap, Wilson, and Winski (4).

The original motion carried and the Ordinance was adopted by the following vote: **AYES:** COUNCIL MEMBERS Baker, Lungren, Milsap, Wilson, and Winski (5). **NAYS:** COUNCIL MEMBER Przybylinski (1).

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

Mayor Oberlie has requested advice and consent for the reappointment of Mr. John Flegel and Mr. Dan Carabine as members of the Tree Board - Terms to expire on August 1, 2006.

Councilman Lungren moved to give the requested advice and consent. Councilman Przybylinski seconded the motion, which carried as follows: **AYES:** COUNCIL MEMBERS Lungren, Milsap, Przybylinski, Wilson, Winski, and Baker (6). **NAYS:** None (0).

**COMMENTS FROM THE COUNCIL**

Councilman Przybylinski spoke further on the final ordinance and take-home police cars, as did Councilman Lungren.

Councilman Lungren thanked Mr. Walus for his presentation and Mayor Oberlie for holding the open meetings prior to the Council meetings.
Councilman Milsap thanked Mr. Elwell and the Central Services staff for focusing on the Michigan Boulevard improvements.

COMMENTS FROM THE PUBLIC

James Kintzele thanked the Council for forgiving the building permit fees for the schools.

Controller John Schaefer scheduled budget workshops for Monday morning, August 25, starting at 9:00 a.m.

ADJOURNMENT

On motion by Councilman Przybylinski, supported by Councilman Milsap, and there being no further business to transact, President Martin declared the meeting ADJOURNED (approximately 9:00 p.m.).

Thomas F. Fedder, City Clerk