

REGULAR MEETING - July 6, 2004

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, July 6, 2004, 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 President Paul Przybylinski, 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; Patricia Boy; Joseph Doyle; Phillip Jankowski; Charles Lungren; Virginia Martin; Ronald Meer; Willie Milsap; and Paul Przybylinski (9)

ABSENT: None (0)

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Przybylinski inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of June 15, 2004, and, on motion by Councilman Lungren, seconded by Councilman Milsap, the minutes were approved as printed.

REPORTS of STANDING, SPECIAL, or SELECT COMMITTEES

Councilman Jankowski reported on Water and Sanitary Board meetings and the flood plain. Council Members Przybylinski and Martin also commented.

Councilwoman Baker spoke on Tax Abatement Committee activities.

Councilman Lungren reported on the Solid Waste District meeting..

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

There were no reports.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

The Clerk read in its entirety,

RESOLUTION NO. 4240

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MICHIGAN CITY, INDIANA
HONORING THE MARQUETTE CHAPTER OF QUESTERS**

WHEREAS, The Washington Park Band Shell was originally dedicated on May 30, 1891, by H. M. Miles, a certified civil engineer who played clarinet in the Ames Union Band. The original design was for a 30 foot diameter platform, five feet above ground, with a full basement; the band shell was designed to seat 60 musicians, and a full percussion section; and

WHEREAS, The original band shell was destroyed by fire and re-dedicated during a program attended by more than 10,000 people on July 7, 1911; the Ames Second Regiment band performed "Greater Michigan City," a march composed by Professor Harry M. Hamm, director of the band; and

WHEREAS, By the 1970's, the Washington Park Band Shell, which had originally been one of nearly 70 bandstands in northern Indiana, was one of only 12 still standing; and

WHEREAS, In 1973, the Marquette Chapter of Questers (an international group interested in antiques and dedicated to historic preservation) committed themselves to restoration of the historic band shell. Through grants and private donations, fundraising events, and assistance from contractors, the Questers have spent more than \$100,000 and ensured that this treasured structure of our community will stand for another 100 years; and

WHEREAS, on July 1, 2004, the Marquette Chapter of Questers is melding the past dedications of July 1911 and July 1976 with this dedication service for one of the last 12 historic band shells surviving among 43 counties of Northern Indiana; and

WHEREAS, the Michigan City Common Council would like to thank the Michigan City Chapter of the Marquette Questers for their cooperative effort to maintain and save this historic structure for future generations.

NOW, THEREFORE, BE IT RESOLVED, that in recognition of the hard work and commitment to restoring the historic band shell, Mayor Charles Oberlie, the Michigan City Common Council and the citizens hereby proclaimed July 1st, 2004 as *Marquette Questers and Washington Park Historic Band Shell Day*.

This Resolution shall be in full force and effect from and after passage by the Common Council and approval by the Mayor.

SPONSORED BY: /s/ Paul A. Przybylinski and
CO-SPONSORED BY: /s/ all other members of the Council

Councilman Milsap moved to adopt the Resolution, seconded by Councilwoman Boy. Speaking to the Resolution were Council Members Boy, Lungren, and Przybylinski.

The motion carried and the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS Milsap, Przybylinski Baker, Boy, Doyle, Jankowski, Lungren, Martin, and Meer (9). NAYS: None (0).**

ORDINANCES

The Clerk read by title only on first reading, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, FOR PARTIAL WAIVER OF BUILDING PERMIT FEES**, introduced by Evelyn D. Baker.

There was discussion among Council Members Baker, Przybylinski, and Boy, Mayor Oberlie, and Senior Center Director Tara Joseph.

Councilman Lungren 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 on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AMENDING TREE ORDINANCE NO. 3893**, introduced by Patricia Boy and Charles Lungren.

Following discussion by Council Members Boy, Lungren, and Martin, the Ordinance was laid over for second reading.

The Clerk read on second reading by title only, **AN ORDINANCE TO DE-OBLIGATE FUNDS**, introduced by Phillip Jankowski.

There was no discussion. The Ordinance was laid over for third reading and formal public hearing.

The Clerk read on third reading by title only, **AN ORDINANCE OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING ORDINANCE NO. 2261, ENTITLED: CONTAINERS**, introduced by Ron Meer. (Storage and removal of garbage. **Agreement was reached to allow amendments on third reading.**)

Councilman Meer withdrew the Ordinance.

UNFINISHED BUSINESS

Councilman Milsap requested information concerning the status of legal counsel for the Common Council. President Przybylinski said there would probably be a workshop before the next meeting.

NEW BUSINESS

Mayor Oberlie has requested advice and consent of the Council for the re-appointment of Mr. James Jaksa to the Port Authority Board, with term to expire April 13, 2008.

Councilwoman Martin moved to give advice and consent, seconded by Councilman Milsap. The motion carried by the following vote: **AYES: COUNCIL MEMBERS Baker, Boy, Doyle, Lungren, Martin, Meer, and Milsap (7).** **NAYS: COUNCIL MEMBERS Przybylinski and Jankowski (2).**

COMMENTS FROM THE COUNCIL

Council Members Meer, Lungren, and Przybylinski welcomed Chief Neitzel

Council Members Meer, Martin, Przybylinski, Lungren, Jankowski, and Boy spoke of the flood plain.

President Przybylinski thanked the Summer Festival Committee for their work this year.

COMMENTS FROM THE PUBLIC

Kenneth Baker (128 Riviera Drive) objected to Councilman Lungren's referring to that subdivision as "ticky tacky housing." He believes it is a very nice subdivision. Councilman Lungren apologized; he agreed that the buildings are top quality.

Eric Frageman (549 Boyd Circle) addressed the container issue and asked to be notified of the workshop on the issue. Councilman Meer responded.

Darlene Replogle (205 Kenwood Place) echoed Mr. Frageman's comments and also spoke concerning the Tree Board. She wanted to be notified of Tree Board meetings. She called attention to trees on various of her properties. President Przybylinski responded.

Ron Day (3732 Lexington Road) asked to attend the workshop on the container issue.

ADJOURNMENT

On motion by Councilman Milsap, supported by Councilman Lungren, and there being no further business to transact, President Przybylinski declared the meeting ADJOURNED (approximately 8:50 p.m.).

Thomas F. Fedder, City Clerk