REGULAR MEETING - MARCH 16, 2004

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, March 16, 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 Special Meeting of February 18, 2004, and the Regular Meeting of March 2, 2004, and, on motion by Councilwoman Boy, seconded by Councilman Milsap, declared the minutes approved as printed.

REPORTS of STANDING, SPECIAL, or SELECT COMMITTEES

Councilman Jankowski reported on the meetings of the Water Board and the Sanitary District Board.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mayor Oberlie announced Spring Cleanup; cited Cpl. Mark Swistek in the Operation Street Sweeper Program (which has resulted in 102 arrests since October 21, 2003); reported that with the combination of the Police Department, the Street Department, the Refuse Department, the Planning Office, the Building Inspectors, we began a major crackdown on junk sitting around our community. He stated that, beginning April 1, there will be blue ribbons hanging from the trees here, as well as at the county complex; April is National Child Abuse Prevention Awareness Month. There will be 1502 blue ribbons so that we remember there were 1502 calls relating to child abuse last year. There will also be three (3) red ribbons because there were three children who are not with us today. Mr. Oberlie noted the Park Department will begin their sign-up for their programs for the summer. Again, we will have an insert in the newspaper in the next two weeks. What is very important is that, with collaboration and agreements to work together, the schools and the various neighborhood associations are going to provide transportation to move our kids from our summer camps in the park to Elston, where we will provide lifeguards. There will now be swimming lessons taught at Elston as a part of our recreation program —— a new venture, but something that would not happen without cooperation with the schools, who will be providing transportation and facilities, and some of the neighborhood groups who have agreed to help in those endeavors.

Mayor Oberlie asked that the Council and the District get together with the Board of Works for a workshop so we can begin to discuss the routing on the sewer that is going to serve the Marsh School area. While construction is probably two years away, we are pursuing various funding sources that may help us begin with those initial phases and we can’t do that until we know what the route of the sewer will be. President Przybylinski felt we should have a workshop to discuss the water intake financing before getting into this; he felt the intakes were a big priority. Mr. Oberlie observed he had already indicated there would be money in the next budget for Phase I of the intake. The question is, can we do two phases or one next year, but whether we do that or not, we have engineering funds set aside now; there is a possibility of Federal funds to help us on construction; if the window closes, we’ll pick up the full cost next time. It’s too much money to lose, that first phase is $9 million. He would like to save the taxpayers some of that money.

Corporation Council Larry Allen informed the Council Members the contract with Comcast Cable will expire at the end of the year and he asked that the Council, along with the Mayor and the Board of Works, set up a workshop in the near future for purposes of discussing any recommendations regarding the contract renewal. With reference to the just-passed train whistle ban, he noted that the Federal government has just passed a law, effective in December, which will force cities to use gates, as well as flashing lights, for any train crossings for which it wishes to ban whistles. There are some exceptions, one of which has to do with whether nor not we are below the national threshold for purposes of any accidents that may or may not have occurred at a particular intersection. He is in the process of studying the law and will put together a report for the Council.

As department of the month, John Pugh gave an update on the three major projects being handled by the Redevelopment Department and fielded questions from Council Members Milsap, Baker, Meer, Lungren, and Przybylinski.
PETITIONS
There were no petitions.

COMMUNICATIONS
President Przybylinski requested that the following letter dated March 3, 2004, from Norbert Schaaf, 2508 Wabash Street, be inserted into the record:

I want to thank you for considering the regulation of train horns in Michigan City. I believe the entire city would benefit from this.

My own feeling is that gates should be required and also flashing lights. Years ago we had many crossings that did not even have flashing lights. This resulted in several fatal crashes. The horns didn't help then. Those crossings were closed.

I don't feel that omitting the horns without added safety measures would be wise.

RESOLUTIONS
There were no Resolutions.

ORDINANCES
The Clerk read on first reading by title only, AN ORDINANCE OF THE CITY OF MICHIGAN CITY COMMON COUNCIL ESTABLISHING A SPECIAL NON-REVERTING FUND WITHIN THE BUDGET OF THE MICHIGAN CITY PARKS AND RECREATION DEPARTMENT FOR DEPOSIT AND DISBURSEMENT OF REVENUES COLLECTED ON BEHALF OF THE MICHIGAN CITY PORT AUTHORITY, introduced by Patricia Boy.

There was discussion by Council Members Boy and Doyle, and the Ordinance was laid over for second reading.

The Clerk read by title only on first reading, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING ORDINANCE NO. 3375, introduced by Willie Millsap (Random drug and alcohol testing of employees).

Following discussion among Councilmen Millsap and Lungren and Attorney Allen, the Ordinance was laid over for second reading.

The Clerk read on second reading by title only, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA APPROVING THE ESTABLISHMENT OF FEES FOR USERS LOCATED IN AN UNINCORPORATED AREA OF LAPORTE COUNTY, INDIANA, KNOWN AS “INDIAN SPRINGS”, introduced by Phillip Jankowski, at the request of the Michigan City Sanitary District. (At the last meeting, Councilman Jankowski requested second and third readings at this meeting.)

Councilman Jankowski withdrew his request for third reading at this meeting and requested suspension of the rules to allow amendments on third reading. There were no objections.

There was discussion among Council Members Boy, Lungren, and Jankowski, Charles Nova (5225 South Franklin), Richard Ostergren (5888 North State Road 35, LaPorte – owner of Serenity Springs), State Representative Mary Kay Budak, Paul Trost (LaPorte County Health Department), and County Commissioner Marlow Harmon.

Councilwoman Boy requested that she be added as an author on this Ordinance; there were no objections.

The Ordinance was laid over for third reading.

UNFINISHED BUSINESS
There was no unfinished business.

NEW BUSINESS
Mayor Oberlie requested advice and consent concerning reappointment of Mr. Sam Johns to the Michigan City Port Authority, term to expire March 18, 2008.
Councilwoman Baker moved that advice and consent be given, seconded by Council Members Martin, Milsap, and Doyle. There was discussion among Council Members Baker, Przybylinski, and Lungren. The motion carried by the following vote: **AYES: COUNCIL MEMBERS Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, Baker, Boy, and Doyle, (9). NAYS: None (0).**

**COMMENTS FROM THE COUNCIL**

Councilman Lungren spoke on the skate park and on demolition of a building for the proposed new homeless shelter.

President Przybylinski lauded Sue Tokoly for her years of service to the community and the right to vote. He also thanked our veterans.

Councilwoman Baker reported that she and Councilman Meer had responded to a letter from Laura Mellen concerning the alarms ordinance, with the help of the Fire and Police Departments.

Councilman Milsap inquired of Mayor Oberlie concerning the cleanup of Michigan Boulevard.

**COMMENTS FROM THE PUBLIC**

No one from the public rose to be heard.

**ADJOURNMENT**

On motion by Councilman Lungren, supported by Councilman Milsap, and there being no further business to transact, President Przybylinski declared the meeting ADJOURNED (approximately 9:50 p.m.).

Thomas F. Fedder, City Clerk