The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, April 20, 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 April 6, 2004. On motion by Councilman Lungren, seconded by Councilwoman Boy, and, there being no objections, the minutes were approved as printed.

REPORTS of STANDING, SPECIAL, or SELECT COMMITTEES

Councilman Jankowski reported on the Water and Sanitation Boards' meetings.

Councilwoman Boy reported on the Tree Board and announced Arbor Day on May 22 and Earth Day on April 22. She said there would be a clean-up in Ruby Woods on Earth Day from 3:30 to 5:30 p.m. for anyone interested in participating.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mayor Oberlie spoke on the recent incident concerning dogs running loose and the possibility of additional controls. He said the City does not employ enough people trying to control animals. He said he has asked Police and the Animal Control officer to more stringently enforce the section that says no one under the age of 18 should be walking what is perceived as a dangerous animal on our streets.

Mayor Oberlie noted we have tried to institute collaborative efforts to share facilities, talent, and resources, with the LaPorte County Coalition of Youth Task Serving Agencies, who have applied for and received from the Indiana Child Care Fund a little over $48,000.00 to help expand accessibility to programs we have wanted to offer in our community for some time. The school system will be providing bus service to take the kids from our summer playground programs to Elston, where the school will provide the swimming pool and we will provide the lifeguards so we can teach swimming. In cooperation with the YMCA, there will be a new program called Angels in the Field, to provide a baseball program for children with special needs.

Mayor Oberlie plugged 103 FM Kiss Radio, who will be broadcasting from Michigan City, June 1 through July 29. Their afternoon programs will be broadcasting live from the Beachwalk area. Every other weekend they anticipate some form of special activity - celebrity recording artists, etc. He called attention to the USA Weekend section of the News Dispatch, which recognized the Mayor’s Campaign Against Cancer as one of the projects of Make a Difference, both in the State of Indiana and the nation. That campaign is one of fifteen finalists from the U.S. Conference of Mayors for city livability awards for this year.

Comments and responses followed from Council Members Przybylinski and Attorney Allen.

Park Maintenance Director Darren Westphal, at the request of Councilman Milsap, gave updates on several parks, and answered questions from Council Members Milsap and Martin.

PETITIONS

There were no petitions.

COMMUNICATIONS
There were no communications.

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

RESOLUTION NO. 4226

LATE FILED APPLICATION FOR THE ECONOMIC REVITALIZATION
AREA DEDUCTION FOR NEW MANUFACTURING EQUIPMENT (FORM 32
ERA/PP) INSTALLED BY WEIL McLAIN:

WHEREAS, the purpose of this Resolution is to support the approval of the late filed application
submitted by Weil McLain for the economic revitalization area deduction for new manufacturing equipment, and:

WHEREAS, The City of Michigan City, County of LaPorte encourages and promotes economic
development through tax abatement incentives. The City of Michigan City has assisted Weil McLain on various
occasions throughout the tax abatement process. The City of Michigan City understands that by approving this
late request, a loss in tax revenues may result.

NOW, THEREFORE, BE IT RESOLVED:

The City of Michigan City has discussed this matter with Weil McLain. In conclusion, the company has
sufficiently justified their late filing. A verbal commitment has been made by the company to prevent this from
occurring in the future. The City of Michigan City will continue to assist Weil McLain emphasizing the necessity
to timely file all applications.

Now therefore be it further resolved, the Michigan City Common
Council along with the Mayor and
City Planner have reviewed the matter and hereby authorize the Department of Local Government Finance to
consider this application submitted.

Introduced by: /s/ Chuck Lungren

Councilman Lungren moved to adopt the Resolution, seconded by Councilwoman Martin.

There was discussion among Council Members Milsap, Lungren, and Baker, Tony Rodriguez (Director, MCEDC), Wayne
Barksdale (V.P, Operations, Weil McLain), and Sam Iogha (VP, Finance, Weil McLain).

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

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

RESOLUTION NO. 4227

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MICHIGAN CITY, INDIANA, ESTABLISHING
AN ALLOWANCE FOR UNCOLLECTIBLE PROPERTY TAXES

WHEREAS, Statement Number 34 of the Governmental Accounting Standards Board (GASB 34)
contains several new requirements related to municipal accounting and financial reporting; and,

WHEREAS, the City of Michigan City desires to comply with the provisions of GASB 34; and

WHEREAS, one of the requirements of GASB 34 is that the City establish an allowance in its general
ledger for uncollectible property tax revenue;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Michigan City, Indiana,
that the City Controller is directed to annually calculate an allowance for uncollectible property tax revenue.
The allowance is to be a percentage of current year revenue based on the average of the actual amounts that
were not collected over the preceding five (5) years. The allowance is to be calculated for each fund that
receives property tax revenue.

INTRODUCED BY: /s/ Phillip Jankowski

Councilman Jankowski moved to adopt the Resolution, seconded by Councilman Milsap.

There followed discussion among Council Members Martin, Jankowski, Boy, and Lungren and Controller John Schaefer.

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

There being no objections, the Clerk read by title only,
RESOLUTION NO. 4228

A RESOLUTION OF THE MICHIGAN CITY COMMON COUNCIL
CREATING SEPARATE FUNDS FOR DISBURSING AND RECEIVING OF GRANTS

WHEREAS, the Michigan City Planning Department has successfully applied for and has been awarded three Coastal Zone Management Grants for the following projects:

Enhanced public access to Trail Creek on the former Karwick Road landfill,  Enhanced public access to Trail Creek on a storm outfall at 8th and Dickson Street, Plan development for the Hanson Park and adjoining area, and Acquisition of land on Ohio Street;

WHEREAS, the State Board of Accounts requires that all grant funds be administered through separate funds.

NOW, THEREFORE, BE IT RESOLVED, that the City Controller is authorized to create the following funds for the purpose of receiving and disbursing the grants pursuant to the Grant conditions without further authorization of the Common Council.

Coastal Zone Management - Karwick Road
Coastal Zone Management - 8th & Dickson
Coastal Zone Management - Hanson Park
Coastal Zone Management - Ohio St.

BE IT FURTHER RESOLVED, that the Common Council acknowledges the award of the Grants and states its support for same.

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

CO-SPONSORED BY: /s/ Patricia Boy
/s/ Charles Lungren

Councilwoman Baker moved to adopt the Resolution, seconded by Councilwoman Boy. The motion carried and the Resolution was adopted as follows: AYES: COUNCIL MEMBERS Boy, Doyle, Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, and Baker (9). NAYS: None (0).

ORDINANCES

The Clerk read by title only on first reading, AN ORDINANCE AMENDING ORDINANCE NO. 2371 OF THE CITY OF MICHIGAN CITY, INDIANA INCREASING LIABILITY INSURANCE REQUIREMENTS FOR ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE TAXI-CABS, introduced by Virginia Martin.

The Ordinance was laid over for second reading.

The Clerk read on second reading by title only, ADDITIONAL APPROPRIATION ORDINANCE, introduced by Phillips Jankowski (DECREASE Riverboat Fund #9000, INCREASE Other Professional Services $80,000.00 for a transportation study).

There was discussion among Council Members Meer, Milsap, Doyle, Boy, Milsap, Lungren, Baker, and Przybylinski, Mayor Charles Oberlie, and Thomas Alevizos (413 Barker Road).

The Ordinance was laid over for third reading and formal public hearing.

The Clerk read on third reading by title only, there being no objections,
ORDINANCE NO. 3919

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

WHEREAS, the Michigan City Department of Parks and Recreation and the Michigan City Port Authority have jointly adopted identical resolutions petitioning the Michigan City Common Council to establish a Special Non-Reverting Fund within the budget of the Michigan City Department of Parks and Recreation, for the purpose of deposit and disbursement of revenues to be collected by the Parks and Recreation Department on behalf of the Michigan City Port Authority, and

WHEREAS, this Common Council has determined that there is a need for such a fund to be a Special Non-Reverting Operating Fund with said Department of Parks and Recreation to allow for greater efficiency in collection of user fees for the boat launching facility of said Port Authority at the Washington Park Marina, and

WHEREAS, this Common Council is empowered to establish such a Fund pursuant to Indiana Code Title 36, Article 10, Chapter 3, and

WHEREAS, this Common Council finds that establishment of such a Fund will enhance the revenue gathering activities of the Michigan City Port Authority to the benefit of this city and the citizens thereof;

NOW THEREFORE BE IT ORDAINED by the Michigan City Common Council as follows.

Section 1. Under the provisions of IC 36-10-3 there is hereby established a Special Non-Reverting Operating Fund within the budget of the Michigan City Department of Parks and Recreation ("MCP&R") for the purpose of deposit of revenues collected by the Parks and Recreation Department from boat launching fees at the Washington Park Marina and the subsequent disbursement of said revenues to the Michigan City Port Authority ("MCPA").

Section 2. Revenues to be deposited in said Non-Reverting Fund shall be those revenues that are collected in the following manner:

a.) The MCPA will be responsible for printing and providing to the MCP&R the required form of daily boat launching ticket in numbered sequence and in a format acceptable to "MCP&R".

b.) The parking lot attendants employed by MCP&R who serve at the entrance gate to the main parking lot at Washington Park will sell said tickets during MCP&R normal business hours only, to persons who wish to launch their boats at the MCPA boat ramp located at the northeast corner of the Washington Park Marina.

c.) Revenues collected from said ticket sales will be deposited by MCP&R daily, in the same manner, but with separate accounting, as the daily parking fees are deposited by MCP&R.

d.) The MCPA will submit to MCP&R, not more often than monthly, for its approval, regular expense claim forms, so that the balance of funds on deposit in said fund shall be disbursed only to MCPA.

Section 3. Said Special Non-Reverting Operating Fund may be referred to as "The Parks and Recreation Boat Launch Revenue Trust Fund".

Section 4. This Common Council further approves the spirit of cooperation shown by MCPA, in its appreciation of the efforts on its behalf to be given by MCP&R, in the agreement by MCP&R to provide from the MCPA staff, attendants to operate a gate entry booth at the Millennium Plaza/Lighthouse Museum entry to Washington Park, on holidays, special events, and at other times when traffic at that gate may warrant, and in cooperation with MCP&R parking and security staff. Under this agreement, MCP&R management staff will provide required forms of parking fee receipts to the MCPA staff at the start of the morning shift and thereafter, at the end of the daily shift, the fees taken in by the MCPA staff will be collected by the MCP&R management staff. In this way, no MCP&R funds will be deposited into MCPA accounts.

Section 5. Reimbursement to MCPA may be made from said fund without appropriation, but only upon approved claims in the manner required by law.

Section 6. This Ordinance shall be in full force and effect from and after its adoption and approval according to law.

INTRODUCED BY: /s/ Patricia Boy

Councilwoman Boy moved to adopt the Ordinance, seconded by Councilman Lungren. The motion carried and the Ordinance was adopted by the following vote: AYES: COUNCIL MEMBERS Doyle, Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, Baker, and Boy (9). NAYS: None (0).

The Clerk read by title only on third reading, there being no objections,
AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF MICHIGAN CITY, INDIANA
AMENDING ORDINANCE NO. 3375

WHEREAS, the current drug and alcohol policy of the City exempts most City employees from random drug and alcohol screening; and

WHEREAS, there exists the need to establish a uniform random drug and alcohol screening policy for all full and part-time employees of the City of Michigan City.

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

Section 2-193(a) shall now read as follows:

All full and part-time employees of the City of Michigan City who operate a city owned vehicle; off-road equipment; and/or who perform in a safety sensitive position shall be subject to random drug and alcohol screens. In addition, employees of the City are subject to a required urinalysis to screen for the presence of drugs, and a breath test to screen for the presence of alcohol, if there is a reasonable cause to suspect that the employee is unable to perform his duties safely and completely due to the influence of drugs or alcohol.

Safety sensitive position shall be defined as a position in which the City determines has a role in the operation where impaired performance could result in a significant incident affecting the health and safety of the employee, employees, the public, property, or the environment.

All other provisions of this ordinance shall remain in full force and effect.

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

INTRODUCED BY: /s/ Willie Milsap

Councilman Milsap moved to adopt, seconded by Councilman Lungren.

There was discussion among Council Members Milsap and Martin and Attorney Allen.

The motion carried and the Ordinance was adopted as follows: AYES: COUNCIL MEMBERS Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski Baker, Boy, and Doyle (9). NAYS: None (0).

Councilman Jankowski moved to take off the table 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 LAPERTE COUNTY, INDIANA, KNOWN AS “INDIAN SPRINGS”, introduced by Phillip Jankowski, at the request of the Michigan City Sanitary District, and Patricia Boy (Tabled on third reading at the April 6 meeting). The motion, seconded by Councilman Milsap, failed by the following vote: AYES: COUNCIL MEMBERS Milsap, Przybylinski, Boy, and Jankowski (4). NAYS: COUNCIL MEMBERS Lungren, Martin, Meer, Baker, and Doyle (5).

UNFINISHED BUSINESS

Councilman Meer brought up the study for visual pollution ordinance proposal that Attorney Allen gave the Council. He wondered if he could move along with this. President Przybylinski requested he meet with Mr. Pugh and give him a chance to go over this with the goal of improving our codes. Councilman Lungren asked Mr. Meer to meet with him on the matter.

NEW BUSINESS

Mayor Oberlie has requested advice and consent for the reappointment of Mr. John Pugh, Mr. Werner Graf, and Mr. Tom Przybylinski as members of the Michigan City Historic Review Board.

Councilwoman Martin moved all be approved. Councilwoman Boy seconded the motion, which carried as follows: AYES: COUNCIL MEMBERS Martin, Meer, Milsap, Przybylinski, Baker, Boy, Doyle, Jankowski, and Lungren (9). NAYS: None (0).

COMMENTS FROM THE COUNCIL

Councilman Lungren reminded the public of a meeting between Fanning/Howey and the “skate park kids.”
President Przybylinski spoke of dog tags, the “Council rift,” and when the code was adopted (section 36) (concerning Indiana Springs sewers).

COMMENTS FROM THE PUBLIC
No one from the public rose to be heard.

ADJOURNMENT
On motion by Councilman Lungren, and there being no further business to transact, President Przybylinski declared the meeting ADJOURNED (approximately 8:55 p.m.).

Thomas F. Fedder, City Clerk