

REGULAR MEETING – MAY 15, 2007

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, May 15, 2007, 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 Willie Milsap, 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; Angelo Corley, Joseph Doyle; Phillip Jankowski, Virginia Martin; Ronald Meer, and Willie Milsap (8).

ABSENT: COUNCIL MEMBER Paul Przybylinski (1).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Milsap inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of May 1, 2007, and, on motion by Councilman Meer, seconded by Councilman Doyle, declared the minutes approved as written.

(Clerk's Note: Councilman Przybylinski entered the Chambers and was noted present.)

REPORTS of STANDING COMMITTEES

Councilman Przybylinski reported on the Solid Waste District Board meeting held last Monday, May 7th, Recycle Facility in Westville.

REPORTS of SPECIAL or SELECT COMMITTEE

Councilman Jankowski commented on the Redevelopment Commission meeting held May 14, 2007.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

At the May 1st meeting Council President Milsap requested a verbal/written report from the Planning Department regarding the vacant structure located at Carroll Avenue and Holiday Street. Council President Milsap said he would like the following issues addressed: the owner, future plans of the structure, if there are utilities to the structure, and if this structure is a fire hazard to the City of Michigan City.

City Planner John Pugh explained the status of the vacant building located at Carroll Avenue and Holiday Street and submitted to the Council the following communication:

The following letter was submitted by Russell Hatfield, Code Enforcement Officer, dated May 8, 2007, in reference to the Status Report of a vacant building located at 500 N. Carroll Avenue (Carroll Avenue & Holiday Street):

Dear Mr. Pugh:

The existing condition of the exterior of this property appears to comply with the City of Michigan City Codes and Ordinances. All windows and doors were secure and exterior is currently maintained (see photos).

I spoke with a gentleman by the name of Den Purze and he is in charge of the properties. The building is currently being used and maintained as a cold storage facility. He has no future plans for any development of the property but expressed that he is open for suggestions and ideas to do so. Here is the contact information Mr. Purze provided:

Ken Purze - D.B.A. Park Place Investments
500 North Carroll Avenue
Michigan City, IN 46360
Business: 219-872-3843
Personal Cell: 219-898-8213

Mr. Purze expressed some concerns on the condition of the property located behind his, which he referred to as the Old Dwyer building. I will personally follow up with issues he and I discussed.

There was discussion among City Planner Pugh and Council President Milsap and regarding the vacant building located at Carroll Avenue and Holiday. They also discussed an older building in the immediate area.

Councilman Przybylinski requested the Planning Department supply to the Council a status list of problem homes. Mr. Pugh said the Planning Department is in the process of working on a list of properties where they have received complaints, which will then go to the Board of Works.

There was discussion among City Planner Pugh and Councilman Przybylinski in developing a status list of problem properties.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

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

RESOLUTION NO. 4359

**A RESOLUTION OF THE COMMON COUNCIL
AUTHORIZING THE FILING OF AN APPLICATION
FOR A GRANT UNDER SECTION 5309
OF THE FEDERAL TRANSIT ACT, AS AMENDED**

WHEREAS, The Federal Transportation Administrator has been delegated authority to award federal financial assistance for transportation projects; and

WHEREAS, a Resolution authorizing the Filing of Applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal Transportation Assistance authorized by 49 U.S.C. 5309(b)(3) as amended by Section 3011 of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) is required; and

WHEREAS, the grant or cooperative agreement for the federal financial assistance will impose certain obligations upon the City of Michigan City, and may require the City of Michigan City to provide the local share of the project cost; and

WHEREAS, the City of Michigan City has or will provide an annual certifications assurance to the Federal Transit Administration required for the project.

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

- 1. That Mayor Charles Oberlie is authorized to execute and file an application for federal assistance on behalf of the Michigan City Municipal Coach Department with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. 5309(b)(3) as amended by Section 3011 of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU). That the City of Michigan City, Indiana, is a Designated Recipient as defined by 49 U.S.C. 5307(a) (2).
- 2. That Walter Gipson, Municipal Coach Director, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.
- 3. That Mayor Oberlie is authorized to execute grant cooperation agreements with the Federal Transit Administration on behalf of the Michigan City Municipal Coach.
- 4. The assistance requested is for capital projects listed below:

	<u>Estimated Cost</u>	<u>Federal Share</u>	<u>Local Share</u>
One (1) Medium Duty Bus	\$219,000.00	\$175,200.00	\$43,800.00
One (1) Paratransit Vehicle	\$ 60,000.00	\$ 48,000.00	\$12,000.00

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

SPONSORED BY: /s/ Phil Jankowski
Phil Jankowski, Member

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

There was discussion among Walter Gipson (Municipal Coach Director) and Councilman Przybylinski regarding the proposed Resolution.

Councilman Przybylinski requested a copy of the State Report from Municipal Coach Director Gipson.

There was discussion among Councilwoman Boy and Municipal Coach Director Gipson regarding the purchase of the new buses.

Council President Milsap asked if there were any other questions or comments by the Council or public, and hearing none, directed the Clerk to call for the vote: **AYES: COUNCIL MEMBERS Boy, Corley, Doyle, Jankowski, Martin, Meer, Milsap, Przybylinski, and Baker (9). NAYS: None (0).**

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

RESOLUTION NO. 4360

**A RESOLUTION OF THE COMMON COUNCIL
AUTHORIZING THE FILING OF AN APPLICATION
FOR FEDERAL ASSISTANCE UNDER
FEDERAL HIGHWAY ADMINISTRATION
CONGESTION MITIGATION/AIR QUALITY (CMAQ) PROGRAM**

WHEREAS, there is a need to authorize the filing of applications for Federal Assistance through the Northwest Indiana Transportation Improvement Program (NIRPC); and

WHEREAS, the Federal Transportation Administrator has been delegated authority to award federal financial assistance for transportation project; and

WHEREAS, the grant or cooperative agreement for the federal financial assistance will impose certain obligations upon the City of Michigan City, and may require the City of Michigan City to provide the local share of the project cost; and

WHEREAS, the City of Michigan City has or will provide an annual certifications assurance to the Federal Transit Administration required for the project.

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

1. That Mayor Charles Oberlie is authorized to execute and file an application for federal assistance on behalf of the Michigan City Municipal Coach Department with the Northwest Indiana Transportation Improvement Program (NIRPC). That the City of Michigan City, Indiana, is a Designated Recipient as defined by *49 U.S.C. 5307(a) (2)*.
2. That Walter Gipson, Municipal Coach Director, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.
3. That Mayor Oberlie is authorized to execute grant and cooperation agreements with the Federal Transit Administration on behalf of the Michigan City Municipal Coach.
4. The assistance requested is for the Municipal Coach Expansion.

	<u>Estimated Cost</u>	<u>Federal Share</u>	<u>Local Share</u>
2007	\$211,423.00	\$169,138.00	\$42,285.00
2008	\$287,165.00	\$229,732.00	\$57,433.00
2009	\$293,674.00	\$234,939.00	\$58,735.00

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

SPONSORED BY: */s/ Phil Jankowski*
Phil Jankowski, Member

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

There was discussion among Walter Gipson (Municipal Coach Director), Councilwoman Boy regarding the proposed Resolution.

Councilwoman Boy made a motion to change the wording in the first "**WHEREAS**", seconded by Councilman Przybylinski.

Council Attorney suggested adding the word "of" and deleting the word "through".

(Council President Milsap made the Council aware that this would be an author's amendment.)

Council President Milsap asked if there were any other questions or comments by the Council or public, and hearing none, directed the Clerk to call for the vote: **AYES: COUNCIL MEMBERS Corley, Doyle, Jankowski, Martin, Meer, Milsap, Przybylinski, Baker and Boy (9). NAYS: None (0).**

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TEN MILLION DOLLARS (\$10, 000,000.00) OF THE CITY OF**

MICHIGAN CITY, INDIANA VARIABLE RATE DEMAND LIMITED OBLIGATION REVENUE BONDS, SERIES 2007 (PALATEK PROJECT); DESIGNATING THE BONDS AS LIMITED OBLIGATIONS OF THE CITY: APPROVING THE FORM OF , AND AUTHORIZING THE EXECUTION AND DELIVERY OF, THE TRUST INDENTURE, LOAN AGREEMENT AND OTHER DOCUMENTS RELATED TO THE ISSUANCE AND SALE OF THE BONDS; AND AUTHORIZING PROPER OFFICERS TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO, introduced by Patricia A. Boy.

(Councilman Przybylinski requested the entire Ordinance read in its entirety. Council President Milsap noted the reading of the title would be satisfactory.)

There was discussion among City Attorney Evans and Councilman Przybylinski regarding the review of the proposed Ordinance.

Council President Milsap asked if there were any further questions by the Council or any questions or comments by the public; and, Councilman Przybylinski requested an explanation of the proposed Ordinance.

Speaking on the proposed Ordinance were the following individuals: Mr. John Regetz, Director, Economic Development Corporation; Mr. Alan B. Feldbaum, Bond Counsel for this project; and, Mr. Steve Van Loan, President of Palatek.

There was discussion among Councilman Jankowski, Attorney Feldbaum, Councilman Przybylinski, and Council Attorney Meyer regarding suspension of the rules to allow second reading of the Ordinance at tonight's meeting. Councilman Przybylinski moved to suspend the rules to allow second reading at this meeting, seconded by Councilman Doyle.

The Clerk read on second reading by title only, **AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000.00) OF THE CITY OF MICHIGAN CITY, INDIANA VARIABLE RATE DEMAND LIMITED OBLIGATION REVENUE BONDS, SERIES 2007 (PALATEK PROJECT); DESIGNATING THE BONDS AS LIMITED OBLIGATIONS OF THE CITY: APPROVING THE FORM OF , AND AUTHORIZING THE EXECUTION AND DELIVERY OF, THE TRUST INDENTURE, LOAN AGREEMENT AND OTHER DOCUMENTS RELATED TO THE ISSUANCE AND SALE OF THE BONDS; AND AUTHORIZING PROPER OFFICERS TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO**, introduced by Patricia A. Boy.

There was discussion among Mr. Van Loan, Councilman Przybylinski and Councilman Meer regarding the proposed Ordinance.

(Note: Palatek will the public hearing and after the public hearing the Council will have third reading/June 5th Council meeting.)

Council President Milsap asked if there were any comments or questions by the public and Mr. Charles Sheerin had various questions pertaining the total and/or additional jobs.

The Ordinance was then laid over for third reading.

The Clerk read by title only on first reading, there being no objections, **AN ORDINANCE PROVIDING FOR THE VACATION OF AN ALLEY RUNNING IN AN EASTERLY AND WESTERLY DIRECTION BETWEEN 8TH STREET ON THE WEST AND MICHIGAN BLVD. ON THE EAST IN MICHIGAN CITY, INDIANA**, as introduced by Patricia A. Boy. (Public Hearing to be held June 5th - News Dispatch Ad May 16 & 23, 2007 .)

(Councilman Przybylinski requested the entire Ordinance read in its entirety.)

As requested by Councilman Przybylinski, City Clerk read the Ordinance in its entirety.

There was discussion among City Attorney Evans and Councilman Meer concerning the proposed Ordinance (concerning the sewer line running down the alley and the language of the proposed Ordinance).

City Attorney Evans responded to various questions by Council Attorney Meyer pertaining to the proposed Ordinance.

There were various comments made by Councilman Meer, Council Attorney Meyer, Councilman Przybylinski, City Attorney Evans regarding the legal definition of the easement. There was discussion regarding amending the Ordinance or tabling the Ordinance.

Councilman Przybylinski made various comments pertaining to the proposed Ordinance. Councilman Przybylinski made various comments regarding tabling the Ordinance or having amendments on second reading. He made comments about having the revised document in the Clerk's by Thursday to be mailed out, so the Council would have the amendments on second reading.

Council President Milsap asked if there were any other comments or questions by the Council or public, and hearing none, the Ordinance was laid over for second reading (with amendments).

The Clerk read on first reading by title only, **AN ORDINANCE TO AMEND ORDINANCE NO. 2306, ALSO KNOWN AS SEC. 86-4 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**, as introduced by Paul A. Przybylinski. (Re: construction of side walks.)

(Councilman Przybylinski requested the entire Ordinance read in its entirety.)

As requested by Councilman Przybylinski, City Clerk read the Ordinance in its entirety.

Councilman Przybylinski made numerous comments pertaining to the proposed Ordinance.

Councilman Meer said he agreed with the majority of Councilman Przybylinski's comments. He then made various comments concerning the proposed Ordinance.

Councilwoman Boy made comments pertaining to homeowners

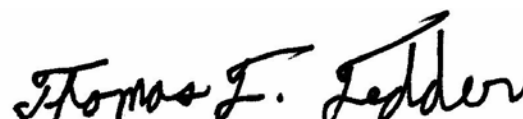
The Clerk read on first reading by title only, **AN ORDINANCE ESTABLISHING ARTICLE V OF CHAPTER 46 (ENVIRONMENTAL) OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA AND REGULATING OUTDOOR HYDRONIC HEATERS (WOOD-FIRED BOILERS)**, as introduced by Patricia A. Boy.

The Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY DECLARING AN EMERGENCY AND APPROPRIATING CERTAIN ADDITIONAL GAMING REVENUE**, as introduced by Phil Jankowski and Co-Sponsored by Phil Jankowski and Paul A. Przybylinski. (Re: Tax Relief Program for the tax year 2007, payable 2008.)

The Clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING ORDINANCE NO. 2053, THE BUILDING CODE AND ALL SUBSEQUENT AMENDMENTS**, as introduced by Evelyn D. Baker and Co-Sponsored by Patricia A. Boy and Joe Doyle. (At the May 1st meeting motion was made to table this Ordinance on 2nd reading.)

FINISHED BUSINESS

NEW BUSINESS



COMMENTS FROM THE COUNCIL

COMMENTS FROM THE PUBLIC

ADJOURNMENT

On motion by Councilman Meer, supported by the majority of the Council, and there being no further business to transact, President Milsap declared the meeting ADJOURNED (approximately 9:15 p.m.)

Thomas F. Fedder, City Clerk