

REGULAR MEETING – July 17, 2007

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, July 17, 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, Willie Milsap, and Paul Przybylinski (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Milsap inquired whether there were any corrections, deletions, or additions to the minutes of the Executive Session of June 5, 2007, Executive Session of June 19, 2007, and the Regular Meeting of July 3, 2007. On a motion by Councilman Meer, seconded by Councilwoman Bov, declared the minutes approved as written.

REPORTS of STANDING COMMITTEES

There were no Reports.

REPORTS of SPECIAL or SELECT COMMITTEE

There were no Reports.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

There were no Reports.

PETITIONS

There were no Petitions.

COMMUNICATIONS

Councilwoman Boy, 4th Ward, wrote the following:

July 11, 2007

LaPorte County Commissioners:
Mike Bohacek, Bill Hager, Barbara Huston

Dear Commissioners:

On May 22, 2007, I introduced an ordinance (on first reading) to regulate Outdoor Hydronic Heaters (Wood-Fired Boilers or OWB's). The ordinance was subsequently amended on June 5 and June 19, 2007 to specify that:

1. Certification of meeting particulate matter emissions was subject to being "certified by the original manufacturer," and
2. That one of the prime reasons for such control was the fact that "these pollutants will add to the existing pollutant levels in the air and can cause or contribute to short-term and long-term health problems."

The primary goal of this ordinance was not to eliminate such heating systems, but to regulate their use and limit particulate matter emissions so that their use would not cause more pollution than an ordinary furnace (which is their primary use). Without such regulation, the smoldering fires and resulting smoke "will add to the existing pollutant levels in the air and cause or contribute to eye, nose, throat and lung irritation, coughing, and shortness of breath, and may exacerbate asthma, emphysema, and other lung-related illnesses."

LaPorte County has just recently been removed from non-attainment status for air quality standards. If we wish to remain that way, we need to be proactive and regulate sources of particulate matter emissions.

On June 19, 2007, the Michigan City Common Council approved "ORDINANCE NO. 4004, 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)." The vote was unanimous, with all nine Council members in favor of the ordinance. The ordinance was subsequently signed and approved by Mayor Oberlie. I would urge you to consider such regulation of OWB's for the health and welfare of all the citizens of LaPorte County.

Sincerely,

Patricia A. Boy
Michigan City Common Council, 4th Ward
Encl: Copy of relevant section of June 19, 2007 Minutes of the Regular Meeting of the Michigan City Common Council

(The above correspondence was placed on file in the City Clerk's Office.)

RESOLUTIONS

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

RESOLUTION NO. 4363

**A RESOLUTION BY THE MICHIGAN CITY COMMON COUNCIL
TO THE MICHIGAN CITY PLANNING AND INSPECTION DEPARTMENT
INSTRUCTING THE WAIVER OF CERTAIN BUILDING PERMIT FEES AND INSPECTION FEES**

WHEREAS the Barker Woods Enrichment Center, formerly known as the LaPorte County Therapy Center for Handicapped Children, located at 3200 Cleveland Avenue in Michigan City, is a not-for-profit, charitable organization; and

WHEREAS the primary function of the Barker Woods Enrichment Center is focused on children with special needs; and

WHEREAS the mission of the Michigan City Area Schools is to ensure that each student will be able to achieve any goal to which he or she aspires and contribute positively to society; and

WHEREAS the mission of Safe Harbor, part of the Extended Day Programming of Michigan City Area Schools, is to provide before and after school programming, and it is dedicated to promoting and encouraging all aspects of student development; and

WHEREAS the mission of the Barker Woods Enrichment Center is to provide all children and their families in the greater LaPorte County area with learning opportunities that enhance the quality of their lives; and

WHEREAS there is a need to renovate the facility located at 3200 Cleveland Avenue to accommodate children with special needs, ages 7 through 12, for after-school care; and

WHEREAS these children are not eligible for participation in the Safe Harbor program through the Michigan City Area Schools due solely to the lack of funding for paraprofessional staff for special needs students, even though the program is a partner with both the School District and Michigan City Parks and Recreation; and

WHEREAS the LaPorte County Council has given the Center a grant, not to exceed \$250,000.00, to assist in renovation of the facility to accommodate these children; and

WHEREAS the Common Council wishes to lessen the financial burden of the Barker Woods Enrichment Center as it pursues its renovations to the property;

NOW, THEREFORE, BE IT RESOLVED that the Michigan City Common Council respectfully requests that the Planning

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Upon the passage of this Resolution, we request the City Clerk of Michigan City to send a copy to each Member of the Board of Public Works and Safety, and to Plan Director John Pugh in the Planning and Inspection Department for future demonstration with the State Board of Accounts.

This Resolution shall be in full force and effect after passage and approval by the Mayor of Michigan City.

Introduced by: /s/ Patricia A. Boy

Councilwoman Boy moved for the adoption of the Resolution, seconded by Councilman Przybylinski.

Ms. Debbie Rodecap, Executive Director, Barker Woods Enrichment Center, spoke to the public and council on the project.

Council President Milsap asked if there were any comments or questions by the public.

There was discussion between Director Rodecap, Council Members Martin, Boy, and Przybylinski regarding the waiver of the fees.

The Resolution was duly adopted by the following vote: **AYES: COUNCIL MEMBER Meer, Milsap, Przybylinski, Baker, Boy, Corley, Doyle, and Jankowski (8). NAYS: COUNCIL MEMBER Martin (1).**

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

RESOLUTION NO. 4364

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MICHIGAN CITY SUPPORTING THE USE OF CERTAIN RIVERBOAT FUNDS FOR
TAX RELIEF TO ITS RESIDENTS**

WHEREAS, LaPorte County, including Michigan City, has undergone a county wide real estate assessed value adjustment that will substantially increase the amount of real estate taxes some homestead owners will have to pay despite the 2% Cap; and,

WHEREAS, the large amount of real estate taxes Michigan City homestead owners will be required to pay in 2008 will cause many of them to suffer severe financial hardship; and,

WHEREAS, it is in the best interest of the City of Michigan City and its residents that the City implement a property tax relief program for the tax year 2007, payable 2008; and,

WHEREAS, the Sponsors, working with information provided by the LaPorte County Auditor, have determined that the amount of money needed to fund the property tax relief program recommended by this Resolution is \$3.5 Million Dollars; and,

WHEREAS, the City has or will have available in its River Boat Funds sufficient funds to fund the property tax relief program for the Michigan City residents receiving Homestead Exemptions for the tax year 2007, payable 2008 established by this resolution; and,

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

- (C) The sum of \$3.5 Million Dollars of Michigan City Riverboat Funds should be dedicated for property tax relief as specified herein.
- (D) All owners of property in Michigan City receiving a Homestead Exemption pursuant to the laws of the State of Indiana shall receive a reduction in their property tax bill for their Michigan City homesteads for the calendar year 2007 payable 2008 in an amount equal to the taxes actually payable for that year up to but not exceeding a total reduction of \$500.00.
- (E) The City shall deposit with the LaPorte County Treasurer on or before May 1, 2008, a sum not to exceed \$3.5 million that shall fund the foregoing tax relief program.
- (F) No property currently benefitting from or receiving tax abatement shall be eligible for tax reduction of the tax relief program provided by this Resolution.
- (G) Any eligible property owner who has paid their tax bill in full despite the adoption of this Resolution will be given assistance by the City Controller's Office in obtaining an appropriate refund computed pursuant to the provisions of any subsequently passed Ordinance.

Introduced by: Phil Jankowski and Paul A. Przybylinski

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

Councilman Jankowski spoke in great detail on the proposed Resolution.

There was discussion between Council Members Jankowski, Baker, Przybylinski, Meer, Martin, Boy, and Mayor Oberlie.

Council President Milsap asked if there were any comments or questions by the public or Council.

Mr. Kenneth Baker, 128 Riviera Drive, spoke on the proposed Resolution.

Council President Milsap asked if there were any other comments from the public or Council and hearing none, directed the Clerk to call for the vote: **AYES: COUNCIL MEMBER Milsap, Przybylinski, Baker, Boy, and Jankowski (5). NAYS: COUNCIL MEMBER Corley, Doyle, Martin, and Meer (4). Resolution adopted.**

ORDINANCES

There being no objections, the Clerk read on second reading by title only, **AN ORDINANCE OF THE MICHIGAN CITY COMMON COUNCIL FOR THE REGULATION OF FIREWORKS WITHIN THE CITY OF MICHIGAN CITY, INDIANA PURSUANT TO INDIANA CODE 22-11-14-10.5**, as introduced by Phil Jankowski.

Councilman Jankowski spoke on the penalties inserted in the Ordinance. He said it proposed that the Council include \$300.00 penalty in both of those blank lines (section 5).

Council President Milsap asked if there were any comments from the public or Council.

There was discussion among Councilman Jankowski, Council President Milsap, Councilwoman Boy, and Mr. Roger Holloway regarding the proposed Ordinance.

Councilwoman Boy read in its entirety: 1. (b) - Discharge Prohibited - (b) regarding Fireworks displays as set forth by State Law/hours & dates.

Janet Smith, 402 E. 8th Street, spoke on the Ordinance.

The Ordinance was then laid over for third reading.

The Clerk read on third reading by title only,

ORDINANCE NO. **4005**

AN ORDINANCE PROVIDING FOR THE VACATION OF AN ALLEY RUNNING IN AN EASTERLY AND WESTERLY DIRECTION BETWEEN 8TH STREET ON THE WEST AND MICHIGAN BOULEVARD ON THE EAST IN MICHIGAN CITY, INDIANA

WHEREAS, a Petition has been filed with the Common Council of Michigan City, Indiana, under the provisions of Indiana Code 36-7-3-12 and 36-7-3-13 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; and

WHEREAS, notice of a hearing before the Common Council has been published in the New-Dispatch on the 20th and 27th days of June 2007, the publication being at least ten (10) days before the date of the this hearing; and

WHEREAS, notice of the hearing before the Common Council was provided to each owner of land that abuts the part of the alley proposed to be vacated.

WHEREAS, no remonstrances to the vacation of said alley have been filed with the Clerk of Michigan City, Indiana; and

WHEREAS, your petitioner has paid for the cost of publication of the notice of this hearing, as provided by statute; and

WHEREAS, this petition has received a favorable recommendation from the Michigan City Plan Commission; and

WHEREAS, it is desirable, and in the best interests of Michigan City, Indiana, to vacate said alley because the vacation of said alley will not leave other property owners in the vicinity thereof without a means of ingress or egress to their property by way of a public street; that said vacation will not in any manner affect, impair or impede the growth of the City of Michigan City, Indiana; that said vacation will not deprive the public of access to a church, school, or other public building; that said vacation will result in benefits to the City of Michigan City which outweigh any damage which may be caused thereby; and that said vacation is in the best interests of the City of Michigan City, Indiana.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL of MICHIGAN CITY, INDIANA, as follows:

SECTION 1.

That the petition of Jason Mergl should be and the same is hereby granted and this Ordinance approved.

SECTION 2.

The alley running in an easterly and westerly direction between 8th Street on the west and Michigan Blvd. on the east in Michigan City, Indiana, adjoined on the north by 713 Michigan Blvd. and on the south by 717 Michigan Blvd., more particularly described as follows:

One hundred and sixty-three feet of a fifteen (15) foot alley in Michigan City, Indiana, bounded on the north east by Michigan Boulevard and on the south west by 8th Street, on the north west by Lot 7 of Block 1 of Orrs Addition to the City of Michigan City and bounded on the south east by Lot 6 of Block 1 of Orrs Addition to the City of Michigan City, Indiana.

is hereby vacated, and in accordance with the law of the State of Indiana, the fee simple title to the vacated alley reverts to the adjoining property owners, subject to existing easements, specifically the utility easement for a 12 inch sewer line attached hereto as Exhibit A.

SECTION 3.

BE IT FURTHER ORDAINED that the Clerk of the City of Michigan City be and he is hereby directed to furnish a copy of this Ordinance to the LaPorte County Auditor and thereafter to cause this Ordinance to be placed of record in the Office of the LaPorte County Recorder and to assess the recording fees thereon to the Petitioner herein.

SECTION 4.

BE IT FURTHER ORDAINED THAT This ordinance shall be in full force and effect after the date of its passage and approval by the Mayor.

Introduced by: Patricia A. Boy

Councilwoman Boy moved for the adoption of the Ordinance, seconded by Council Members Przybylinski and Doyle.

Councilwoman Boy submitted the following author's amendments:

In the present 4th WHEREAS CLAUSE - after the word publication add "and mailing".

Add another WHEREAS CLAUSE after the second WHEREAS CLAUSE that states - WHEREAS, Notice of a hearing before the Common Council was provided to each owner of land that abuts the part of the alley proposed to be vacated; and

Council Attorney Meyer commented on Councilwoman Boy's author's amendments.

There was discussion between Council Attorney Meyer, Councilwoman Martin, Councilwoman Boy, City Clerk Fedder regarding procedures pertaining to the alley vacation.

Council President Milsap asked if there were any other comments or questions by the Council.

There was discussion between Councilman Przybylinski and City Clerk Fedder regarding the certified mailing.

Bradley Adamsky, Attorney for the petitioner, and Council Attorney Meyer responded to questions by Councilman Meer, Councilwoman Martin, and Councilman Corley.

Council President Milsap asked if there were any other comments or questions by the Council or public, and hearing none directed the Clerk to call for the vote regarding the adoption of the Ordinance (with the author's amendments):

AYES: COUNCIL MEMBERS Przybylinski, Baker, Boy, Doyle, Jankowski, Meer, and Milsap (7). NAYS: COUNCIL MEMBERS Martin and Corley (2).

There being no objection, the Clerk read on third reading by title only,

**ORDINANCE 4006
ADDITIONAL APPROPRIATIONS ORDINANCE**

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Riverboat Gaming Fund #9000, Unappropriated	\$35,000.00	
INCREASE Account # 9000 0000 06 460.100 Transfer of Funds	\$35,000.00	
TOTAL FOR RIVERBOAT GAMING FUND	\$35,000.00	
DECREASE General Fund #0101 Unappropriated	\$171,000	
INCREASE 0101 0304 01 411.001 Salaries & Wages	\$97,000	
0101 0304 01 413.001 FICA	\$7,500	
0101 0304 01 413.002 PERF	\$1,400	
0101 0304 01 413.004 Health Insurance	\$5,600	
0101 0304 01 413.006 Clothing Allowance	\$1,500	
0101 0304 02 421.005 Office Supplies	\$1,000	
0101 0304 02 422.025 Diesel Fuel	\$50,000	
0101 0304 03 434.001 Workers Comp Ins	\$7,000	
TOTAL FOR GENERAL FUND	\$171,000	

INTRODUCED BY: /s/ Phillip Jankowski

Councilman Jankowski moved for the adoption of the Ordinance, seconded by Councilman Przybylinski.

The formal public hearing was opened . Council President Milsap asked if there were any comments or questions by the Council or public and hearing none the public hearing was then closed.

Council President Milsap directed the Clerk to call for the vote: **AYES: COUNCIL MEMBERS Baker, Boy, Corley, Doyle, Jankowski, Martin, Meer, Milsap, and Przybylinski (9). NAYS: None (0).**

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

ORDINANCE NO. 4007

AN ORDINANCE TO INCREASE FARES FOR THE MUNICIPAL COACH DEPARTMENT

WHEREAS, the City of Michigan City desires to provide public transportation for its citizens at a reasonable price to the ridership,, and

WHEREAS, the fares charged to riders have not increased since 1973, and

WHEREAS, the expenses to operate the Municipal Coach System have increased over time,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that the fares charged to riders for using the Municipal Coach system are adjusted as follows:

Effective October 1, 2007:

Individual ride half-fare will increase from \$0.25 (twenty-five cents) to \$0.40 (forty cents)
 Individual ride full-fare will increase from \$0.50 (fifty cents) to \$0.75 (seventy-five cents)
 Half-fare monthly passes will increase from \$9.00 (nine dollars) to \$10.00 (ten dollars)
 Full-fare monthly passes will increase from \$18.00 (eighteen dollars) to \$20.00 (twenty dollars)
 Dial-a-ride service will increase from \$1.00 (one dollar) to \$1.50 (one dollar and fifty cents)

Effective January1, 2008

Individual ride half-fare will increase from \$0.40 (forty cents) to \$0.50 (fifty cents)
 Individual ride full-fare will increase from \$0.75 (seventy-five cents) to \$1.00 (one dollar)
 Dail-a-ride service will increase from \$1.50 (one dollar and fifty cents) to \$2.00 (two dollars)

Introduced: /s/ Phillip Jankowski

Councilman Jankowski moved for the adoption of the Ordinance, seconded by Councilman Przybylinski.

The formal public hearing was opened . Council President Milsap asked if there were any comments or questions by the public and the following individual addressed the Council.

Mr. Walter Gipson, Municipal Coach Director, responded to questions by Ms. Faye Moore, 515 Grace Street, and Rich Harding, 510 Bies Street.

There was discussion between Director Gipson and Councilman Jankowski concerning the hours.

Mayor Oberlie commented on the process of the extended hours of the Bus service.

Council President Milsap asked if there were any other comments or questions by the Council or public and hearing none the public hearing was then closed.

There was discussion between Councilman Przybylinski, Council President Milsap, and Mayor Oberlie regarding additional bus shelters for next year.

Council President Milsap asked if there were any other comments or questions 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).**

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

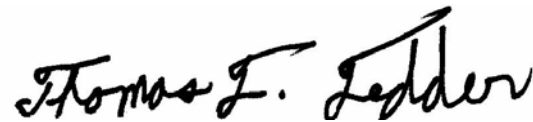
Councilman Meer requested the Clerk's Office to do an inquiry into the available position on the Redevelopment Commission and see if there are any vacant positions at this time.

COMMENTS FROM THE COUNCIL

Councilman Przybylinski commented on the Urban Enterprise Zone). City Controller Schaefer responded to questions by Councilman Przybylinski regarding money in the employees medical insurance.

City Controller Schaefer responded to comments by Councilwoman Martin concerning building permits. Councilwoman Martin requested the Controller's Office to keep a record starting now until December pertaining to building permits fees that have been collected.

Council President Milsap gave praise to the Summer Festival Committee for doing such a fantastic job on the Drum and Bugle Corps. There was discussion between President Milsap and Councilman Doyle regarding people wanting to assist on the Summer Festival Committee.



Council President Milsap complimented the Michigan City Police Department on their excellent traffic control during and after the Fireworks.

COMMENTS FROM THE PUBLIC

Ms. Faye Moore, 515 Grace Street, commented on this year's Fireworks and traffic control.

Rich Harding, 510 Bies Street, made comments regarding the damage that has been done throughout the City by citizens.

Mrs. Saretta Pasha, 406 E. 10th Street, complained about children and their dangerous activities around 10th, Cedar, and Lafayette Streets .

For the record, Councilman Przybylinski asked to have various articles placed on file in the Clerk's Office.

ADJOURNMENT

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

Thomas F. Fedder, City Clerk