

REGULAR MEETING – April 1, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, April 1, 2008, at the hour of 6:30 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 6:30 p.m. by Council President Ron Meer.

Roll call was authorized and the following were noted present and/or absent:

PRESENT: COUNCIL MEMBERS Patricia Boy, Marc Espar, Phillip Jankowski, Robert McKee, Ron Meer, Willie Milsap, Richard Murphy, Joe Doyle, and Angie Nelson. (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting or Executive Session of March 18, 2008 and hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

Councilman Espar reported on the Finance Committee meetings held March 7, 2007 and March 25, 2008.

Councilwoman Boy addressed the Council regarding the Code Review Committee meeting held March 12, 2008.

Council President Meer commented on the information he received from Council Members Jankowski and Espar in regards to inter-city transfers within the Sanitary District, Water Department and Port Authority.

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no reports of special or select committees.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Ben Neitzel, Chief, Michigan City Police Department did a presentation for the City Council regarding the 2007 Crime statistics for the City of Michigan City.

Discussion followed among Council Members McKee, Meer, and Chief Neitzel.

PETITIONS

There were no petitions.

COMMUNICATIONS

State Senator Jim Arnold advised the Common Council of several issues addressed at the last legislation session (2008).

RESOLUTIONS

RESOLUTION

There being no objections, City Clerk Tom Fedder read the Resolution in its entirety.

RESOLUTION NO. _____

**MICHIGAN CITY COMMON COUNCIL
RESOLUTION REQUESTING MICHIGAN CITY SCHOOL BOARD ACTION
REGARDING COMPLYING WITH CONTRACT WITH
MICHIGAN CITY PARK AND RECREATION DEPARTMENT FOR USE OF
SCHOOL ATHLETIC FACILITIES BY CITY RESIDENTS**

WHEREAS, since the taxpayers of Michigan City provide substantial funding for the Michigan City Area Schools (hereafter referred to as MCAS) it should be the taxpayers' right to reasonably utilize gym space and facilities when they are not in use by MCAS; and

WHEREAS, there is clear language in agreements between MCAS and the Michigan City Park and Recreation Department (hereafter referred to as Parks) allowing for Park use of gym space and other MCAS facilities when they are not in use for MCAS functions; and

WHEREAS, the language in those documents specifically and unambiguously requires that both parties follow practices in effect at the time of the execution of the documents for reserving the facilities for use by Parks; and

WHEREAS, Parks has given the MCAS due consideration for the right to use MCAS facilities, including, but not limited to, land to be used by MCAS for construction of expansions to MCAS facilities.

WHEREAS, MCAS Board's policy provides for these said uses of MCAS athletic facilities by Parks; and

WHEREAS, MCAS policy does not allow one group or individual to be discriminated against over another; and

WHEREAS, these policies have not been amended by public vote and therefore should not have been changed or altered by the MCAS administration; and

WHEREAS, MCAS has spent a substantial amount of money, time, and effort to develop a strategic plan with extensive input and effort from area residents; and

WHEREAS, key elements of this strategic plan state the need to make our community an integral part of our school system and our schools an integral part of our community; and

WHEREAS, the City of Michigan City has helped the MCAS implement its strategic plan by appropriating and providing substantial City funds to MCAS for the operations of the Early Learning Center and other MCAS programs.

NOW, THEREFORE, be it resolved that the Michigan City Common Council requests that the MCAS Board take action to ensure that its aforesaid agreements with the Park and MCAS Board policy regarding use by Parks of MCAS' athletic facilities be complied with and enforced immediately and that any future decision making by MCAS regarding this matter incorporates an analysis of what is best for the young people of Michigan City.

Sponsored by: Bob McKee
Ron Meer

Councilman McKee advised the Council of the agreement that was reached and signed between Mayor Oberlie, President of the Park Board Phil Latchford and President of the School Board Clyde Zeek regarding this matter. Mr. McKee stated that this agreement in turn will be presented to their respective Boards.

Councilman McKee moved to **TABLE** this resolution, Councilman Milsap seconded the motion, which carried as follows, AYES: COUNCIL MEMBERS Jankowski, McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, and Espar (9). NAYS: None (0).

RESOLUTION

RESOLUTION NO. 4390

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A GRANT UNDER SECTION 5307 OF THE FEDERAL TRANSIT ACT, AS AMENDED

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. Chapter 53, Title 23 United States Code, and other federal statutes administered by the Federal Transit Administration.

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

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

WHEREAS, the applicant has or will provide all annual certifications assurances 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 Transit Department with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration. That the City of Michigan City, Indiana, is the designated recipient as defined by 49 U.S.C. § 5307(a)(2).
2. That Walter Gipson, M.C. Transit Department 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 cooperative agreements with the Federal Transit Administration on behalf of the Michigan City Transit Department.

INTRODUCED BY: /s/ Phillip Jankowski

Passed by the Common Council of the City of Michigan City, Indiana, this 1st day of April, 2008.

/s/ Ron Meer, President
Michigan City Common Council

Approved by me, this 2nd day of April, 2008.

/s/ Charles E. Oberlie, Mayor
City of Michigan City, Indiana

ATTEST:

/s/ Thomas F. Fedder, Clerk

Councilman Jankowski moved to adopt the resolution, seconded by Council Members Nelson and McKee.

Councilman Jankowski advised the Council that Walter Gipson, Director of MC

Transit was present to answer any questions regarding the resolution.

Council President Meer asked if there were any comments or questions by the Council or general public and hearing none, the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (9). NAYS: None (0).**

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING ORDINANCE NO. 2124 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY**
Introduced By: Bob McKee **Co-Sponsored by:** Pat Boy and Joe Doyle.

Council President Meer stated that this Ordinance addresses the maintenance, health and control of animals within the City limits of Michigan City.

Council President Meer referred this Ordinance to the Humane Activities Committee.

Councilman McKee advised the Council that this Ordinance can be referred to the Humane Activities Committee but it also has to be referred to the Animal Control Advisory Board before any changes can be made.

City Attorney Evans advised the Council of who represents and serves on the Animal Control Board along with procedures that need to be taken before an amendment can be made to an Ordinance. Attorney Evans stated this Board's responsibility is to advise the Council and Mayor on all issues involving animals.

John Kintzele, Asst. Chief of the Michigan City Police Department and Chairperson of the Animal Control Advisory Board stated that this Ordinance was reviewed in 2007. Chief Kintzele stated the recommendations before the Council tonight are from the recommendation made by the Animal Advisory Board in 2007.

Council President Meer asked Chief Kintzele to meet with Councilman Jankowski, Chairperson for the Humane Activities Committee before the next Council Meeting (April 15, 2008) and report back to the Council with their findings.

There was a discussion among Attorney Evans and Council Members McKee and Nelson regarding the Ordinance.

Council President Meer asked if there were any comments or questions by the Council or general public?

Paul Przybylinski, 1716 Washington Street stated his concerns.

Greg Tuel, Krueger Neighborhood Association, thanked Council Members Jankowski, Murphy, and Nelson for making an effort and taking the time to attend neighborhood group meetings.

Mr. Tuel stated their concerns and changes they would like to see changed regarding this Ordinance.

Council President McKee commented on the dangerous dog rule.

Council President Meer asked if there were any comments or questions by the Council or general public on this proposed Ordinance and hearing none, the Ordinance was held 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 ORDINANCE**

NO. 2261, Introduced by: Joe Doyle, **Co-Sponsored by:** Pat Boy and Robert McKee.

Council Members Boy and Jankowski stated concerns that should be addressed before the second reading.

Council President Meer referred this to the Public Health & Safety Committee.

Council President Meer asked if there were any other comments or questions by the Council or general public, and hearing none, the Ordinance was laid over for second reading.

The Clerk read on second reading by title only, **ADDITIONAL APPROPRIATION ORDINANCE, Introduced by:** Marc Espar.

Council President Meer advised the Council that there will be a formal public hearing On April 15, 2008 on the additional appropriation ordinance.

(DECREASE: #9000 Riverboat Gaming Fund \$450,000, **INCREASE:** Refuse Equipment \$450,000).

Council President Meer asked if there were any comments or questions on this Ordinance from the Council or general public and hearing none, the Ordinance was laid over for third reading.

The Clerk read on second reading by title only, **AN ORDINANCE AMENDING ORDINANCE NO. 4010 BY ESTABLISHING THE POSITION AND SALARY OF EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT OFFICER, Introduced by:** Pat Boy. (**Note:** Tabled at February 5, 2008 Council Meeting).

Councilwoman Boy moved to **TABLE** this Ordinance, seconded by Councilman Doyle.

Council President Meer directed the Clerk to take the following vote: **AYES:** COUNCIL MEMBERS Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, and McKee (9). **NAYS:** None (0).

The Clerk read on second reading by title only, **ADDITIONAL APPROPRIATION ORDINANCE, Introduced by:** Pat Boy. (**NOTE:** Tabled at February 5, 2008 Council Meeting).

(DECREASE: Acct.# 9000 Riverboat Unappropriated \$51,451.78, Acct. #0101 General Fund Unappropriated \$51,451.78, **INCREASE:** Acct. #9000 0000 06 460.100 Transfer of funds \$51,451.78, Acct. # 0101 0309 01 411.001 Salaries & Wages \$33,924.80, Acct. # 0101 0309 01 413.001 FICA \$2,595.25, Acct. # 0101 0309 01 413.002 PERF \$3,731.73, Acct. # 0101 0309 01 413.004 Health Insurance \$11,200.00)

Councilwoman Boy moved to **TABLE** this Ordinance, seconded by Councilman Doyle.

Council President Meer asked if there were any comments or questions by the Council or general public and hearing none, the Ordinance was **TABLED** by the following vote: **AYES:** COUNCIL MEMBERS Milsap, Murphy, Nelson, Boy, Doyle, Jankowski, McKee, and Meer (8). **NAYS:** COUNCIL MEMBER Espar (1).

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new Business.

COMMENTS FROM THE COUNCIL

Councilman McKee stated his concerns regarding the status and conditions of boat launch ramp.

Mayor Oberlie responded to Councilman McKee's concerns.

Councilman Milsap reminded the general public that April 7, 2008 is the dead line to register to vote.

Councilwoman Nelson congratulated John Butner, a student at St Paul School, Michigan City on a job well done last Saturday at the Valparaiso University Science Fair that he participated in.

Councilwoman Nelson announced **SAVE THE DATE** ...for the Michigan City Human Rights Commission Annual Dinner "together we are strong" will be held September 12, 2008. For more information, please visit the Michigan City website, www.emichigancity.com or call City of Michigan City Human Rights Department at (219) 873-1430.

Councilwoman Nelson reported on the Tavern Owners Association meeting she attended regarding Liquor licenses in the Redevelopment of Trail Creek Plan.

Councilwoman Nelson stated several concerns the community has regarding the development of the new proposed Park Department Building and the proposed redevelopment of the Police Station.

Council President Meer commented on the report he received from TaTanesha Clark, Human Rights Director that he requested.

COMMENTS FROM THE PUBLIC

Paul Przybylinski, 1716 Washington Street stated his concerns regarding the appropriation of \$450,000 for the Refuse Equipment and the language regarding the Ordinance amending Ordinance 2261.

Mr. Przybylinski commented on the status of the refund checks the community is waiting for.

Tony Childers, 205 Douglas Avenue, stated his concerns regarding the condition and lack of launch ramps for boats that are located near Lake Michigan and Trail Creek.

Johnny Stimley, 3205 Tilden Avenue commented on the liquor licenses being issued to the North End Redevelopment area.

Carol Bailey, 110 Franklin Street, Matey's Bar, stated her concerns regarding the price of a liquor license that will be issued to a developer for the Trail Creek Corridor Plan and the price of a license a developer would have to pay if purchased from an established restaurant, bar or grill that has been in our City for years.

Joan Chumley, 832 Pine Street, commented on the timeframe on absentee ballots and the deadline to register to vote is April 7th 2008.

Joan Chumley, 832 Pine Street stated her concerns regarding Council President Meer's report received from Ms. Clark, Human Rights Director, regarding the City of Michigan City's employment/hiring statistics.

ADJOURNMENT

On motion by Councilman McKee, supported by Councilman Jankowski, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 8:35 p.m.).

Thomas F. Fedder, City Clerk