

## **REGULAR MEETING – July 1, 2008**

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, July 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, Phillip Jankowski, Marc Espar Robert McKee, Ron Meer, Richard Murphy, Joe Doyle, Willie Milsap 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 of June 17, 2008 and hearing none, the minutes were approved as printed.

President Meer appointed Councilmen McKee and Murphy to represent the Council in a joint committee with the Plan Commission to look at zoning issues in regards to towers. Mr. Meer asked Councilwoman Boy, Council Liaison for the Plan Commission and Council Attorney Meyer to attend these meetings also.

### **REPORTS of STANDING COMMITTEES**

Councilman Jankowski reported on the Sanitary District Board meeting held on June 25, 2008.

Councilman Jankowski requested to have a Humane Activity Committee meeting with the Animal Control Advisory Committee in regards to the Second Animal Control Quarterly Report.

President Meer advised him to contact the Clerk's Office along with Asst. Chief Kintzele, President of the Animal Control Advisory Committee, in regards to scheduling this meeting.

Councilwoman Nelson advised the Council that the Public Health and Safety Committee has scheduled meetings to be held on July 17<sup>th</sup> & 29<sup>th</sup>, to discuss and receive the publics input on implementing a smoking ban ordinance in Michigan City. Ms. Nelson stated that she would get the information to the Clerk's Office for publication.

Councilwoman Nelson reported on the Human Rights Commission Meeting in regards to their Annual Scholarship Dinner, along with information on how to apply for this years annual scholarship.

Councilman Doyle reported on the Summer Festival Events and reminded everyone of the Annual Parade and Drum and Bugle Corp. Show on Sunday, July 6, 2008.

### **REPORTS OF SPECIAL OR SELECT COMMITTEES**

There were no reports of special or select committees.

### **REPORTS of OTHER CITY OFFICERS and DEPARTMENTS**

There were no reports of other City officers and departments.

### **PETITIONS**

There were no petitions.

### **COMMUNICATIONS**

There were no communications.

### **RESOLUTIONS**

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

#### **RESOLUTION NO. [4396](#)**

#### **RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AMENDING RESOLUTION NO. 4290 AUTHORIZING PETTY CASH AND CHANGE FUNDS**

Whereas, Indiana Code No. 36-8-2 authorizes the Common Council to establish cash and change funds for officers and employees who collect cash revenues on behalf of the City, and

Whereas, the Indiana Code 36-1-2-8-3 authorizes the Common Council to establish petty cash funds for certain offices and for special conditions; and

Whereas, the Common Council previously authorized cash and change funds that now require changes in custodian or amount,

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

Section 1. That authorized funds, amounts, and custodians are as follows:

Department	Custodian	Amount
Aviation	David Wills	\$ 150.00
Barker Civic Center	Cecilia Zuber	\$ 50.00
Controller	John Schaefer	\$ 100.00
Fire	David Lamb	\$ 50.00
Greenwood Cemetery	Mark Tomscheck	\$ 150.00
Swan Lake Cemetery	Mark Tomscheck	\$ 40.00
Golf	Jason Richardson	\$1,000.00
Park Department	Darrell Garbacik	\$ 100.00
Park Department (parking lots)	Darrell Garbacik	\$1,250.00
Park Department (parking stickers)	Darrell Garbacik	\$ 75.00
Police	Bernhard Neitzel	\$ 50.00
Zoo	John Martinez	\$ 600.00

Zoo Gift Shop	John Martinez	\$ 200.00
Planning/Inspection	John Pugh	\$ 200.00
Recreation	Jeremy Kienitz	\$ 300.00

Section 2. That the Controller is authorized to issue each custodian a check as required to meet the above cited amount.

Section 3. That the foregoing Resolution shall be effective upon adoption by the Common Council and signature of the Mayor.

INTRODUCED BY: /s/ Marc Espar

Councilman Espar moved to adopt the resolution and stated the list of custodians within these departments needed to be updated and the Park Departments amount needed to be changed from \$650.00 to \$1,250.00 for the extra parking lot at Patriot Park. The motion was seconded by Councilman McKee.

John Schaefer, City Controller advised Councilwoman Boy that any changes that would occur after this Resolution is adopted would have to be brought back before the Council.

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

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

**RESOLUTION NO. 4397**

**A RESOLUTION FOR INCREASING AND DECREASING CERTAIN  
APPROPRIATIONS  
WITHIN THE BUDGET OF THE CITY CLERKS OFFICE,  
FOR THE YEAR 2008, IN MICHIGAN CITY, INDIANA**

**WHEREAS**, there exist certain circumstances within the budget of the City Clerks Office of Michigan City which require the increasing and decreasing of appropriations for the year 2008.

**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:

**Section 1.** It is deemed advisable and necessary, in order to meet the circumstances facing said City Clerks Office of the City, that the Common Council make the following transfer of appropriations, as listed, to-wit:

**GENERAL FUND # 0101**

**City Clerks Office**

<b>DECREASE:</b>	A/C # 0101 0042 01 412.024	
	Longevity	\$3,000.00
<b>INCREASE:</b>	A/C # 0101 0042 03 433.002	
	Publication of legal notices	\$3,000.00

**Section 2.** This Resolution shall be in full force and effect after passage and approval by the Mayor.

**INTRODUCED BY:** /s/ Marc Espar

Councilman Espar stated the Resolution is reallocating \$3,000.00 from longevity to to publication of legal notices. Mr. Espar advised the Council that this would not be increasing the budget.

Councilman McKee moved to adopt the Resolution. The motion was seconded by Councilwoman Nelson.

Councilman Espar made the following Authors Amendment:

**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:**

Thomas Fedder, Clerk addressed the Council with reasons regarding the proposed resolution.

Council President Meer asked if there were any comments or questions by the Council or general public and there being none, the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS Doyle, Espar, Jankowski, McKee, Meer, Milsap, Murphy, Nelson, and Boy (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 RESCINDING AND DELETING ORDINANCE NO. 3915 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, AND ADDING PROVISIONS AUTHORIZING THE CITY CONTROLLER TO TRANSACT BUSINESS WITH FINANCIAL INSTITUTIONS ON BEHALF OF THE CITY OF MICHIGAN CITY**

**Introduced by:** Marc Espar

Councilman Espar advised that Ordinance 3915 had a two year statute authorizing the Controller to invest City Funds in certificates of deposit as well as conduct electronic transactions for payroll, police and fire pension and other daily transactions. The proposed Ordinance is reauthorizing those transactions which lapsed in 2006.

President Meer asked if there were any comments or questions by the Council or general public and there being none, 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 AMENDING THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE RELATING TO THE DEFINITION OF HOTEL AND HOTEL-MINIUM.**

**Introduced by:** Patricia Boy

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

The Clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA RESCINDING AND DELETING ORDINANCE NO. 2009, AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCE THERETO, OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY AND ADDING PROVISIONS REGARDING THE RULES AND PROCEDURES OF THE MICHIGAN CITY COMMON COUNCIL**

**Introduced by:** Marc Espar, Richard Murphy,  
Ron Meer, Patricia Boy,  
Phillip Jankowski,  
Joe Doyle, Angela Nelson,  
Robert McKee

**Co-Sponsored by:** Willie Milsap

Councilman Espar moved to adopt the following amendments;

Amend Sec. 2-60. Types of motions and precedence. Paragraph (j) by striking the 4<sup>th</sup> sentence in its entirety which reads, **“A member may be added as a sponsor, at his request, at any time before the ordering of the yeas and nays for final approval.”**

After amendment, paragraph (j) will read, **“A motion may be withdrawn by the sponsor at any time before the ordering of the yeas and nays for final approval. An ordinance or resolution may be withdrawn by a sponsor, but only with the consent of all other sponsors, at any time before the ordering of the yeas or nays for final approval. A member may withdraw as a sponsor of an ordinance or resolution at any time before the ordering of the yeas and nays for final approval. Any ordinance or resolution for which there is no sponsor dies for lack of a sponsor but before declaring such condition to have occurred, the presiding officer shall ask whether any member wishes to become a sponsor of the ordinance or resolution.”**

Amend Section 2-63. Committee reports, Paragraph (a) by striking, **“Following the first reading, the presiding officer may refer each proposed ordinance to a standing committee of the council having jurisdiction over the subject matter predominating in the proposed legislation. If a member requests that an ordinance be referred to committee, the presiding officer shall do so unless 2/3 of the elected members approve a motion that it not be referred. The decision of the presiding officer on committee jurisdiction shall be subject to appeal.”** and inserting in its place, **“Following the first reading, the presiding officer may refer each proposed ordinance to a standing committee of the council having jurisdiction over the subject matter predominating in the proposed legislation. However, if a member requests that an ordinance be referred to committee, the presiding officer shall refer the matter to an appropriate committee for further consideration. The decision of the presiding officer on committee jurisdiction shall be subject to appeal.”**

The motion was seconded by Councilman McKee.

Councilwoman Boy requested to see the amendments in writing.

President Meer asked Councilman Espar to repeat the proposed amendments. Mr. Meer asked if there were any other comments or questions by the Council or general

public regarding the proposed amendments and there being none, the amendments were adopted by the following vote: COUNCIL MEMBERS Espar, Jankowski, McKee, Meer, Milsap, Murphy, Nelson, Boy, and Doyle (9). NAYS: None (0).

There was a discussion among Mayor Oberlie, City Controller-John Schaefer, Council Attorney Meyer, Council Members Meer, Boy, and McKee, regarding the language in Section 2-64.

Councilman McKee moved to adopt the following amendment:

Sec. 2-64 Pre-adoption budget procedures.

- (a) The Mayor shall amend **any department budget** requests to conform to his wishes and shall then submit the amended requests to the finance committee of the common council no later than five weeks prior to the deadline for final budget passage. The finance committee shall report to the common council with recommendations.
- (b) The controller shall furnish a copy of the following to each councilmember no later than 30 days prior to the deadline for final budget passage:
  - (1) A report of the final status of each budget account for the previous calendar year.
  - (2) A report of the status of each current budget account as of June 30.
  - (3) Any other reasonable information that the finance chairman has requested in writing prior to August 1 of the current year.
- (c) If special circumstances arise, the deadlines mentioned in this section may be extended with the written consent of a majority of the council.

The motion was seconded by Councilman Doyle.

There was further discussion by Attorney Meyer, Council Members Boy, Meer and McKee.

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

Mayor Oberlie addressed Councilwoman Boy regarding her concerns of the language in Section 2-64 (c).

Council President Meer asked if there were any comments or questions by the Council or general public regarding the amended Ordinance and there being none, the amended Ordinance was laid over for third reading.

The Clerk read on third reading by title only,

## MICHIGAN CITY COMMON COUNCIL

### ORDINANCE NO. 4026

#### AN ORDINANCE DIRECTING THE MICHIGAN CITY PLAN COMMISSION AND THE MICHIGAN CITY PLANNING AND INSPECTION DEPARTMENT TO WAIVE CERTAIN BUILDING PERMIT AND INSPECTION FEES FOR LAPORTE COUNTY HABITAT FOR HUMANITY, INC

**WHEREAS**, the Michigan City Common Council has given support to the creation and the need for decent and adequate housing and supports efforts to make better housing available to those who would not otherwise qualify under normal means; and

**WHEREAS**, the LaPorte County Habitat for Humanity, Inc., works in partnership with people in need of decent and adequate housing who would not qualify for home ownership under normal means; and

**WHEREAS**, the LaPorte County Habitat for Humanity, Inc., acquires property and builds a house in partnership with a family that is selected by a committee; and

**WHEREAS**, the LaPorte County Habitat for Humanity, Inc., purchases building materials with funds raised through various fund-raising events, and uses volunteer labor in building houses; and

**WHEREAS**, upon completion, the home is sold to the family at a no-profit price and a no-interest mortgage; and

**WHEREAS**, the Common Council wishes to lessen the financial burden for LaPorte County Habitat for Humanity, Inc., so it can proceed with construction of a house at 121 Schofield Court in Michigan City without delay.

**NOW, THEREFORE, BE IT ORDAINED**, that the Michigan City Common Council hereby directs the Plan Commission and the Planning and Inspection Departments to waive any and all fees regarding the home site being constructed by LaPorte County Habitat for Humanity, Inc., at 121 Schofield Court in Michigan City.

Upon this Ordinance's effective date, the City Clerk will send a copy to each Member of the Board of Public Works and Safety and to John Pugh, in the Planning and Inspection Department for future presentation to the State Board of Accounts.

**INTRODUCED BY:** /s/ Willie Milsap

Councilman Doyle moved to adopt the Ordinance, seconded by Councilwoman Boy.

President Meer asked if there were any other questions or comments regarding this Ordinance and hearing none, the motion carried and the Ordinance was adopted as follows: AYES: COUNCIL MEMBERS McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (9). NAYS: None (0).

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

Councilman Espar requested a report to be given to each Council Member from John Schaefer, City Controller regarding the account balances of the 2008 budget. Mr. Espar stated that the information would advise the Council of any issues that may need to be addressed during the remaining months of 2008.

### **COMMENTS FROM THE COUNCIL**

President Meer thanked Jason Miller from The News Dispatch for a job well done, that he would be missed and wished him luck in his new position.

Councilwoman Boy wished everyone a Happy 4<sup>th</sup> of July.

### **COMMENTS FROM THE PUBLIC**

Councilman Espar advised Patrick Boy, Bloomington Indiana the figurine next to him is Smokey Sue and she represents what second hand smoke can do to you.

### **ADJOURNMENT**

On motion by Councilman Espar, supported by Councilwoman Nelson, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:25 p.m.).

---

Thomas F. Fedder, City Clerk