

REGULAR MEETING – August 19, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, August 19, 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.

ALSO PRESENT: City Clerk - Tom Fedder, Deputy Clerk – Gale Neulieb, and Council Attorney – Jim Meyer.

APPROVAL of MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of August 5, 2008 and hearing none, the minutes were approved as printed.

Council President Meer advised that Council Members Boy, Nelson, Espar, and McKee requested to serve on the Special Committee to research, gather information and possibly institute a Michigan City scholarship program similar to the “Kalamazoo Promise Program”, that Councilman McKee presented at the last Council Meeting (August 5, 2008). Mr. Meer asked Councilman McKee to be chairperson.

REPORTS of STANDING COMMITTEES

Councilman Espar stated the Finance Committee has met on two occasions regarding the 2009 budget. Mr. Espar advised what the committee agreed upon and beginning at the Finance Committee Meeting scheduled for September 4, 2008 they will begin meeting with each department, analyze them and their efficiencies.

Councilman McKee reported on the meeting held between Mayor Oberlie, Councilwoman Nelson and himself regarding the EEO and Human Rights issues.

Councilwoman Nelson reported on the Public Health and Safety Meetings held on July 17 & 29, 2008 regarding the possible Smoking Ban Ordinance. Ms. Nelson stated that the Committee would not make a recommendation.

Councilwoman Nelson, Liaison of the Police Commission advised that the Police Department is short four officers and is accepting applications.

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no reports of special or select committees.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mr. Kevin Kieft, Business Development Manager, Economic Development Corporation, reported on the Tax Abatement Committee meeting held on August 6, 2008. Mr. Kieft advised the Council there are thirty-seven active (CF-1 Forms) tax abatements and they are in compliance for 2008.

Frank Seilheimer, Michigan City Urban Forestry, did a presentation for the City Council regarding the Forestry Departments duties and responsibilities.

PETITIONS

COMMUNICATIONS

There were no communications.

RESOLUTIONS

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

RESOLUTION NO. 4400

A RESOLUTION BY THE MICHIGAN CITY COMMON COUNCIL AUTHORIZING THE EXECUTION OF ROAD TRANSFER MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MICHIGAN CITY AND THE INDIANA DEPARTMENT OF TRANSPORTATION

WHEREAS, INDOT has maintained a quality road that provides for the safe movement of motor vehicles; and

WHEREAS, INDOT does not normally provide landscaping improvements along its urban highways; and

WHEREAS, the Lohan Anderson Re-Use Plan for the city's North End recommends that Michigan Boulevard be constructed as a pedestrian friendly road and pedestrian way; and

WHEREAS, the Andrews University's plan for the city's North End recommends that Michigan Boulevard be re-constructed as a pedestrian friendly road and pedestrian way; and

WHEREAS, the city desires to provide a well landscaped entrance into a city which will be a source of pride for the community and provide a warm welcome to its visitors; and

WHEREAS, based on these studies, the Mayor of Michigan City has successfully negotiated a Memorandum of Agreement with Indiana Department of Transportation (INDOT) transferring maintenance from the state to the city of a portion of said Michigan Boulevard; and

WHEREAS, INDOT has committed funding to address the reconstruction of said street; and

WHEREAS, the La Porte County Commissioners have agreed to accept the bridge structure over Trail Creek for maintenance purposes.

WHEREAS, the Board of Public Works and Safety has approved the Memorandum of Agreement as it relates to its authority; and

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

Section 1. That the Common Council approves and authorizes the mayor to execute the attached "Road Transfer Memorandum of Agreement, INDOT/Michigan City for Transfer Portions of US 35".

Section 2. That the controller is authorized to receive and expend funds pursuant to said agreement.

Introduced by: /s/Richard Murphy

Co-Sponsored by: /s/ Willie Milsap

Co-Sponsored by: /s/ Angela Nelson

Councilman Milsap moved to adopt the Resolution, seconded by Council Members Nelson and Murphy.

Tom Fedder, City Clerk advised Councilwoman Boy the Resolution stamped August 15, 2008 is the correct document of the proposed Resolution.

Mayor Oberlie addressed Councilman McKee's questions and concerns regarding the language in the Resolution.

There was discussion among Mayor Oberlie and Council Members Milsap, Jankowski, Meer and Murphy regarding improvements planned, total cost of the construction, cost of annual maintenance after completed and the time frame the City is looking at.

Mayor Oberlie addressed Councilman Meer's concerns in regards to following the City Ordinances relating to the hiring of City residences/ minorities on the proposed projects.

Mayor Oberlie advised Councilman Milsap that the proposed Lafayette/Barker Sewer Separation Project wouldn't extend to Michigan Boulevard.

David Cornes, (architect and real-estate developer, Chicago, Illinois,) Tim Bietry (3211 Cleveland Avenue, representing the Michigan City Chamber of Commerce and MC NEAT – Michigan City North End Advocacy Team), Bob Daley (311 Kenwood Place), Greg Tuel (1527 E. 8th Street), and Ken Purze (P.O. Box 2), stated reasons to support this project and encouraged the Council to adopt the Resolution.

There was further discussion among Council Members, Murphy, McKee, Boy, and Nelson.

Council President Meer asked Vice President Milsap to take the chair.

Councilman Meer stated his concerns regarding the City taking on four lanes and

four miles of highway which goes beyond the goals of the proposed north end projects and studies. Mr. Meer read parts of the Road Transfer Memorandum Agreement stating the list of financial responsibilities that will be expected from the City to maintain this highway. Mr. Meer advised that the agreement does not state transferring title of any real estate to the City of Michigan City, of which the Indiana Department of Transportation shall retain legal title of the transferred road. Mr. Meer stated concerns regarding the budgetary issues and possible layoffs within the City.

Councilman Murphy responded to Mr. Meer's comments.

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

ORDINANCE

The Clerk read on first reading by title only, **AN ORDINANCE TO ADOPT A CODE OF ETHICS AND TO CREATE AN ETHICS ADVISORY BOARD FOR THE CITY OF MICHIGAN CITY, INDIANA**

INTRODUCED BY: Patricia Boy
Joseph Doyle
Bob McKee

Councilwoman Boy stated in 2004 the Northwest Indiana Quality of Life Council sent a letter suggesting municipality in Northwest Indiana should have a Code of Ethic Ordinance and received guidelines to prepare a document. Ms. Boy stated that Councilman Doyle and herself worked on this document together and that there will probably be amendments but they wanted to bring this document to the Council.

Councilman McKee commented on the importance of public confidence and integrity to adopt a Code of Ethics Ordinance and equally important to have a formal process.

Councilman Jankowski agreed with Councilman McKee's comments and stated his concerns regarding the language.

Councilman Doyle advised the Council that they tried to standardize the language in the proposed Ordinance, and that they knew there would be amendments.

President Meer commented on his concerns regarding exclusions of certain departments within the City.

Councilman McKee addressed Mr. Meer's concerns and stated that changes can be made.

Council President Meer referred this Ordinance to the Ethic Committee.

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

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. [4030](#)

APPROVING ADDITIONAL APPROPRIATION

FOR AVIATION FUEL FOR THE AIRPORT

WHEREAS, it has been demonstrated to the Council that it is necessary to appropriate more money than was appropriated in the 2008 Annual Budget for aviation fuel for the Michigan City Airport; and

WHEREAS, there are available additional unappropriated funds which can be appropriated for the purchase of aviation fuel by the Airport.

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: Fund # 2104/0000 Aviation Fuel Unappropriated	\$200,000.00	
INCREASE: Account #2104.0000.02.422.020 Aviation Fuel		\$200,000.00

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Councilman Marc Espar

Councilman Espar moved to adopt the Ordinance, seconded by Councilman Doyle.

The formal public hearing was opened, with President Meer asking, "Is there anyone from the public that wishes to speak on this Ordinance on third reading?" There was no response and the public hearing was closed.

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

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE 4031

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

WHEREAS, with the passage of time various policies, procedures, and practices of the City of Michigan City must be updated; and

WHEREAS, it is necessary to change various Ordinances and Codes to conform to current State Law.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana, that this Ordinance shall be read as follows:

- (a) Pursuant to Indiana Code 5-13-5-5, the Common Council of the City of Michigan City, Indiana, hereby authorizes the City Controller to transact the City's business with a financial institution or a retirement fund administered by the Public Employees' Retirement Fund through the use of electronic fund transfers.
- (b) The following transactions may be conducted by electronic fund transfers:
- All transactions related to payroll; police and fire pensions; State and Federal funds deposits and payments; as well as infrequent and/or other transactions required by law or a third party doing business with the City.
- (c) The all City funds shall be deposited in a financial institution as defined by Indiana Code 5-13-6-1; which has been approved by the state as a depository for public funds pursuant to Indiana Code 5-13-9.5; and which has a branch within the corporate boundaries of the City of Michigan City as required by Indiana Code 5-13-8-9.
- (d) The City Controller shall deposit all funds not later than the next business day following the receipt of funds.
- (e) The City Controller shall invest the available City funds in investments allowed by Indiana Code 5-13-9-1, et seq. so as to maximize the return on the investment.
- (f) The City Controller shall maintain adequate documentation of all transactions so that they may be audited as provided by law.

INTRODUCED BY: /s/ Marc Espar

Councilman Espar moved to adopt the Ordinance, seconded by Councilman McKee.

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

UNFINISHED BUSINESS

President Meer reminded everyone that there is a Work Shop scheduled for Wednesday, August 20, 2008, at 6:00 P.M., in the West Conference Room, City Hall. Mr. Meer stated that the meeting has been called to discuss Public Safety in the neighborhoods and crime concerns.

NEW BUSINESS

There was no new business.

COMMENTS FROM THE PUBLIC

There was no comments from the public.

COMMENTS FROM THE COUNCIL

Councilwoman Nelson announced the League of Woman Voters will be having events during the day on August 26, 2008 to celebrate Woman's Equality Day. The celebration marks the day in 1920 when the Woman's Suffrage Act was passed. Ms. Nelson advised that there will be a list of events to attend in the local papers or you can contact Lynn Kaser, President of the League of Woman Voters.

Councilwoman Nelson reminded everyone that the Michigan City Human Rights Commission Annual Dinner is September 12, 2008 at 6:00 P.M. and tickets can be purchased from herself or at the Human Rights Department in City Hall.

Ms. Nelson wished everyone a safe and happy return to school.

Councilman Doyle reminded everyone that Labor Days is next weekend August 29 thru September 1, 2008.

ADJOURNMENT

On motion by Councilman Espar, supported by Councilman Doyle, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:37 p.m.).

Thomas F. Fedder, City Clerk