

REGULAR MEETING – November 18, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, November 18, 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, and Angie Nelson, Willie Milsap (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

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

APPROVAL OF MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the regular Meeting of November 5, 2008; the Minutes were approved as corrected by Councilwoman Boy previous to the meeting.

Council Attorney Meyer reported on the status of the documents and video requested from the Park Board regarding the hearing involving the suspension of two coaches.

REPORTS OF STANDING COMMITTEES

There were no reports of standing committees.

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no reports of special or select committees.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mayor Oberlie advised that the Ethic Ordinance passed by the Council on November 5, 2008 was still under review, and that the administration had significant concerns regarding some of the language. Mayor Oberlie stated that he would be contacting the Council to address these issues.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

There were no resolutions

ORDINANCES

The Clerk read on first reading by title only, **REPEALING ORDINANCE NO. 320 AND REQUIRING SPENDING FROM THE RIVERBOAT FUND TO BE RESERVED FOR CAPITAL IMPROVMENTS AND DEVELOPMENT PROJECTS**

Introduced by: Marc Espar
Bob McKee
Phil Jankowski

Attorney Meyer and Councilman Espar addressed Councilwoman Boy's question regarding Ordinance. No. 320 in the title of the Ordinance.

Mayor Oberlie asked if this Ordinance was being referred to Committee.

Councilman Milsap asked Council President Meer to refer the Ordinance to the Finance Committee.

Council President Meer asked if there were any comments or questions by the general public or Council and hearing none, the Ordinance was held 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 ZONING MAP AND ORDINANCE NO. 2114 BY REZONING A SIXTY-SIX (66) ACRE PARCEL OF PROPERTY COMMONLY KNOWN AS THE FORMER BASEBALL STADIUM COMPLEX ON HIGHWAY 212 FROM AGRICULTRUAL TO MANUFACTURING -1**

Introduced by: Patricia Boy

Councilwoman Boy presented to the Council a copy of the zoning map advising the location of Trainor Glass (107 Eastwood Road).

The formal public hearing was opened, with President Meer asking, "Is there anyone from the public that wishes to speak on this Ordinance on second reading?"

Bob Trainor, Grand Beach, Michigan, CEO of Trainor Glass Company, addressed the Council with information regarding the history, employment, what the company manufactures, goals and reasons the Council should support the Ordinance rezoning this property.

The formal public hearing was closed, with President Meer asking, "Is there anyone from the general public that wishes to speak on this Ordinance on second reading?"

Council President Meer asked if there were any comments or questions by Council and hearing none, the Ordinance was held over for third reading.

The Clerk read on second reading by title only, **AN ORDINANCE OF THE MICHIGAN CITY COMMON COUNCIL ESTABLISHING PROCEDURES AND LIMITATIONS ON CAPITAL PROJECT EXPENDITURES IN THE BOYD DEVELOPMENT FUND AND THE RIVERBOAT GAMING FUND**

Introduced by: Marc Espar

Councilman Espar stated that this was a recommendation by the Mayor to accomplish one of the objectives that the Finance Committee had designated, which was to provide the funds of a capital project be expended for that project, and any excess amount would revert to the original unappropriated fund.

Council President Meer asked if there were any comments or questions by the general public or Council and hearing none, the Ordinance was held 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 AMENDING ORDINANCE NO. 2053, THE BUILDING CODE AND ALL SUBSEQUENT AMENDMENTS**

Introduced by: Patricia Boy

Councilwoman Boy stated that she was going to make a few suggested amendments, but prior to the meeting read Councilman McKee's proposed amendments. Ms. Boy advised that she liked his amendments and they would be forthcoming.

Councilman McKee moved to amend the Ordinance with the following amendments:

Sec22-53 Inspections: Stop Work Orders, Revocation of Building Permits

(a) The Planning Director and any and all of his designees are authorized and directed to enforce all the provisions of this Chapter. The Planning Director and his designees shall, between the hours of 8:30am and 4:30pm local time, have the right to enter any buildings, sites or premises, or upon any work in the process of construction for which a building permit has been issued, upon showing proper credentials, for purposes of inspection in for compliance with the building permit issued. Any person interfering with the Planning Director or his designees in the performance of their duties shall be liable for the penalties established by this Chapter.

(b) At any time during the process of building work, the Planning Director or his designee, upon finding any violations of this chapter or any permit issued hereunder, may stop work upon the project and cause immediate cessation of work on all or part of the construction. Where this action is taken, there shall be no

resumption of any work without first having obtained written authority to proceed. Any violation of these orders shall be punishable as provided in Section 17.

(c) The Planning Director shall also have the right to revoke any permit issued under this Chapter upon the Planning Director or his designee's investigation and finding that a violation or noncompliance with a Building Permit, Building Codes, or Zoning Ordinances has occurred. When the Plan Director determines that there are appropriate grounds for revocation or suspension of a building permit, the Plan Director or designee shall give notice of the revocation or suspension of the permit to the person or party issued the permit. Where this action is taken there shall be no resumption of any work without first having obtained written authority to proceed from the Planning Department. Any violation of these orders shall be punishable as provided in Section 1-7.

2 Hearing

(A) Replace the words *"of the decision of"* with *"the notification was served by"*.

The motion was seconded by Councilwoman Nelson.

Council President Meer stated that each Council member received a copy of Councilman McKee's proposed amendments.

Councilman McKee read the proposed amendments.

Councilman Murphy stated reasons for making these amendments.

Discussion ensued among Council members, Murphy, Boy, and Meer.

Attorney Meyer stated that due to the amendments to the original Ordinance it will have to be sent back to the Plan Commission for their recommendations. Attorney Meyer advised Councilwoman Boy if the Plan Commission sends a revised Ordinance back to the Council, the process will start over on first reading.

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

Councilman McKee moved to send the amended Ordinance back to the Plan Commission, seconded by Council Members Boy and Murphy.

Councilwoman Boy advised that the Plan Commission would not be meeting until January, 2009.

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

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4035

AN ORDINANCE TO REDUCE APPROPRIATIONS FOR INSURANCE

WHEREAS, unspent and unencumbered appropriation of at least \$500,000 exists in the City of Michigan City 2008 Budget for the General Fund No. 0101, Budget Item Insurance Other Than Health, Account No. 03 434.005 which appropriation will not be expended in the year 2008; and

WHEREAS, the balance in this appropriation may be used to help fund the 2009 City budget.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that the following appropriated funds in the 2008 Budget are hereby reduced and the funds are restored to the unappropriated balance:

Fund: General Fund No. 0101
Department: Board of Public Works and Safety
Budget Item: Insurance Other Than Health
Account No.: 03 434.005
Amount: \$210,620

This ordinance shall be in full force and effect after passage and approval by the Mayor.

INTRODUCED BY: /s/ Marc Espar

Councilman Espar moved to adopt the Ordinance, seconded by Council Members Milsap and 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 McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4036

AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE CITY CLERK, MAYOR, AND ALL COMMON COUNCIL MEMBERS FOR THE YEARS 2009, 2010, AND 2011

WHEREAS, the Common Council is required by Indiana law to set the annual compensation of all elected City officers (IC 36-4-7.2);

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

- Section 1. The Mayor of the City of Michigan City shall be paid an annual salary of \$68,671.36 (\$2,637.36 bi-weekly) from the General Fund for the calendar years 2009, 2010, and 2011.
- Section 2. Each member of the Common Council of the City of Michigan City shall be paid an annual salary of \$13,644.80 (\$524.80 bi-weekly) from the General Fund for the calendar years 2009, 2010, and 2011.
- Section 3. The City Clerk of the City of Michigan City shall be paid an annual salary of \$46,441.46 (\$1,786.21 bi-weekly) from the General Fund for the calendar years 2009, 2010, and 2011.
- Section 4. Elected officials will be paid their annual salaries based on the number of pays in that year divided by the number of scheduled pays for other employees. Said pays are to be issued at the same time as other pays. Any elected official leaving his/her position will be required to repay the City for any prepaid salary. When the salary is not evenly divisible by 26 (or 27 in applicable years), the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.
- Section 5. The fringe benefit program provided by the City for the Mayor and Clerk includes medical insurance, vacation pay, participation in the Public Employees Retirement Fund (PERF), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees and shall receive a financial increment of \$450 for each three (3) years of continuous full-time service to a maximum of \$3,600. In addition, since the Mayor is subject to emergency call outs and is required to attend meetings and other functions outside of business hours, a City take-home vehicle is provided.

This ordinance shall be in full force and effect after adoption by the Common Council and approval by the Mayor.

INTRODUCED BY: /s/ _____ Marc Espar

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

Councilman Espar advised Dennis Boy, 218 Southwood Drive, that a Council Members annual salary was \$13,644.80.

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

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4037

AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2009

WHEREAS, the Mayor must fix the salaries and wages of appointed officials of the City of Michigan City; and

WHEREAS, the Common Council of the City of Michigan City must, pursuant to IC 36-4-7-3, fix other said salaries and wages by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that:

- Section 1. Salaries and wages for appointed officials and employees be set for the year 2009, as follows: (Positions covered by collective bargaining agreements are marked with *)

Salary	Hourly Rate	Annual	
Rate	Annualized	Or	
<u>Hour</u>	<u>Bi-Weekly</u>	<u>(informational)</u>	<u>Per</u>
Controller's Office:			
Controller	\$ 51,920.18	\$ 1,996.93	
Assistant Controller	51,894.94	1,995.96	
Payroll Clerk*	15.70	1,256.00	\$ 32,656.00

Salary	Hourly Rate		Annual
Rate	Annualized		Or
<u>Hour</u>	<u>Bi-Weekly</u>	<u>(informational)</u>	<u>Per</u>
Secretary II*	12.91	1,032.80	26,852.80
Clerk's Office:			
Deputy Clerk	16.31	1,304.80	33,924.80
Assistant Deputy Clerk*	13.63	1,090.40	28,350.40
Mayor's Office:			
Administrator	18.44	1,475.20	38,355.20
Executive Secretary	14.28	1,142.40	29,702.40
Planning & Inspection Department:			
Plan Director	50,947.00	1,959.50	
Zoning Administrator	17.12	1,369.60	35,609.60
Administrative Assistant	13.63	1,090.40	28,350.40
Secretary II	12.91	1,032.80	26,852.80
Draftsman/Aide	14.60	1,168.00	30,368.00
Inspector	17.12	1,369.60	35,609.60
Board Secretary	600.00	23.08	
Personnel Office:			
Director	46,441.46	1,786.21	
Central Maintenance Department:			
Superintendent	46,441.46	1,786.21	
Assistant Superintendent	18.44	1,475.20	38,355.20
Mechanic*	20.76	1,660.80	43,180.80
Washer/Helper*	15.30	1,224.00	31,824.00
City Hall:			
Maintenance Supervisor	18.44	1,475.20	38,355.20
Custodian II	12.13	970.40	25,230.40
Custodian I (part-time)	9.99	799.20	20,779.20
Corporation Counsel's Office:			
Corporation Counsel	46,441.46	1,786.21	
City Attorney	41,971.80	1,614.30	
Office Manager II	18.44	1,475.20	38,355.20
M.C. Transit Department:			
Director	\$ 40,847.70	\$ 1,571.45	
Assistant Director	17.12	1,369.60	\$ 35,609.60
Driver*	14.60	1,168.00	30,368.00
Driver (part-time)	14.60	1,168.00	30,368.00
Secretary II*	12.91	1,032.80	26,852.80
Engineer's Office:			
City Engineer	46,441.46	1,786.21	
Temporary/Seasonal Laborer	6.55 to 12.00		
Human Rights Department:			
Director	46,441.46	1,786.21	
Assistant Director	14.29	1,143.20	29,723.20
Secretary I*	12.59	1,007.20	26,187.20
Emergency Management Agency:			
Director	46,441.46	1,786.21	
Fire Department:			
Chief	60,147.36	2,313.36	
Deputy Chief	56,212.52	2,162.02	
Fire Marshall	51,781.60	1,991.60	
Training Officer	51,781.60	1,991.60	
Executive Secretary	14.28	1,142.40	29,702.40
Secretary I (part-time)	11.56	924.80	24,044.80
Police Department:			
Chief	60,147.36	2,313.36	
Deputy Chief	56,212.52	2,162.02	
Executive Secretary*	14.28	1,142.40	29,702.40
Secretary I*	11.97	957.60	24,897.60
Secretary II*	12.91	1,032.80	26,852.80
Secretary I (part-time)	11.56	924.80	24,044.80
Maintenance Foreman*	14.60	1,168.00	30,368.00
Janitor/Washer*	10.76	860.80	22,380.80
Crossing Guard	5,240.36	201.56	
Central Services:			
Superintendent	46,441.46	1,786.21	
Forester	40,857.70	1,571.45	
Office Manager II	18.44	1,475.20	38,355.20
Secretary II*	12.91	1,032.80	26,852.80
Refuse Superintendent	5,000.00		

Vector Control Department:			
Vector Control Officer	17.48	1,398.40	36,358.40
Temporary/Seasonal Laborer	6.55 to 10.00		
Animal Control Department:			
Animal Control Officer	14.60	1,168.00	30,368.00
Asst. Animal Control Officer/Summer Youth Coord.	14.55	1,164.00	30,264.00
Street Department:			
Director	40,857.70	1,571.45	
Operator*	15.89	1,271.20	33,051.20
Driver*	14.31	1,144.80	29,764.80
Helper*	12.75	1,020.00	26,520.00
Janitor*	10.39	831.20	21,611.20
			Annual
Salary	Hourly Rate		Or
Rate	Annualized		Per
<u>Hour</u>	<u>Bi-Weekly</u>	<u>(informational)</u>	<u>Per</u>
Barker Civic Center:			
Department Head	\$ 28,359.76	\$ 1,090.76	
Custodian I	10.56	844.80	\$ 21,964.80
Tour Guide (part-time)	8.00 to 10.00		
Curator (part-time)	8.00 to 10.00		
Temporary/Seasonal Laborer	6.55 to 9.00		
Aviation Department:			
Airport Manager	46,441.46	1,786.21	
Assistant Manager	14.67	1,173.60	30,513.60
Foreman	14.24	1,139.20	29,619.20
Laborer	11.79	943.20	24,523.20
Temporary/Seasonal Laborer	6.55 to 9.00		
Cemeteries:			
Superintendent	46,441.46	1,786.21	
Secretary II	12.91	1,032.80	26,852.80
Secretary I	11.97	957.60	24,897.60
Greenwood Foreman	15.39	1,231.20	32,011.20
Swan Lake Foreman	14.89	1,191.20	30,971.20
Mechanic/Driver	14.19	1,135.20	29,515.20
Laborer/Driver	13.49	1,079.20	28,059.20
Temporary/Seasonal Laborer	6.55 to 9.00		
Substitute Secretary	11.56		
Fire & Police Pension Funds:			
Secretary	2,400.00		

- Section 2. The fringe benefit program provided by the City includes medical insurance, vacation pay, participation in the Public Employees Retirement Fund (PERF), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees in the following departments: Mayor, Controller, Clerk, Engineer, Personnel, City Hall, Corporation Counsel, Planning & Inspection, Cemeteries, Police, Fire, Aviation, Human Rights, Emergency Management, Central Services, Vector Control, Animal Control, Street, Transit, Central Maintenance, Barker Civic Center, and Parks & Recreation. Also included in the fringe benefit program are: the City Engineer who shall maintain a minimum of eight (8) hours per week as well as serving on or attending the meetings of the Board of Public Works & Safety and Plan Commission; the Corporation Counsel and City Attorney, who shall maintain eight (8) hours per week each, represent City departments in grievances, participate in all contract negotiations, represent and attend the meetings of the Board of Public Works & Safety, and prosecute ordinance violations; and the City Controller, who shall maintain eight (8) hours per week as well as serving on the Board of Public Works & Safety and attending semi-monthly meetings of the Common Council as needed.
- Section 3. For full-time employees in the Animal Control Department, the fringe benefit program provided by the City includes certification pay at the rate of \$500 per year per certification with a maximum of three (3) certifications to be divided and included with the employees' bi-weekly pay.
- Section 4. The fringe benefit program is further defined as providing a longevity supplement for non-contract employees who have worked three (3) or more years continuously in a full-time capacity, the financial increment being \$450 for each three (3) years of service to a maximum of \$3,600.
- Section 5. Personnel who are subject to emergency call outs outside of regular business hours will be provided with a City take-home vehicle. These include public safety personnel (Police, Fire, and Emergency Management) and one service employee per department per day when their service calls require tools that are carried in the vehicle (Animal Control, Vector Control, Parks & Recreation, and Aviation).
- Section 6. All salaries are annual except in those years where a bi-weekly payroll requires twenty-seven (27) pays, in which years the bi-weekly salary shall be used except for members of boards and commissions. Set salaries are in effect for all payrolls issued in the calendar year governed by this

ordinance. When the salary is not evenly divisible by 26 (or 27 when applicable), the first payroll of the year will be adjusted with the remaining payrolls made at the bi-weekly rate.

- Section 7. All salaries and fringe benefits for union workers are subject to the terms, conditions, and limitations specified in the respective labor contracts for the year governed by this ordinance.
- Section 8. Members of the Human Rights Commission, Plan Commission, Board of Zoning Appeals, Historic Review Board, Tree Board, Commission on the Social Status of African-American Males, and Board of Public Works & Safety shall be paid quarterly at the rate of \$50 per month only if the member attends the regularly scheduled meetings with a maximum compensation of \$600 per year. Council Members and Department Heads who serve on these bodies shall not receive the per diem. Members of the board of the Department of Parks & Recreation shall receive compensation in the amount of \$1,800 per year, payable quarterly.
- Section 9. Because there is uncertainty as to the financial impact of House Enrolled Act 1001, passed by the Indiana General Assembly, this ordinance does not provide salary adjustments (except for increases required by federal minimum wage laws) for any City employees in 2009. In the event that property tax revenues exceed state projections, the Mayor may recommend that the Common Council consider amendments to this ordinance.
- Section 10. This ordinance shall be in full force and effect after passage by the Common Council and approval by the Mayor.

INTRODUCED BY: /s/ Marc Espar

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

Council President Meer asked if there were any questions or comments by the general public or 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 NO. 4038

AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2009

WHEREAS, the salaries of the Fire Department must be set by ordinance, pursuant to IC 36-8-3-3; and

WHEREAS, the City of Michigan City, through the Common Council’s Labor Committee and Firefighters Local #475, on behalf of the firefighters of the Fire Department, have negotiated fair and equitable salaries for the year 2008, the terms of which continue until a new contract is approved by both the City and Firefighters Local #475; and

WHEREAS, due to the uncertainty as to the financial impact of House Enrolled Act 1001, passed by the Indiana General Assembly, this ordinance does not provide salary adjustments;

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for firefighters for the year 2009 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and Firefighters Local #475:

	<u>Annual</u>	<u>Bi-Weekly</u>
Probationary Firefighter	\$ 35,798.62	\$ 1,376.87
First Class Firefighter	39,821.60	1,531.60
Driver	42,210.48	1,623.48
Lieutenant	44,743.66	1,720.91
Captain	47,428.16	1,824.16
Assistant Chief	50,274.12	1,933.62

Section 2. When the annual salary is not evenly divisible by 26, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

Section 3. In the event that property tax revenues for the year 2009 exceed state projections, the City and bargaining unit may re-enter negotiations pursuant to statute.

Section 4. This ordinance shall be in full force and effect after passage by the Common Council and approval by the Mayor.

INTRODUCED BY: /S/ Marc Espar

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

Council President Meer asked if there were any comments 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) .**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4039

AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2009

WHEREAS, the salaries of the Police Department must be set by ordinance, pursuant to IC 36-8-3-3; and

WHEREAS, the City of Michigan City, through the Common Council's Labor Committee and the Fraternal Order of Police (FOP) Dunes Lodge #75, on behalf of the officers of the Police Department, have negotiated fair and equitable salaries for the year 2008, the terms of which continue until a new contract is approved by both the City and the FOP; and

WHEREAS, due to the uncertainty as to the financial impact of House Enrolled Act 1001, passed by the Indiana General Assembly, this ordinance does not provide salary adjustments;

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for the Police officers for the year 2009 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and the Fraternal Order of Police Dunes Lodge #75:

	<u>Annual</u>	<u>Bi-Weekly</u>
Probationary Patrolman	\$ 36,917.66	\$ 1,419.91
First Class Patrolman	39,821.60	1,531.60
Corporal	42,210.48	1,623.48
Sergeant	44,743.66	1,720.91
Lieutenant	47,428.16	1,824.16
Captain	50,274.12	1,933.62

Section 2. When the annual salary is not evenly divisible by 26, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

Section 3. In the event that property tax revenues for the year 2009 exceed state projections, the City and bargaining unit may re-enter negotiations pursuant to statute.

Section 4. This ordinance shall be in full force and effect after passage by the Common Council and approval by the Mayor.

INTRODUCED BY: /s/ Marc Espar

Councilman Espar moved to adopt the Ordinance, seconded by Councilman Milsap

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

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4040

AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES

Introduced by: Marc Espar

(Note: Ordinance 4040 is filed in the Clerk's Office)

Councilman Espar moved to adopt the Ordinance as amended, seconded by Councilman Milsap.

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Mayor Chuck Oberlie, City of Michigan City, wrote the following on November 7, 2008:

Michigan City Common Council
Michigan City, IN. 46360

With the advice and consent of the Michigan City Common Council, I would like to re-appoint Ms. JoAnn Engquist and Ms. Judi Huber as a member of the Human Rights Commission.

Their term of office would begin immediately and will expire on 11-02-2012.

Every consideration given to these appointments will be appreciated.

Councilman Milsap moved to re-appoint Ms. JoAnn Engquist and Ms. Judi Huber as Members of the Human Rights Commission, seconded by Councilman Doyle.

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

COMMENTS FROM THE PUBLIC

Bart Lombard (625 Faulknor Street), Executive Director, ACCESS LaPorte County, presented a packet to each Council Member that was requested by Counsel Attorney Meyer.

Discussion followed among Mr. Lombard, Council Members Nelson, Boy, Jankowski, Meer and Attorney Meyer.

Allen D. Briggs, 103 Southwind Drive, stated his concerns regarding the damages to his home from sewage and the letter he received from the Sanitation Departments Insurance

Company.

Councilman Meer addressed Rev. Briggs questions and concerns.

Mayor Oberlie addressed Rev. Brigg's concerns stating the Council has authorized \$150,000 for engineering services to complete the design relief system for the Southgate area and also advised there is an \$850,000 appropriation in the budgetary process to start construction.

COMMENTS FROM THE COUNCIL

Councilman Murphy recognized the efforts of the Michigan City Police Department in the recent drug-raids of several buildings in Michigan City that resulted in felony drug arrests. Mr. Murphy stated that several residents he spoke to wanted to express their deep gratitude.

Councilwoman Boy reported on an article in the News Dispatch by Mark Levenhagen advising the public of the ALERT Notification Service programs offered by the Indiana Department of Correction to alert residents living near a correctional facility of escapes or other situations that impact the community. Ms. Boy stated there is also an Indiana SAVIN (Statewide Automated Victim Information and Notification) program for individuals who have been victimized or threatened by an incarcerated offender.

Councilwoman Nelson commended the Michigan City Police Department and advised the community there is a Police Commission meeting tomorrow November 19, 2008 at 6:00 p.m. in the Council Chamber. Ms. Nelson encouraged the citizens of Michigan City to attend.

Councilwoman Nelson commended the Marquette Girl's Volley Ball team for their fifth consecutive State Championship and their eighth championship in ten years.

Councilman Meer congratulated the Marquette Lady's Volley Ball team, stating they represent Michigan City very well across the state of Indiana.

ADJOURNMENT

On motion by Councilwoman Nelson, supported by Councilwoman Boy, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:55 p.m.).

Thomas F. Fedder, City Clerk