



A G E N D A
COMMON COUNCIL - REGULAR MEETING
Tuesday, January 16, 2018

Meeting to be held at **6:30 p.m.**, local time,
in the Common Council Chambers, City Hall Building
100 East Michigan Boulevard, Michigan City, Indiana

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Meeting January 2, 2018

REPORTS of STANDING COMMITTEES

REPORTS of SPECIAL or SELECT COMMITTEES

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Randy Novak, Fire Chief, Michigan City Fire Department – update on 2017 overtime

CLAIMS DOCKET

**Fund #9000 – Riverboat – Claims - \$ 520,305.55
Fund #0417 – Boyd Development – \$ 5,927.50**

PETITIONS

COMMUNICATIONS

RESOLUTIONS

**AUTHORIZING THE USE OF EXCESS APPROPRIATED FUNDS
FROM THE BOYD DEVELOPMENT FUND FOR
CONSTRUCTION COSTS FOR SINGING SANDS TRAIL PHASE I**

Introduced by: Bryant Dabney

ORDINANCES

**ORDINANCE
1st Reading**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET
OF THE RIVERBOAT FUND FOR THE CITY'S LOCAL MATCH
FOR THE CONSTRUCTION COSTS FOR PHASE I OF THE
SINGING SANDS TRAIL**

Introduced by: Bryant Dabney

(DECREASE Fund #2042 Riverboat Unappropriated balance \$256,000.00
INCREASE Account #2042.502.444.050 \$256,000.00 Cap Outlay – Imp
Other than Bldgs. Other)

**ORDINANCE
1st Reading**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET
OF THE RIVERBOAT FUND FOR EMERGENCY REPAIRS TO
CITY HALL**

Introduced by: Pat Boy

(DECREASE Fund #2042 Riverboat Unappropriated balance \$8,607.18
INCREASE Account #2042.109.436.010 \$8,607.18 Repair and Maintenance
Building)

**ORDINANCE
3rd Reading**

**CREATING ARTICLE VI IN CHAPTER 54 OF THE MICHIGAN
CITY MUNICIPAL CODE REQUIRING THE INSTALLATION OF
CARBON MONOXIDE DETECTORS IN ALL NEW RESIDENTIAL
CONSTRUCTION**

Introduced by: Pat Boy

**UNFINISHED
BUSINESS**

**VOTE – 2018 VOTING MEMBERS ON THE FOLLOWING
COUNCIL COMMITTEE ASSIGNMENTS**

INCUMBENT

- **Animal Control Board – Chris Schwanke**
- **Economic Development Corporation – Tim Bietry**
- **Plan Commission – Sharon Carnes**
- **Public Art Committee – Pat Boy**
- **Social Status of African American Males – Tim Bietry**
- **Solid Waste Management – Pat Boy**
- **Tree Board – Pat Boy**

NEW BUSINESS

FYI: The Common Council has two (2) appointments to the Urban Enterprise Association due to the resignations of Amy Penrod and Robert Weber Jr.
Terms: to begin immediately and expire December 31, 2020
(1-representative of a business located in the Urban Enterprise Zone and 1-resident of the Urban Enterprise Zone)

FYI: The Common Council has one (1) appointment to the Animal Control Board – term expires: February 21, 2018
Incumbent: Ms. Karen Edwards

FYI: The Council has seven (7) appointments to the Commission on the Social Status of African-American Males:
Incumbents Mr. Mario Rosa (term expires 02/15/2018 – Minority Health Coalition), Pastor Edward Damon Carnes, Sr. (term expires 02/15/2018 – Ministerial Assoc.), Mrs. Gerry Jones (term expires 02/15/2018 – H.O.P.E. Community), Mr. Willie Milsap (term expires 02/15/2018 – Swanson Center), Ms. Faye Moore (term expires 02/15/2018 – NAACP), Pastor Dennis Carroll (term expires 02/15/2018 – Human Rights Commission), Ms. Nila Williams (term expires 02/15/2018 – Council Appointment)

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE COUNCIL

ADJOURNMENT

Gale A. Neulieb, City Clerk

Please contact the Clerk's Office at 219-873-1410 if you require information regarding building accessibility or reasonable accommodations. Office hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

**Agenda January 16, 2018
Posted January 12, 2018**

MICHIGAN CITY COMMON COUNCIL

RESOLUTION _____

AUTHORIZING THE USE OF EXCESS APPROPRIATED FUNDS FROM THE BOYD DEVELOPMENT FUND FOR CONSTRUCTION COSTS FOR SINGING SANDS TRAIL PHASE I

WHEREAS, on December 2, 2008, the Common Council passed Ordinance No. 4042 entitled “An Ordinance of the Michigan City Common Council Establishing Procedures and Limitations of Capital Project Expenditures in the Boyd Development Fund and the Riverboat Gaming Fund,” which provided “that excess funds remaining at the end of a project will be returned to the unappropriated balance of the respective fund at the completion of the project unless, at the request of the Mayor, it has been transferred by the Common Council to another capital project;” and

WHEREAS, on February 7, 2017, the Common Council enacted Ordinance No. 4421 entitled *Approving Additional Appropriation in the Budget of the Boyd Development Fund for Engineering Costs for Phase III of the Singing Sands Trail*, which appropriated \$277,423.00 from the Boyd Development Fund #2031 to Fund #2031.502.444.050 (f/k/a: 0417 0000 04 443.007) for professional engineering services for Phase III of the Singing Sands Trail; and

WHEREAS, the City does not anticipate utilizing all of the \$277,423.00 for professional engineering services for Phase III of the Singing Sands Trail and, to that effect, the Controller’s Office has determined that excess funds in the amount of \$104,818.00 remain in Fund #2031.502.444.050; and

WHEREAS, the Mayor and the Common Council now desire that \$104,818.00 in the excess funds remaining in Fund #2031.502.444.050 now be utilized for construction costs for Singing Sands Phase 1.

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

Section 1. That \$104,818.00 in excess funds remaining in Fund #2031.502.444.050 originally appropriated for professional engineering services for Singing Sands Phase III now be transferred within the same account for construction costs for Singing Sands Phase I.

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

INTRODUCED BY: _____

Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2018.

Don Przybylinski, President
Michigan City Common Council

Approved by me, this _____ day of _____ 2018.

Ron Meer, Mayor
Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR THE CITY'S LOCAL MATCH FOR THE CONSTRUCTION COSTS FOR PHASE I OF THE SINGING SANDS TRAIL

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2018 Annual Budget in the budget of the Riverboat Fund for the City's local match for the construction costs for Phase I of the Singing Sands Trail; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Riverboat Fund #2042 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the City 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 #2042 Riverboat Unappropriated balance	\$256,000.00	
INCREASE Account #2042.502.444.050 Cap Outlay – Imp Other than Bldgs, Other		\$256,000.00
TOTAL FOR FUND	\$256,000.00	

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: _____,
Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2018 by a vote of _____ to _____.

Don Przybylinski, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2018.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR EMERGENCY REPAIRS TO CITY HALL

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2018 Annual Budget in the budget of the Riverboat Fund for emergency repairs to City Hall; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Riverboat Fund #2042 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the City 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 #2042 Riverboat Unappropriated balance	\$8,607.18	
INCREASE Account #2042.109.436.010 Repair and Maintenance Building		\$8,607.18
TOTAL FOR FUND	\$8,607.18	

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: _____,
Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2018 by a vote of _____ to _____.

Don Przybylinski, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2018.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

CREATING ARTICLE VI IN CHAPTER 54 OF THE MICHIGAN CITY MUNICIPAL CODE REQUIRING THE INSTALLATION OF CARBON MONOXIDE DETECTORS IN ALL NEW RESIDENTIAL CONSTRUCTION

WHEREAS, Ordinance No. 4446 entitled *Creating Article VI in Chapter 54 of the Michigan City Municipal Code to Require the Installation of Carbon Monoxide Detectors in All New Construction* was passed by the Michigan City Common Council on October 17, 2017 and signed by the Mayor on October 18, 2017; and

WHEREAS, following the passage of said Ordinance, the Michigan City Fire Marshal and the Michigan City Building Commissioner forwarded the same to the Indiana Fire Prevention and Building Safety Commission for their review and approval as required by I.C. 22-13-2, et seq; and

WHEREAS, the Indiana Fire Prevention and Building Safety Commission rejected Ordinance No. 4446 and has recommended several amendments; and

WHEREAS, the City of Michigan City is desirous of implementing the recommendations of the Indiana Fire Prevention and Building Safety Commission and believes it to be in the best interest of the residents and citizens of Michigan City, Indiana to implement regulations pertaining to installation of carbon monoxide detectors in new residential construction.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that Article VI entitled "Carbon Monoxide Detector(s)" is hereby created in Chapter 54 of the Michigan City Municipal Code and shall read as follows:

ARTICLE VI. CARBON MONOXIDE DETECTOR(S)

Sec. 54-279. Definitions.

- (a). "Carbon monoxide detector(s)" means a device that detects carbon monoxide, alerts occupants via a distinct and audible signal that is either self-contained in the unit or activated via a system connection, and is certified by a nationally recognized testing laboratory to conform to the latest standards of the underwriters laboratories standards.
- (b). "Operational" means working and in service.

Sec. 54-280. Applicability.

- (a). Carbon monoxide detector(s) required. For every Class 2 Structure for which a building permit is issued for new construction on and after the date this Ordinance is approved by the Fire Prevention and Building Safety Commission, and having a fireplace, attached garage, or fossil fuel burning appliance, carbon monoxide detector(s) shall be required. A Certificate of Occupancy shall not issue for any new construction not in compliance with this Article. This Article does not apply to an industrialized building system or mobile structure that is certified under I.C. 22-15-4.
- (b). Maintenance. It shall be unlawful for any person to tamper with or remove any carbon monoxide detector(s) or its batteries except when it is necessary for maintenance or inspection purposes. Any carbon monoxide detector removed for repair or replacement shall be re-installed or replaced so that it is in place with functioning batteries during normal sleeping hours.
- (c). Duties of Owners. Every owner of any Class 2 Structure to which this Article applies shall be responsible for the installation, maintenance, and repair of all carbon monoxide detector(s) in said structure.

Sec. 54-281. Enforcement; Penalties; and Injunctive Relief.

- (a). Enforcement. The Planning and Inspection Department and the Fire Department of the City shall be authorized to inspect any Class 2 Structure to which this Article applies with the consent of the owner or tenant or by order of the court.
- (b). Penalties; Injunctive Relief. Whoever violates any provisions of this Article shall be fined as set forth in Sec. 50-284. Every day a violation occurs shall constitute a separate offense as prescribed in Sec. 1-7. In addition to pursuing monetary penalty as prescribed in Sec. 50-284, the City may bring an action for injunctive relief to enforce any provision of this Article.

Sec. 54-282. Conflict with other standards.

In the event a provision of this Article is found to be in conflict with any provisions set forth by the International Residential Code or with any rule adopted by the Fire Prevention and Building Safety Commission, the provisions of the International Residential Code or the rule adopted by the Fire Prevention and Building Safety Commission shall be deemed to prevail.

Sec. 54-282. Administrative Review of Local Orders and Variances by the Commission.

Any order issued under this Article by the City is subject to administrative review by the Fire Prevention and Building Safety Commission pursuant to I.C. 22-13-2-7. In addition, any variance granted by the City to this Ordinance is not effective until approved by the Commission pursuant to I.C. 22-13-2-7.

This Ordinance shall be submitted to the Fire Prevention and Building Safety Commission within thirty (30) days after adoption by the City of Michigan City, Indiana, and this Ordinance shall be effective upon approval by the Fire Prevention and Building Safety Commission as provided by I.C. 22-13-2-5, and any necessary publication.

INTRODUCED BY: _____
Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2018 by a vote of _____ to _____.

Don Przybylinski, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2018.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request