



A G E N D A
COMMON COUNCIL - REGULAR MEETING
Tuesday, July 3, 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 June 19, 2018

REPORTS of STANDING COMMITTEES

REPORTS of SPECIAL or SELECT COMMITTEES

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

CLAIMS DOCKET

**Fund #2042 – Riverboat – Claims - \$ 135,211.10
Fund #2031 – Boyd Development - \$ 113,617.66**

PETITIONS

COMMUNICATIONS

Correspondence was received in the Clerk's Office on June 25, 2018 from the League of Women Voters of LaPorte County supporting the renewal appointment of Jo Ann Engquist to the Michigan City Commission for Women

RESOLUTIONS

RECOGNIZING AND CELEBRATING THE 150TH YEAR OF THE MICHIGAN CITY MUNICIPAL BAND

Introduced by: Don Przybylinski
Pat Boy
Bryant Dabney
Candice Silvas
Ron Hamilton
Sharon Carnes
Gene Simmons
Johnny Stimley
Tim Bietry

**AUTHORIZING THE USE OF EXCESS APPROPRIATED FUNDS
FOR IMPROVEMENTS TO CLEVELAND AVENUE FROM
MICHIGAN BLVD TO BARKER AVENUE**

Introduced by: Sharon Carnes

**A RESOLUTION INCREASING AND DECREASING CERTAIN
APPROPRIATIONS WITHIN THE BUDGET OF THE BARKER
CIVIC CENTER IN THE CUMULATIVE CAPITAL IMPROVEMENT
FUND #4049 FOR THE YEAR 2018, IN MICHIGAN CITY,
INDIANA**

Introduced by: Tim Bietry

**EXTENDING AND ENLARGING THE BOUNDARIES OF
PROPERTY UNDER THE JURISDICTION OF THE MICHIGAN
CITY PORT AUTHORITY AND REDUCING THE BOUNDARIES
OF PROPERTY UNDER THE JURISDICTION OF THE MICHIGAN
CITY PARK DEPARTMENT**

Introduced by: Bryant Dabney

ORDINANCES

**ORDINANCE
1st Reading**

**AMENDING ORDINANCE NO. 4454 COMMONLY KNOWN AS
THE "2018 SALARY ORDINANCE" TO AMEND THE HOURLY
RATE OF PAY FOR SEASONAL MAINTENANCE LABORER IN
THE PARK DEPARTMENT**

Introduced by: Don Przybylinski

ORDINANCE
2nd Reading

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET
OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR
ADDITIONAL EMERGENCY ROADWORK AND REPAIRS**

Introduced by: Tim Bietry

(Note: This was TABLED at the June 19, 2018 meeting)

(DECREASE Riverboat Fund # 2042 Unappropriated balance \$300,000.00
INCREASE ACCOUNT: 2042.114.443.030 Capital Outlay Building-Streets
\$300,000.00)

News Dispatch
June 6, 2018

Formal Public
Hearing was held
June 19, 2018

UNFINISHED
BUSINESS

NEW BUSINESS

FYI: Mayor Meer is requesting the advice and consent of the Michigan City Common Council regarding his re-appointment of Mr. Bill Ginther and Mrs. Barb Ginther as members of the Michigan City Tree Board

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 July 3, 2018
Posted June 29, 2018

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

RECOGNIZING AND CELEBRATING THE 150th YEAR OF THE MICHIGAN CITY MUNICIPAL BAND

WHEREAS, the Michigan City Municipal Band (hereinafter referred to as “Band”) was first organized on or about 1868 and played under two (2) names, “The Silver Cornet Band” and the “Brass Band” wherein Fred Kimball served as the founding director; and

WHEREAS, some of the first members to the band included Ham Dalson, Albert Frehse, John Debre, William Behrings, Albert Gehring, and George Miles; and

WHEREAS, the Band continued under Director Kimball until approximately 1880 when Mr. Rogers became the second director of the Band. and led the band for approximately four (4) years thereafter; and

WHEREAS, from approximately 1884 until 1890, the Band disorganized for a few years, and in 1890, two (2) bands were formed, the “Union Band” and the “Independent Band;” and

WHEREAS, because there were too few musicians to keep both bands in existence, shortly thereafter, the bands united and became known as the “Ames Union Band” in honor of George Ames, a prominent local businessman and one of the bands greatest supporters, and Harry M. Miles served as the director of the “Ames Union Band;” and

WHEREAS, after Mr. Ames’ death, the Ames Union Band received a yearly endowment from his estate on the condition that the it would appear and play at concerts, public affairs, and parades; and

WHEREAS, in or about 1892, Albert Cook took over as the director of the Ames Union Band; and

WHEREAS, by 1895, the Ames Union Band was in such high demand that it became impossible to fulfill the provisions of Mr. Ames’ endowment and funds from his estate were discontinued. However, it is believed that the Michigan City Common Council first began appropriating funding to the Band in or about 1896 to fill this void; and

WHEREAS, the name of the Band was changed to the “Haskell and Barker Band” in 1914 to honor John Barker, who bestowed an annual endowment to supplement the City’s appropriation for funding; and

WHEREAS, the Band played under this name until 1925, when the present name, “The Michigan City Municipal Band,” was assumed; and

WHEREAS, in addition to the directors listed immediately above, over the past 100 years, the band has been directed by the following individuals: Thor Carlson, Harry Hamm, Julius Cook, H.A. VanderCook, F. Goodman, Walter Johnson, Otto C. Paul, William Moran, Paul LeResche, Guy F. Foreman, Jr, and Rick D’Arcangelis; and

WHEREAS, Dr. Jeffery Doeblor is the current Director of the Band, Quincy Ford is the Assistant Director, and there are currently 50 musicians playing in the Band; and

WHEREAS, the Band has been a staple in our community playing on Thursday evening in Washington Park at the Guy Foreman Amphitheater and at parades and special events; and

WHEREAS, the Band has and continues to share their love of music with the City of Michigan City and the residents herein.

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

1. The City recognizes and honors the Michigan City Municipal Band for its 150 years of service to the City.
2. The City further recognizes and applauds all of the musicians and directors, past and present, for their service with the Band.

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

INTRODUCED BY:

Don Przybylinski, President
Michigan City Common Council

Pat Boy, Member
Michigan City Common Council

Bryant Dabney, Member
Michigan City Common Council

Candice Silvas, Member
Michigan City Common Council

Ron Hamilton, Member
Michigan City Common Council

Sharon Carnes, Member
Michigan City Common Council

Gene Simmons, Member
Michigan City Common Council

Johnny Stimley, Member
Michigan City Common Council

Tim Bietry, 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

RESOLUTION NO. _____

AUTHORIZING THE USE OF EXCESS APPROPRIATED FUNDS FOR IMPROVEMENTS TO CLEVELAND AVENUE FROM MICHIGAN BLVD TO BARKER AVENUE

WHEREAS, the City of Michigan City has recently identified that Cleveland Avenue between Michigan Boulevard and Barker Avenue is in need of improvement; and

WHEREAS, the Mayor requests a re-allocation of funding previously approved by the Common Council to pay for the improvements, which is more particularly described below; and

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 October 17, 2017, the Common Council passed Ordinance No. 4448, which was signed by the Mayor on October 18, 2017, entitled *“Ordinance for Appropriation and Tax Rate for 2018,”* which set the 2018 budget for the City, including the budget for each Department of the City; and

WHEREAS, Ordinance No. 4448, for purposes of the Riverboat Fund, approved funding for cameras and security improvements at City Hall in the amount of \$80,000.00; and

WHEREAS, the City only intends to utilize \$10,500.00 of the funding for the cameras and security improvements at City Hall; and

WHEREAS, based on the foregoing, the Controller’s Office has determined that excess Riverboat funds in the amount of \$69,500.00 remain in Fund #2042.109.443.050 (Capital Outlay – Building Improvements); and

WHEREAS, the Mayor and the Common Council now desire that the \$69,500.00 of Riverboat funds remaining in Fund #2042.109.443.050 (Capital Outlay – Building Improvements) be used to pay for improvements to Cleveland Avenue between Michigan Boulevard and Barker Avenue.

NOW THEREFORE, BE IT RESOLVED by the Common Council of Michigan City, Indiana that \$69,500.00 in excess Riverboat funds remaining in Fund #2042.109.443.050 (Capital Outlay – Building Improvements), originally appropriated for camera system replacement in City Hall, now be transferred within the same Fund to Account #2042.114.443.030 (Capital Outlay – Streets) for improvements to Cleveland Avenue between Michigan Boulevard and Barker Avenue.

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

Introduced By: _____
Sharon Carnes, Member
Michigan City Common Council

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

Don Przybylinski, President
Michigan City Common Council

Approved by me this _____ day of _____, 2018.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale Neulieb, City Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

RESOLUTION _____

**A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS
WITHIN THE BUDGET OF BARKER CIVIC CENTER IN THE CUMULATIVE
CAPITAL IMPROVEMENT FUND #4049 FOR THE YEAR 2018, IN MICHIGAN CITY,
INDIANA**

WHEREAS, there exists certain circumstances within the budget of Barker Civic Center in the Cumulative Capital Improvement Fund #4049 of Michigan City which require increasing and decreasing appropriations for certain line items in that Fund for the year 2018.

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

Section 1. Because it is deemed advisable and necessary, in order to meet the circumstances facing the Budget of the Barker Civic Center in the Cumulative Capital Improvement Fund of the City, the Common Council approves the following transfer of appropriations, as listed, to-wit:

BARKER CIVIC CENTER OF CUMULATIVE CAPITAL IMPROVEMENT FUND #4049

DECREASE:	A/C #4049.902.436.010	
	Repair & Maintenance Building	\$4,894.00
INCREASE:	A/C #4049.902.445.010	
	Furniture and Fixtures	\$4,894.00

INTRODUCED BY: _____
Tim Bietry, 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.

ATTEST:

Ron Meer, Mayor
City of Michigan City, Indiana

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

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

EXTENDING AND ENLARGING THE BOUNDARIES OF PROPERTY UNDER THE JURISDICTION OF THE MICHIGAN CITY PORT AUTHORITY AND REDUCING THE BOUNDARIES OF PROPERTY UNDER THE JURISDICTION OF THE MICHIGAN CITY PARK DEPARTMENT

WHEREAS, on April 13, 1959, the Common Council enacted an Ordinance No. 1802, which created the Michigan City Port Authority (hereinafter referred to as “Port Authority”); and

WHEREAS, on November 1, 1960, the Common Council enacted Resolution No. 2302 entitled *Resolution Clarifying and Determining the Position of the City of Michigan City, Indiana Concerning the Authority and Function of the Michigan City Port Authority*, defining properties under the jurisdiction of the Port Authority and also properties under the jurisdiction of the Michigan City Park Department (hereinafter referred to as “Park Department”) in the Marina and in Washington Park (A copy of Resolution No. 2302 is attached hereto and incorporated herein as “Exhibit A”); and

WHEREAS, Section 4 in Resolution No. 2302 specifically states that the lands defined by the Common Council to be under the jurisdiction of the Port Authority and the lands defined to be under the jurisdiction of the Park Department “...shall not be extended or enlarged without express consent and approval of the Common Council;” and

WHEREAS, on December 7, 2016, the Park Department adopted the Washington Park Master Plan (hereinafter referred to as “Plan”), which recommended the reconfiguration of the entranceway to Washington Park and creation of additional parking for the Port Authority (A copy of Pg. 111 of the Plan depicting the creation of additional parking for the Port Authority is attached hereto and incorporated herein as “Exhibit B”); and

WHEREAS, the land depicted in the Plan for the creation of additional parking for the Port Authority is currently under the jurisdiction of the Park Department pursuant to the Common Council’s Resolution No. 2302; and

WHEREAS, currently, the Park Department, with the assistance of the Michigan City Redevelopment Commission and the Port Authority, is in the process of implementing the recommendations of the Plan for the reconfiguration of the entranceway to Washington Park and the creation of the additional parking for the Port Authority (hereinafter referred to as “Project”); and

WHEREAS, the engineering firm, SEH of Indiana, has been retained to assist with said Project, and SEH has prepared documentation regarding this Project, which include the following:

- a. Map outlining properties currently under the jurisdiction of the Port Authority and the Park Department pursuant to Resolution No. 2302 (A copy of said map is attached hereto and incorporated herein as “Exhibit C”); and
- b. Legal description and map outlining proposed enlargement of property under the jurisdiction of the Port Authority and reduction of property under the jurisdiction of the Park Department to implement the Project (hereinafter referred to as “the Property”) (A copy of said map is attached hereto and incorporated herein as “Exhibit D”); and

WHEREAS, on June 18, 2018, the Port Authority enacted Resolution No. 2018-06-18.1 entitled *To Request Amendments to Common Council Resolution No. 2302 to Reconfigure Lines Demarcating Jurisdiction and Control* approving and recommending that the Common Council extend and enlarge the scope of properties under the jurisdiction of the Port Authority to include the Property and that the Property no longer be under the jurisdiction of the Park Department; and

WHEREAS, on June 6, 2018, the Park Department enacted Resolution No. 873 entitled *Request for the Michigan City Common Council for Extending and Enlarging the Boundaries of*

Property Under the Jurisdiction of the Michigan City Port Authority and Reducing the Boundaries of Property Under the Jurisdiction of the Michigan City Park Department approving and recommending that the Common Council extend and enlarge the scope of properties under the jurisdiction of the Port Authority to include the Property and that the Property no longer be under the jurisdiction of the Park Department; and

WHEREAS, the Common Council desires to implement the recommendations of the Park Department and the Port Authority and reasonably believes that it is in the best interest of the City and the residents herein that the Property be removed from the jurisdiction of the Park Department and be vested in the jurisdiction of the Port Authority to implement the Plan and the Project.

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

1. The aforementioned "Whereas" sections are set forth herein as if fully incorporated herein.
2. Pursuant to Resolution No. 2302, the lands under the jurisdiction of the Port Authority shall be enlarged to include the Property as defined in Exhibit D, and the lands under the jurisdiction of the Park Department shall be reduced so as to remove the Property as defined in Exhibit D from the Park Department's jurisdiction.
3. At all times, the Property and title thereto shall continue to remain vested in the City of Michigan City, Indiana.

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

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of _____ Ayes and _____ Nays this _____ day of _____, 2018.

Donald Przybylinski, President
Michigan City Common Council

Approved by me this _____ day of _____, 2018.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale Neulieb, City Clerk
Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING ORDINANCE NO. 4454 COMMONLY KNOWN AS THE "2018 SALARY ORDINANCE" TO AMEND THE HOURLY RATE OF PAY FOR SEASONAL MAINTENANCE LABORER IN THE PARK DEPARTMENT

WHEREAS, on October 17, 2017, the Michigan City Common Council enacted and on October 18, 2017, the Mayor approved Ordinance No. 4454, which established the salaries and wages for appointed officials and employees for the year 2018; and

WHEREAS, Ordinance No. 4454 sets the rate of pay for the Seasonal Maintenance Laborer in the Park Department at a range of \$7.40--\$7.76 per hour; and

WHEREAS, the need now exists to amend Ordinance No. 4454 to increase the pay range for the Seasonal Maintenance Laborer in the Park Department to \$7.40--\$10.15 per hour; and

WHEREAS, the Park Department Superintendent and the Controller's Office have advised that sufficient funds exist in the Park Department's 2018 salary budget to fund the increase in pay range for said position in the Park Department.

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

- 1. The position of Seasonal Maintenance Laborer shall be amended in Section 1 of Ordinance No. 4454, specifically under the Park Maintenance in the Park Department, and shall read as follows:

Table with 2 columns: Position, Annual Salary or Rate per Hour. Row 1: Seasonal Maintenance Laborer, \$7.40 - \$10.15

- 2. All other provisions of Ordinance No. 4454 shall remain in full force and effect.

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: _____ Don Przybylinski, President 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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR ADDITIONAL EMERGENCY ROADWORK AND REPAIRS

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 to provide funding for emergency roadwork and repairs; 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, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Riverboat Fund # 2042 Unappropriated balance	\$300,000.00	
INCREASE ACCOUNT: 2042.114.443.030 Capital Outlay Building-Streets		\$300,000.00
TOTAL FOR FUND	\$ 300,000.00	

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: _____

Tim Bietry, 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