

REGULAR MEETING – January 5, 2010

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, January 5, 2010, 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 Bob McKee.

Roll call was authorized and the following were noted present and/or absent:

PRESENT: COUNCIL MEMBERS Patricia Boy, Phillip Jankowski, Marc Espar, Robert McKee, Willie Milsap, Richard Murphy, Joe Doyle, Angie Nelson, and Ron Meer (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

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

ELECTION OF OFFICERS

The floor was opened for nomination for President for 2010. Councilman Jankowski nominated Marc Espar for President, which was seconded by Councilman Meer. There being no further nominations, Councilman Espar was elected as follows: **FOR MR. ESPAR: Council Members Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, and McKee (9).**

Council President Espar thanked Councilman McKee for the quality work and professionalism he brought to the Council in 2009.

Nominations were opened for Vice President. Councilwoman Nelson nominated Ron Meer, second by Councilman McKee. There being no further nominations, Councilman Meer was elected as follows: **FOR MR. MEER: Council Members Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, and Meer (9).**

PLANNING COMMISSION – Council Appointment

The floor was opened for nominations for the Council's appointment to the Planning Commission. Councilwoman Boy nominated Councilman Murphy, which was second by Councilwoman Nelson. There being no further nominations, Councilman Murphy was elected as follows: **FOR MR. MURPHY: Council Members Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, and Milsap (9).**

APPROVAL OF MINUTES

President Espar inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of December 15, 2009.

Councilwoman Boy made a motion to approve the minutes as printed, second by Councilman McKee. The minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

Councilman Doyle invited everyone to the Melt Down being held on Saturday, January 16, 2010 at the Senior Center. Mr. Doyle stated the tickets are \$25.00 per couple and that includes dinner and dancing.

Councilman Meer reminded the Council and general public of the Streets and Alleys Committee Meeting being held Thursday, January 7, 2010 at 5:00 p.m. Mr. Meer stated the meeting was being held to review a proposed ordinance vacating an alley running through Zorn's Addition between Franklin and Pines Streets.

Council President Espar advised the Council Members serving on the Streets and Alleys Committee will remain the same for 2010; Councilman Meer as Committee Chair along with Councilmen Milsap and Jankowski as members.

President Espar appointed Councilman McKee as Chair of the Judiciary and Rules Committee and to serve as Parliamentarian of the Council for 2010.

President Espar asked the Council to contact him by Friday, January 8, 2010 requesting any committees they would like to serve on. President Espar advised that all other committee assignments would be made and posted at the next Council meeting January 19, 2010.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Council President Espar advised that he would be adding a select committee to oversee and study the NICTD and South Shore Freight transit route through Michigan City.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

There were no reports of other city officers and departments.

PETITIONS

There were no petitions.

COMMUNICATIONS

The Clerk read the following letter received from Mayor Oberlie on December 21, 2009,

Dear Council Members:

The purpose of this letter is to advise you that the Michigan City Board of Public Works and Safety has successfully negotiated a contract with ALCO to continue the operation of channel 97 (government access) and channel 99 (public access) through the first quarter of 2010. The financial terms will remain the same for operations plus the Board of Public Works and Safety will pay for the Earth Channel license (video streaming). Should ALCO not be the successful bidder for future service, the license would belong to the city.

The board anticipates seeking formal proposals for the operation of the two stations and a public access studio with authorization coming at a special meeting to be held on December 29th. As you know, I met with representatives from LaPorte County to investigate their interest in expanding the public access channel to a county-wide service. While no formal motions have been made by a county body indicating a desire to or not to participate, we will seek bids covering both contingencies.

As for financing, since the line item for this service is not in the 2010 budget and after consulting with the City Controller, we have determined that the 2010 budget for demolition activity can be used as a short term alternative to finance the first quarter

transaction. Since funds will need to be appropriated to cover the cost of the successful bidder, the demolition account can be reauthorized at that time.

Should you have any questions or wish to discuss this further, please call my office.

Council President Espar asked if there were any questions or comments from the Council, there were none.

RESOLUTIONS

The Clerk read by title only the following Resolution,

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4439

INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE CITY HALL DEPARTMENT OF THE MICHIGAN CITY GENERAL FUND FOR THE YEAR 2009

WHEREAS, two employees of the City Hall Department ended their employment with the City as of December 31, 2009; and

WHEREAS, in order to avoid carrying forward the final compensation for these employees into 2010, the City Controller issued these employees their final paychecks (including pay for unused vacation days) on December 30, 2009; and

WHEREAS, the final payment to these employees caused two line item appropriations to become overdrawn in the 2009 budget of the City Hall Department Account No. 0101; and

WHEREAS, there are balances in other line item appropriations within the 2009 budget of the City Hall Department Account No. 0101 available for transfer into the overdrawn appropriations.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that the following transfer of appropriations within the 2009 General Fund budget for the City Hall Department is approved:

DECREASE:	Account No. #0101 0164 03 436.001	
	Repair & Maintenance Building	\$5,571
INCREASE:	Account No. #0101 0164 01 411.001	
	Salaries & Wages	
\$3,873		
	Account No. #0101 0164 01 411.014	
	Part-Time Salaries & Wages	\$1,698

This Resolution shall be in full force and effect upon passage, approval by the Mayor, and any necessary approval by the Department of Local Government Finance.

INTRODUCED BY: /s/ Marc A. Espar

Council President Espar advised the Council the reason for the proposed appropriation.

Councilman Meer made a motion to adopt the resolution, second by Councilman McKee.

Council President Espar asked if there were any questions or comments by the general public or Council and hearing none the Resolution was adopted by the following vote:

AYES: Council Members Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, and Murphy (0).

ORDINANCES

There were no ordinances.

UNFINISHED BUSINESS

President Espar advised that Mayor Oberlie requests the advice and consent concerning the re-appointment of Mr. Martin Hernandez and Mr. James Guerrucci as members of the Michigan City Human Rights Commission.

Councilman McKee made a motion to re-appoint Mr. Martin Hernandez and Mr. James Guerrucci as members of the Michigan City Human Rights Commission, second by Councilman Meer.

Councilwoman Nelson stated that Mr. Hernandez and Mr. Guerrucci have served on the Commission for several years and have done an excellent job.

Council President Espar asked if there were any other questions or comments by the Council and hearing none, Mr. Hernandez and Mr. Guerrucci were re-appointed as members of the Michigan City Human Rights Commission by the following vote: **AYES: Council Members Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, Murphy, and Nelson (9). NAYS: None (0).**

Councilman McKee read from the Michigan City's Municipal Codes; Chapter 2, SECTION 2-61(e) in its entirety;

- (e) Any Councilman failing to attend a regular or special meeting of the council of which he has had proper notice shall, if called upon by a member, explain his absence. If the explanation is not good and sufficient he may be censured by a vote of two-thirds of the members-elect.

Councilman McKee (Parliamentarian of the Council) addressed Councilman Milsap asking him to explain his absence from the December 15, 2009 Council Meeting.

Councilman Milsap stated that he notified the Clerk's Office asking them to notify President McKee that he had business out of town and would not be attending the Council Meeting December 15, 2009. Mr. Milsap stated that he was at a function in La Porte.

Discussion ensued among Councilmen Milsap, McKee and Espar.

Councilman McKee stated the Municipal Code states; if an explanation is not good and sufficient he may be censured by a vote of two-thirds of the members-elect.

Councilman McKee spoke on this matter and made a motion to censure Councilman Milsap for his choosing not to attend the Council Meeting on December 15, 2009, second by Councilman Meer.

There was discussion among Attorney Meyer, Council Members Milsap, McKee, Espar, Nelson and Doyle.

Council President Espar asked if there were any other comments or questions from the Council and hearing none, the censure was accepted by the following vote: **AYES: Council Members Doyle, Espar, Jankowski, McKee, Meer, Murphy, Nelson, and Boy (8). NAYS: Councilman Milsap (1).**

Attorney Meyer addressed Councilman Milsap's questions and concerns regarding this matter.

NEW BUSINESS

Council President Espar advised the Michigan City Community Enrichment Corporation incumbent Robert Worek expires February 5, 2010. President Espar stated nomination would be open at the January 19, 2010 Council Meeting.

COMMENTS FROM THE PUBLIC

There were no comments by the public.

COMMENTS FROM THE COUNCIL

Councilman Meer addressed the Council regarding Section 7 (B)(1)(2) of Ordinance 3974, monitoring of the hiring of City residents, minorities and women in Public Works construction projects and establishing hiring goals. Mr. Meer stated if there were no objections he requested the Clerk's Office to send a letter to departments that award any qualified or non-qualified construction projects, returning this information/written reports required under Section 7 in Ordinance 3974 to the Clerk's Office.

Councilman Meer addressed the Council regarding street lights not working in the Michigan City area; asking who to contact and what procedures citizens need to take to report these lights.

Councilman Milsap asked what the correct procedures if a citizens has a light out on their Street.

Mayor Oberlie addressed Councilmen Meer and Milsap's questions and concerns advising what procedures citizens should take to report a street light out.

Councilwoman Nelson wished everyone a Happy New Year and commented on the vote regarding the censure that was taken.

Councilman Meer gave Councilwoman Nelson condolences on the loss of her father.

Councilman Meer addressed the Council stating his concerns about procedures that are taken to report an outage of street lights.

Attorney Meyer addressed Councilman Milsap's questions.

Councilman McKee agreed with Councilwoman Nelson's comments addressing the vote to censure.

Council President Espar reminded the Council to contact him of any questions regarding Committee Assignments.

ADJOURNMENT

A motion by Councilwoman Nelson, supported by Councilman Meer, and there being no further business to transact, President Espar declared the meeting ADJOURNED (approximately 7:16 p.m.).

Thomas F. Fedder, City Clerk