

## **REGULAR MEETING – February 3, 2009**

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, February 3, 2009, 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 6:39 p.m. by Council President Bob McKee.

**Note:** Meeting started late due to weather.

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 and Deputy Clerk – Gale Neulieb.

### **APPROVAL OF MINUTES**

President McKee inquired whether there were any corrections, deletions, or additions to the minutes of the regular Meeting of January 20, 2009 and hearing none, the minutes were approved as printed.

### **REPORTS OF STANDING COMMITTEES**

Councilman Espar advised he would be scheduling a Finance Committee meeting within the next two (2) weeks to begin the process of reviewing the 2007 Indiana State audit that was recently completed.

Councilman Jankowski reported on the January 28, 2009 Sanitary District Board meeting that he attended.

Councilman Espar stated he would also schedule a Judiciary and Rules Committee meeting to review the process in which the Council nominates and appoints board member positions.

Council President McKee commented on the importance of having a written procedure regarding nominations and elections of board members.

President McKee made the following changes to the 2009 Committee Assignments:

Finance - Councilman Murphy replacing Councilman McKee  
Planning and Zoning – Councilman Espar replacing Councilman McKee

### **REPORTS OF SPECIAL OR SELECT COMMITTEES**

Council President McKee announced the formation of a Special Oversight Committee regarding the Michigan Boulevard Project. The following Council Members will serve on this committee:

Councilman Jankowski  
Councilman Doyle  
Councilman Milsap  
Councilman Murphy

President McKee encouraged anyone interested in serving on the newly formed Government Efficiency Task Force should submit a letter to the Clerk's Office by February 20, 2009.

### **REPORTS of OTHER CITY OFFICERS and DEPARTMENTS**

Ben Neitzel, Chief, Michigan City Police Department did a presentation for the City Council regarding the 2008 Crime statistics for the City of Michigan City.

Discussion followed among Council Members Murphy, Espar, Doyle, Jankowski, Boy Milsap, Nelson and Chief Neitzel.

### **PETITIONS**

There were no petitions.

### **COMMUNICATIONS**

Council President McKee delivered the Council's response to the 2009 State of the City Address as follows:

I preface my comments this evening with this: As a group the council thought it would be beneficial to comment on the State of the City address delivered by the Mayor. However, keep in mind I am attempting to mold nine members' viewpoints, concerns, and issues into one cohesive summary and direction. Although challenging, the task was completed and I believe it does a good job of representing this Council's collective viewpoint. If not, I am sure I will hear about it. To this end, allow me to begin.

#### **State of the City Commentary**

We agree with the Mayor that it is clear that this country, this State, the County, and certainly the City of Michigan City faces unprecedented financial challenges. However we feel we are up to the challenge. We began preparations the moment we took office. That is why this Council has brought strong focus and accountability to each and every facet of government operations by reinstating the protocol of committee assignments. This has opened the door to more public input and has created expertise by council members in specific areas of government; not the least of which is the budgetary analysis by the finance committee. In 2008, the finance committee recommended more than \$2,000,000 in additional cost saving measures that would take place over the next 4 years that were not implemented or acted on.

From day one, we have committed to the ideal that we represent this community and the various opinions that come from every ward, every precinct, and every neighborhood. We should never forget that the most important political office is that of the private citizen. This is why, starting in March, we will be adding another round of public meetings to be held in each of the six wards; so that every council person is available to hear what the public has to say from neighborhood to neighborhood. These will be informal open forums, meet-and-greets, and will take the form of coffee with the council. We feel this will further open up dialogue to those that find the regular

council meetings intimidating, difficult to speak at, or just not conducive to a quality exchange of ideas. We also feel it will open up avenues of communication and bring forth positive ideas to make this community better and stronger.

Furthermore, as has been requested by the Council, on numerous occasions, over this past year, and agreed to by the Mayor, we are in the process of developing a task force, consisting of members from the public and the council, to fully examine any and all cost saving measures. We view this as a team effort between the Council, the administration and the citizenry. It is imperative that we thoroughly examine how we do business as a City, on all fronts, across all department and budgetary lines. This analysis will include the number and scope of buildings we operate as a City, the magnitude of City owned properties and the corresponding maintenance costs, individual department budgets, and even the very structure of our government.

As important as cost containment and efficiencies of operation are, we must also look to the revenue side of the ledger. We must analyze relationships and decide whether programs such as payment in lieu of taxes or impact fees should be instituted. It is also the view of this council that there exists a need to build a culture of success in the competitive field of federal and state grant writing. With plans on the books such as the Lohan Anderson Study, The Trail Creek Watershed Management Plan, and the completion of the most recent Andrews University Charrette, Michigan City is well positioned to pursue worthwhile redevelopment project grants.

Politics as usual cannot and have not been allowed to exist within this council; I call on all my fellow council members to continue to lead, not just legislate. We also look to the Mayor to provide clear and timely communication on all goals and objectives so that we may help move this City forward. The Mayor, this Council, and our fellow citizens must stand ready to embrace any change that will positively impact this great City of ours. New ideas should be encouraged; transparent, fair, and honest debate should follow.

The Council's proposed reduction of riverboat spending on budget line items is one such idea we believe should be viewed as a positive step and worthy of debate. It will allow us to improve our infrastructure, develop plans to attract business and provide opportunities for jobs now and in the future when the economy once again returns to more prosperous times. Due to these available funds, we are uniquely situated; we have the opportunity to prepare to position ourselves, while other communities around us cannot.

As ideas come forward as how to best position ourselves in terms of efficiencies and endeavors, it is our responsibility to clearly understand that we must not take a step backwards because we are "penny wise and a pound foolish." Short term money saved may not be worth long term money lost if ideas and initiatives are not well thought out. As a council we are confident that this City is in good shape and will continue to be so. Although it is clear that we must tighten our collective belts, we are certainly not in panic mode like many cities across America.

We must continue to move forward and always remember that vision is not enough. It must be combined with venture. It is not enough to stare at the steps; we must step up the stairs. Beyond the initiatives already mentioned, we call for action to produce a clear vision of the corridor from the North side of Franklin Square to the Washington Park Bridge. This vision will certainly define the placement of the police station, and allow for future generations to have a prominent and vibrant gateway to the Lake.

We must also find a resolution to the inability to access Lake Michigan from our Westside; as well as the long ago promised, but still unfulfilled boat launch ramps with proper parking and access. We must remain vigilant to dealings surrounding how and where we implement improvements of the South Shore railroad and recognize its potential impact for development in our city. Other issues, such as public access programming and ALCO, should not continue to linger and become a distraction. We must work together to get them resolved.

Neighborhoods are the backbone of any city. Michigan City is no exception. We call for proper code enforcement which would mean tougher code enforcement in our neighborhoods. We look forward to working with the Police Department and any initiatives they bring forward. We must make every attempt to make all of our streets and neighborhoods a safe and comfortable place for our citizens.

We look to our Park and Recreation Committee to work with the Park Department to explore implementing neighborhood enrichment opportunities and programs for kids. Our Planning and Zoning Committee will be asked to provide direction to clean up much of the confusing language currently found in our City ordinances relating to zoning. The Code Review committee will begin the process of codifying all ordinances and codes. A special committee is also being formed to help wherever we can to make the Michigan Boulevard project a great success. It is not only important for the boulevard to go through a brilliant transformation, it is essential that

we do all we can to help improve the homes and businesses along the way. Therefore, we must avail ourselves to any potential grants and work with the local banks to potentially develop loan programs as well.

These seemingly extraordinary and uncommon steps we are taking are meant to contend with the extraordinary times we are in. There is an old saying, "even though you may be on the right track, you will get run over if you just sit there." Collectively, we understand this.

In closing, this council would be remiss if we did not take this moment to thank each and every employee for the hard work they put in each day, day in and day out, in their service to the people of Michigan City. We thank every member of every Board and Commission in their fulfillment of their civic duties. I also thank my fellow Council members for their professionalism and work ethic they have employed in their term of office. And we all certainly thank the Mayor and his administration for the effort put forth in trying to make Michigan City a better place to live, work, and raise a family. As the Mayor has already stated we look forward to doing our part to help reassess, rebuild, and rejuvenate.

## **RESOLUTIONS**

Councilman Espar withdrew **A RESOLUTION CONFIRMING THE ADOPTION OF DELCARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN MICHIGAN CITY, INDIANA AN ECONOMIC REVITALIZATION AREA FOR REAL PROPERTY, PURSUANT TO INDIANA LAW, INCLUDING WITHOUT LIMITATION IC 6-1.1-12.1-1, ET SEQ.**, which he introduced.

Council President McKee asked if another Council member wished to sponsor the Ordinance and hearing none, the Ordinance was withdrawn.

## **ORDINANCES**

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:** Pat Boy

Councilwoman Boy advised that she wanted to withdraw this Ordinance that she sponsored until a later date.

Council President McKee asked if another Council member wished to sponsor this Ordinance and hearing none, the Ordinance was withdrawn.

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **NEW BUSINESS**

Council President McKee advised there is an appointment to the Community Enrichment Corporation that will expire February 15, 2009 and will be addressed at the next Council meeting (February 17, 2009).

Mayor Oberlie has requested the advice and consent for the appointment of Ms. Shelly Dunleavy as a officer of the Ethic Advisory Commission.

Councilman Doyle moved to give the requested advice and consent, seconded by Councilwoman Boy. The motion carried by the following vote: **AYES: COUNCIL MEMBERS McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (9). NAYS: None (0).**

Nominations were open for the Ethics Advisory Commission, Councilman Doyle nominated William Pishkur (Democrat), which was seconded by Councilman Jankowski;

Councilman Ron Meer nominated Cindy Gillespie (Democrat), seconded by Councilwoman Boy; Councilman Doyle nominated Erik Prascak (Republican), seconded by Councilman Espar; Councilman Jankowski nominated Al Austin (Republican), which was seconded by Councilwoman Nelson.

Bill Pishkur and Cindy Gillespie addressed the Council regarding reasons they would like to serve on the Ethics Advisory Committee.

The motion was carried by the following vote (Republican): **FOR MR. AUSTIN: COUNCIL MEMBERS Meer, Milsap, Nelson, and Jankowski (4). FOR MR. PRASCAK: COUNCIL MEMBERS Murphy, Doyle, Boy, Espar and McKee (5).**

Council President McKee stated that Mr. Prascak would be the Republican appointment by the Council to the Ethics Advisory Committee.

The motion carried and Cindy Gillespie (Democrat) was nominated by the following vote: **FOR WILLIAM PISHKUR: COUNCIL MEMBERS Doyle, Jankowski, and McKee (3). FOR CINDY GILLESPIE: COUNCIL MEMBERS Milsap, Murphy, Nelson, Boy, Espar, and Meer (6).**

President McKee congratulated Mr. Prascak and Ms. Gillespie to their appointments.

Councilman Espar made a motion to appoint Cindy Gillespie for the 2 (two) year term, seconded by Councilman Milsap. The motion was carried by the following vote: **AYES: COUNCIL MEMBERS Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, and Milsap (9). NAYS: None (0).**

### **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

### **COMMENTS FROM THE COUNCIL**

Councilman Murphy present the following press release:

#### South Shore Analysis Team to Give Final Results

The consulting team for the cost-benefit analysis for the location of the South Shore rails in Michigan City will be back in Michigan City on Thursday, March 5th at 6:30 p.m. in the City Council chambers to present their findings.

The consulting team held a public forum in early December to present the objectives of the analysis and to gather feedback from city officials, the South Shore railroad, and from residents and businesses throughout Michigan City.

NICTD senior officials Joe Black and John Parsons attended the forum and shared an update on where they are in terms of making station and rail improvements.

The consulting team is conducting a cost/benefit analysis of the three potential NICTD rail lines and has kicked into full gear. The three consultants have been meeting regularly as a group and have gathered substantial data from the County and from NICTD—including all-important Geographic Information Systems (GIS) data.

The three consultants, Chuck D'Aprix of Washington-DC based Economic Development Visions, Stuart Sirota of Baltimore-based TND Planning Group and Dr. Joseph Cater of Annapolis(MD)-based Market Economics have been meeting regularly as a team and analyzing data. The team leader D'Aprix said, "Frankly, there is a significant amount of secondary data(existing data) that must be sifted through. It is essential that we check and double check the data to ensure an accurate cost/benefit analysis of the three proposed lines."

D'Aprix was quick to note that despite NICTD's publicly announced desire to upgrade the existing the 11th Street line—that the consulting team's mandate is to examine carefully all three proposed options (the CXS southern route, the 11th Street route, and the northern route currently used by Amtrak). He says, "We said publicly, and I reiterate now—the role of the consulting team is to be objective and

analytical and to play it down the middle. That is why we are working so assiduously to check and recheck the mountains of data before us.”

First Ward City Councilman, Rich Murphy, who has been spearheading the effort, said “NICTD, city and county officials, and the various consultants and stakeholders continue to be available to answer questions and to provide the analysis team with important information to arrive at final results. We greatly appreciate their participation.”

The team will share preliminary results in a public presentation on Thursday, March 5, 2009 at 6:30 p.m. in the City Council chambers, 100 East Michigan Blvd, Michigan City, Indiana. All are invited to attend.

Councilman Meer reported on the Neighborhood Stabilization Program Grant meeting held on January 27, 2009.

Councilman Meer announced the Association of Indiana Counties new website [www.staylocalinidniana.com](http://www.staylocalinidniana.com). Mr. Meer advised the website addresses what is happening in local government and the importance of City and County Councils.

Councilman Meer commented on M.C.P.D. Chief Neitzel's remarks regarding departments having to do more with less, due to the economy.

Councilman Meer addressed the 2009 take home automobile policy, raises given to two (2) Park Department employees after the 2009 City Budget had been passed, and not being consistent.

Councilman Meer stated the new Government Task Force is not just for the City's business community/ Chamber of Commerce, but for all the citizens in our community to get involved and that he hopes to see new faces attending these meetings with questions and concerns.

Councilman Doyle congratulated the Police Department for a job well done.

Councilman Doyle stated that with the combined effort of the City Council and Mayor working together on the various tasks forces there should be several accomplishments and goals made in 2009.

Councilwoman Boy congratulated Cindy Gillespie and Erik Prascak to their new appointments to the Ethics Advisory Board and thanked everyone that was not elected for applying.

Councilwoman Boy thanked everyone for attending the meeting tonight due the snow storm.

John Jones, Emergency Management, advised the community that due to the snow storm Saint Johns Church is open for a warming station.

Council President McKee addressed Councilmen Meer and Doyle's comments and encouraged the community to sign up, participate and get involved in the Government Task Force Committee.

Council President McKee stated that the Government Task Force Committee is about team work among the Mayor's Administration, the City Council and the Citizens to make Michigan City everything it can be.

## **ADJOURNMENT**

On motion by Councilman Milsap, supported by Councilman Espar, and there being no further business to transact, President McKee declared the meeting ADJOURNED (approximately 8:15 p.m.).

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Thomas F. Fedder, City Clerk