

REGULAR MEETING – MARCH 3, 2009

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, March 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 6:30 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, Ron Meer, Richard Murphy, Joe Doyle, and Angie Nelson, Willie Milsap (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

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

APPROVAL OF MINUTES

President McKee inquired whether there were any corrections, deletions, or additions to the minutes of the regular Meeting of February 17, 2009.

Councilman Espar made a motion to approve the minutes as printed, seconded by Councilman Doyle. The motion carried by the following vote: **AYES: COUNCIL MEMBERS Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee and Meer (9). NAYS: None (0).**

REPORTS OF STANDING COMMITTEES

Councilwoman Nelson stated that she planned on scheduling a Public Health and Safety Committee meeting in reference to resolutions the Council has TABLED.

Councilman Jankowski reported on the financial reports he received from the Water Department and Sanitary District.

Councilman Jankowski commented on the agreement made between the Board of Public Works and Safety and the Sanitary District regarding the use of a Sanitary District's staff member to provide IT services for the City. Mr. Jankowski advised their plan requires hiring an additional person on a trial bases for the remainder of 2009 and the City will be making transfers to the Sanitary District in the amount of \$4,864 per month.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Murphy reported on the Michigan Boulevard Oversight Committee held on Wednesday, February 18, 2009. Mr. Murphy advised the next Oversight Committee meeting will be held Wednesday, March 18, 2009 at 6:00 p.m., at the Fifth Ward Office, 1401 E. Michigan Boulevard.

Councilwoman Boy reported on the Code Review Committee meeting held on February 24, 2009 regarding codification of Ordinances passed since 1998.

Council President McKee advised the Government Efficiency Task Force will now be called the Local Advisory Task Force on Governmental Efficiency, Asset Management and Utilization Committee. President McKee stated that Councilman Espar is the Chairperson of the Finance Committee and the Finance Committee will basically have the supervision of this task force.

Councilman Espar advised that the Mayor and Council received a number of requests to serve on the recently formed Local Advisory Task Force on Governmental Efficiency, Asset Management and Utilization Committee. Mr. Espar reported he contacted each person that was interested and invited them to the first meeting which will be held on Tuesday, March 10, 2009, at 7:00 p.m., in the Council Chamber.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mayor Oberlie presented to the Council the summary of the 2009 North End Action Item Implementation Schedule.

PETITIONS

There were no petitions.

COMMUNICATIONS

Councilman Jankowski presented the following:

Mayor Oberlie,

I trust you share my disappointment with the "Proposal and Operating Plan" submitted by Mr. Bart Lombard on behalf of Access LaPorte County for public access television. The proposed channel 99 programming, the proposed viewing times for public access shows, and the outrageous costs demonstrate to me a lack of a good faith effort to provide this service to the citizens of Michigan City.

Our taxpayers have been very generous in providing financial support to ALCO. I view the recent actions of ALCO to be an insult to those involved with public access television, the supportive viewers, the Council, and our citizenry.

It is time, in my opinion, for the Board of Works to request proposals:

- To provide public access television,
- To provide governmental programming, and
- To provide a combination of public access and governmental programming.

I believe it would prudent for the Board of Works and the Council to meet and discuss this matter. Are you available Tuesday, March 10th at 6:00 p.m.?

Sincerely,
Phil Jankowski

Council President McKee presented medals received from the K-9 and FOP Dunes Lodge 75 to express appreciation for the Mayor's and Council's continued support of the police department.

RESOLUTIONS

Council President McKee asked Councilman Meer to read the following resolution in its entirety,

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4412

AUTHORIZING THE SUBMITTAL OF A NEIGHBORHOOD STABILIZATION GRANT PROPOSAL

WHEREAS, the City of Michigan City, Redevelopment Commission desires to submit a Neighborhood Stabilization (NSP) Grant Application for funds that will assist in the redevelopment of two Michigan City Neighborhoods by funding the following projects: The sewer separation project in the Elston Grove Neighborhood and the demolition of unsafe premises, and new single family home construction projects in the Westside Neighborhood.

WHEREAS, upon approval of the NSP Grant, the Redevelopment Commission will need to receive and administer the grant funds; and

WHEREAS, the NSP Grant will not require that any match, monetary or in-kind, be provided by the City of Michigan City; and

WHEREAS, the Common Council supports the goals and objectives of the NSP Grant and finds them to be of great benefit to the City and its citizens.

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

Section 1. That the Common Council authorizes the Redevelopment Commission to submit an application for an NSP Grant as explained in the WHEREAS clauses in the amount of \$5.8 Million Dollars.

Section 2. That upon award of the NSP Grant, the Mayor is authorized to sign the appropriate Grant acceptance documents from the Indiana Housing and Community Development Authority and United States Department of Housing and Urban Development.

Section 3. That the City Controller is authorized to open an appropriate fund consistent with any Grant requirements and to receive and disburse the grant funds from that fund under the conditions of the Grant Agreement, all without further action by this Common Council

Section 4. That this resolution shall be effective upon passage and approval by the Mayor.

Introduced by: /s/ Ron Meer

Councilman Meer explained reasons to support the resolution.

Judy Pinkston, Community Development Block Grant Director addressed the Council in regards to the 5.8 million dollar neighborhood stabilization grant proposal, asking the Council to support the resolution.

Ms. Pinkston advised Councilman Milsap the information provided from HUD in regards to foreclosures, vacancies, probability of future foreclosures, data and sight visits from the state that determined the areas chosen.

Discussion ensued among Judy Pinkston and Council Members Nelson, Boy, Murphy, McKee and Milsap.

Councilwoman Boy made an author's amendment to change "NPS" in sections 1 and 2 to read "NSP".

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

ORDINANCES

The Deputy Clerk read on first reading by title only, **AN ORDINANCE APPROVING ADDITIONAL APPROPRIATION OF UNAPPROPRIATED RIVERBOAT FUNDS FOR TRANSFER INTO ACCOUNTS IN THE RIVERBOAT FUND**

INTRODUCED BY: Marc Espar

(**DECREASE:** Fund #9000 Riverboat \$86,800.00. **INCREASE** Fund #9000 Acct. 04 444.010 Cemetery Equipment \$35,000.00, Fund #9000 Acct. 04 444.014 Animal Control Equipment and Improvements \$11,800.00, Fund #9000 Acct. 04 444.015 Barker Civic Center Improvements \$40,000.00).

Councilman Espar asked for this Ordinance to be referred to the Finance Committee for Evaluation and a recommendation to the full Council.

Councilwoman Boy questioned the \$35,000 appropriated for three lawn mowers for the Cemetery.

Council President McKee asked if there any comments or questions by the general public or Council and hearing none, the Ordinance was laid over for second reading.

The Deputy Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA PROVIDING FOR THE COMBINING OF CERTAIN NON-REVERTING FUNDS IN THE DEPARTMENT OF PARKS AND RECREATION AND AMENDING EXISTING ORDINANCES ACCORDINGLY**

INTRODUCED BY: Joe Doyle

Councilman Doyle agreed with Council President McKee to refer this Ordinance to the Parks and Recreation Committee. Councilman Doyle advised the meeting would be held Tuesday, March 10, 2009, 5:00 p.m. at the Park Office.

Council Attorney Meyer addressed Councilwoman Boy's questions regarding the language in Ordinances that need to be referred to a section of the City code rather than referring to a previous Ordinance.

Council President McKee asked if there were any comments or questions by the general public or Council and hearing none, the Ordinance was laid over for second reading.

The Deputy Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA RESCINDING AND DELETING ORDINANCE NO. 4028, AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO AND SUBSTITUTING AND ADDING PROVISIONS REGARDING THE RULES AND PROCEDURES OF THE MICHIGAN CITY COMMON COUNCIL**

INTRODUCED BY: Marc Espar
Ron Meer
Robert McKee

Councilman Espar stated that the Ordinance was being sponsored by the Judiciary and Rules committee and reported they discussed the need to formalize procedures relative to Council appointments to various boards and commission.

Council President McKee asked if there were any comments or questions by the general public or Council and hearing none, the Ordinance was laid over for second reading.

The Deputy Clerk read on first reading by title only, **AN ADDITIONAL APPROPRIATION ORDINANCE (Department of Parks and Recreation).**

INTRODUCED BY: Joe Doyle

Councilman Doyle stated that this Ordinance will be discussed at the Park and Recreation Committee meeting held on Tuesday, March 10, 2009, 5:00 p.m. at the Park Office.

Council President McKee asked if there were any comments or questions by the general public or Council and hearing none, the Ordinance was laid over for second reading

The Deputy Clerk read on first reading by title only, **AMENDING ORDINANCE NO. 4037 SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2009.**

INTRODUCED BY: Marc Espar

Councilman Espar explained the reason for the Ordinance and requested this be referred to the Finance Committee for evaluation and recommendation to the Council.

Council President McKee asked if there were any comments or questions by the general public. Hearing none, President McKee asked if there were any comments or questions by the Council. John Schaefer, City Controller, addressed questions by Council Members Meer and Nelson. Hearing no other questions, the Ordinance was laid over for second reading.

UNFINISHED BUSINESS

Councilman Murphy moved to give advice and consent regarding the re-appointments of Ms. Janet Catchings, Mr. John Nickels, Ms. Elizabeth Bigda, and Ms. Fran Metcalf as members of the Michigan City Historic Review Board (terms begin immediately and expires March 15, 2012), seconded by Council Members Doyle and Boy. The motion carried by the following vote; **AYES: COUNCIL MEMBERS Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap and Murphy (9). NAYS: None (0).**

Councilman Milsap moved to give the requested advice and consent regarding the appointment of Ms. Rebecca Pelath as a member of the Michigan City Tree Board (term begins immediately and expires 08-01-09. Ms. Pelath will be filling the unexpired term of Mr. Dan Carabine), seconded by Council Members Boy and Doyle. The motion carried by the following vote: **AYES: COUNCIL MEMBERS Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, Murphy, and Nelson (9). NAYS: None (0).**

NEW BUSINESS

There was no new business.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

COMMENTS FROM THE COUNCIL

Councilman Espar commented on his visit to the Lake Hill Elementary School open house he attended.

Councilwoman Boy stated that she also attended the open house and was impressed by the students and their speeches.

Councilman Murphy reported on the cost benefit analysis for the location of the South Rails.

Councilman Meer commented on the annual letter that is sent out by the President of the Chamber of Commerce he received.

Councilman Espar announced that the Second Ward Coffee with the Council will be held on Saturday, April 18, 2009, at 9:00 a.m. to 11:00 a.m. at the Skwiat American Legion, Skwiat Legion Ave.

Councilman Murphy invited everyone to attend the first Coffee with the Council being held in the First Ward on Saturday, March 21, 2009 at 9:00 a.m. at Krueger Memorial Hall, 801 Liberty Trail.

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 7:30 p.m.).

Thomas F. Fedder, City Clerk