

REGULAR MEETING – APRIL 7, 2009

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, April 7, 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: Clerk – Thomas 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 March 17, 2009.

Councilman Espar made a motion to approve the minutes as printed, seconded by Councilwoman Boy. The motion was approved as printed.

REPORTS OF STANDING COMMITTEES

Councilman Espar reported on the status of the Local Advisory Task Force on Governmental Efficiency, Asset Management and Utilization subcommittees and advised they will continue gathering information for the next few months. Mr. Espar scheduled a joint Task Force meeting of the Mayor's Office and Michigan City Common Council on Tuesday, April 28, 2009 at 7:00 p.m. in the Council Chamber to review status updates.

Councilman Jankowski stated that the Sanitary District's net income was up \$100,000 compared to 2008. Councilman Jankowski announced the Sanitation Board scheduled a Special Meeting on April 8, 2009 and advised what was on the agenda.

Councilwoman Nelson reported on the Public Health and Safety meeting held on March 24, 2009. Ms. Nelson stated that Asst. Chief Swistek will be doing a presentation regarding graffiti at the next Council meeting on April 20, 2009.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Murphy thanked the residents for attending the First Ward Coffee with the Council on March 21, 2009 held at Krueger Memorial Hall, it was a success.

Councilman Murphy reported on the Michigan Boulevard Oversight Committee meeting held on March 18, 2009. Mr. Murphy thanked City Planner, John Pugh for attending and answering questions from residents and updating the committee on the project time line. Councilman Murphy stated a field check meeting is scheduled for tomorrow, April 8, 2009 a.m. and the next committee meeting will be held on Wednesday, April 22, 2009, 6:00 p.m. at the 5th Ward Office.

Councilwoman Nelson reported on the status of meetings she had attended with the Fire and Police Merit Commissions. Ms. Nelson advised the Police, Fire, Emergency Management subcommittee will be held on Tuesday, April 21, 2009, at 5:30 p.m., in the Mayor's Conference Room to review Emergency Management.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

M.C.P.D. Chief Neitzel did a presentation regarding the new Citizens Observer Program. (an e-mail/test messaging way to receive alerts from the Police Department).

Mayor Oberlie advised the Council of two (2) projects that are in excess of the budget and stated he would be scheduling a meeting with the finance committee, bringing appropriations to the floor.

PETITIONS

The City Clerk read the following petition in its entirety:

**PETITION FOR VOLUNTARY ANNEXATION
INTO THE CITY OF MICHIAN CITY
BY OEHMSTEAD COMPANY LLC**

Comes now Oehmstead Company, LLC by and through its attorney. Michael S. Bergerson, and pursuant to Ind. Code 36-4-3-5.1, petitions the Common Council of The City of Michigan City to adopt an ordinance annexing the area described in this Petition.

In support of the petition, the Petitioner, Oehmstead Company, LLC, represents the following:

- 1) The land described in attached Exhibit "A: is located outside but contiguous to the City of Michigan City, Indiana
- 2) That the undersigned constitutes 100% of the landowners within the Territory that is proposed to be annexed.

WHEREFORE the OEHMSTEAD Company, LLC petitions the Common Council of the City of Michigan City pursuant to Ind. Code 36-4-3-5.1 to grant its petition And adopt an ordinance annexing the area described in the petition.

Council President McKee stated that he would allow for comments when the proposed Ordinance regarding this matter comes up this evening.

COMMUNICATIONS

Council President McKee read the following letter he received on March 18, 2009;

The Fraternal Order of police (FOP)Dunes Lodge #75 would like to Schedule a meeting to start our Contract Negotiations.

Please contact: The Committee Chairperson, Steve Westphal (works Third shift) at the Police Department, 102 W. 2nd St., Michigan City, IN. 46360 or at the department email mcpdshift3@emichigancity.com. Contact may also be made with me (Ken Havlin, Lodge Secretary) C-219871-2740.

Respectfully,

Ken Havlin
Lodge Secretary

Council President McKee referred this to the Labor Relations Committee.

RESOLUTIONS

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

MICHIGAN CITY COMMON COUNCIL**RESOLUTION NO. 4416****SUPPORTING THE EXPENDITURE OF FEDERAL STIMULUS FUNDS ON PRODUCTS MADE IN THE UNITED STATES AND EMPLOYMENT OF PERSONS IN LAPORTE COUNTY**

WHEREAS, the economic downturn is having a critical impact on everyday Americans many of whom are struggling to maintain or find jobs in an increasingly difficult economic environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to provide essential government services at the federal, state, county and local level; and

WHEREAS, Congress and President Obama have approved a taxpayer-sponsored economic recovery package that will provide billions of dollars to help to economically devastated cities and states, promptly provide or save millions of jobs through considerable infrastructure rebuilding, green energy projects, and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will promptly help struggling American families and will help stabilize our greater economy; and

WHEREAS, it is in the best interest of the citizens of Michigan City that any economic recovery plan spending should — to the extent reasonably possible — include a commitment from Michigan City and LaPorte County to buy materials, goods, and products that are produced within the United States, thus employing the very workers who will pay the taxes for the economic recovery plan spending in the first place; and

WHEREAS, it is in the best interest of the citizens of Michigan City that any economic recovery plan spending should — to the extent reasonably possible — be used to increase

employment among the citizens of Michigan City and LaPorte County by employing their residents so as to employ the very workers who will pay the taxes for the economic recovery plan spending in the first place.

NOW, THEREFORE, BE IT RESOLVED THAT, the Michigan City Common Council supports and recommends the maximization of the creation and preserving of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds provided to Michigan City whenever and wherever possible on products and materials that are produced in the United States.

BE IT FURTHER RESOLVED THAT, we recommend that any economic recovery plan funds spent on labor and services be spent — to the extent reasonably possible — to increase employment among the citizens of Michigan City and LaPorte County so as to employ the very workers who will pay the taxes for the economic recovery plan spending in the first place and who pay the costs of providing government services locally.

BE IT FURTHER RESOLVED THAT, we recommend that the City publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify those making the requests and thereby provide them the opportunity to offer to provide the American products that will maximize the success of our nation's economic recovery program.

Sponsored by: Ron Meer

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

Councilman Meer stated that this resolution is another effort of stimulus monies coming into our communities to utilize, trying to purchase American made products and use LaPorte and Michigan City businesses whenever possible.

Jim Hennessey, United Steel Workers addressed the Council regarding the resolution and asked them for their support and to adopt this resolution.

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

The Clerk read the Resolution by title only,

RESOLUTION NO. 4417

**RESOLUTION OF THE MICHIGAN CITY COMMON COUNCIL
OF THE CITY OF MICHIGAN CITY, INDIANA
AUTHORIZING REPRESENTATIVES TO ACT ON BEHALF OF THE CITY WITH RESPECT TO
CERTAIN MATTERS RELATED TO BROWNFIELDS FINANCIAL ASSISTANCE TO BE AWARDED
TO THE CITY BY THE INDIANA FINANCE AUTHORITY**

WHEREAS, The City of Michigan City, Indiana (“City”) has applied to the Indiana Finance Authority for a Brownfield’s Stipulated Assessment Grant (“State Financial Assistance”) to offset costs associated with the environmental assessment of certain property, known as the Josam Foundry Brownfield Site, within the City (“Project”); and

WHEREAS, The Indiana Finance Authority has approved the award of State Financial Assistance in the amount of \$100,000.00 to be used for the environmental assessment of the Project and as a condition of the Grant award, the City is required to investment 75% of the amount of the Grant ultimately dispersed within a three (3) year period following the execution of the Grant agreement; and

WHEREAS, Common Council of the City of Michigan City hereby acknowledges the terms and conditions associated with the State Financial Assistance and authorizes the Mayor and Clerk of the City to execute a Stipulated Assessment Grant Agreement on behalf of the City with the Indiana Finance Authority documenting the terms and conditions related to the City's receipt and use of the State Financial Assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA as follows:

Section 1. The Legislative Body of the City hereby accepts the award of State Financial Assistance and acknowledges the terms and conditions associated with such State Financial Assistance, including but not limited to the requirement that certain "investment" (as defined in the State Financial Assistance Agreement) shall need to be made in the Project or the State Financial Assistance will be required to be repaid.

Section 2. The Legislative Body of the City hereby acknowledges that the deadline to satisfy the investment requirement (as defined in the State Financial Assistance Agreement) has been extended by the Indiana Finance Authority to three years from the Execution Date of the State Financial Assistance Agreement, not two years as indicated in the State Financial Assistance Agreement.

Section 3. The Legislative Body of the City hereby authorizes the Mayor and Clerk of the City to act on behalf of the City and execute a Stipulated Assessment Grant Agreement and all other documents related to the award of State Financial Assistance with respect to the Project. Upon receipt of the grant award, the City Controller is authorized to open an account to receive the grant funds and make expenditures from said fund without further authorization from the legislative body.

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

Introduced By: /s/Angela Nelson, Member
Michigan City Common Council

Councilwoman Nelson stated this resolution is in regards to the old Josam property, advising that Twelve East Business Center has received a \$100,000 grant and addressed reasons the Council should support it. Ms. Nelson moved to adopt the resolution, second by Councilman Meer.

John Regetz, Executive Director, Michigan City Economic Development Corporation and also a member of Twelve East Business Center encouraged the Council to support the resolution. Mr. Regetz stated that this grant would help get to the final stages regarding the Josam property finalization .

John Pugh, City Planner and Councilwoman Nelson addressed Councilwoman Boy's questions.

Councilwoman Nelson made an Authors amendment to the first paragraph removing the "s" in Brownsfield to read "Brownfield".

Council President McKee asked if there were any comments or questions by the general public or Council and hearing none, President McKee directed the 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.

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

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4418

**RESOLUTION OF THE MICHIGAN CITY COMMON COUNCIL
OF THE CITY OF MICHIGAN CITY, INDIANA**

AUTHORIZING THE 2009

**COMMUNITY ORIENTED POLICING SERVICES AVAILABILITY OF
FUNDING UNDER THE COPS HIRING RECOVERY PROGRAM**

WHEREAS, United States Department of Justice through the Office of Community Oriented Policing Services (“COPS”) announced the availability of one billion dollars in funding from the American Recovery and Reinvestment Act of 2009 for their COPS Hiring Recovery Program (“CHRP”) to address the personnel needs of state, local, and tribal law enforcement;

WHEREAS, CHRP is a competitive grant program that provides funding directly to law enforcement agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts;

WHEREAS, up to one billion dollars in grant funding is available for the hiring and rehiring of additional career law enforcement officers;

WHEREAS, there is no local match requirement for CHRP, but grant funding will be based on current entry-level salary and benefits packages and therefore any additional costs for higher salaries or benefits for particular individuals hired will be the responsibility of the grantee agency;

WHEREAS, an award of a CHRP grant will provide 100% funding for approved entry-level salaries and benefits for 3 years (36 months) for newly-hired, full-time sworn officer positions (including filling existing unfunded vacancies) or for rehired officers who have been laid off, or are scheduled to be laid off on a future date, as a result of local budget cuts;

WHEREAS, there is no cap on the number of positions an agency may request, but awards will be limited to available funding;

WHEREAS, at the conclusion of the federal funding, grantees must retain all sworn officer positions awarded under the CHRP grant for a minimum of an additional year (12 months);

WHEREAS, CHRP grant solicitation opens on March 16, 2009, and closes on April 14, 2009, and the Michigan City Police Department intends to submit their application for the CHRP grant to hire three (3) police officers;

WHEREAS, if awarded the CHRP grant, the hiring of three (3) police officers will provide the Michigan City Police Department with additional personnel to increase community policing capacity, crime-prevention efforts, and to strengthen current local initiative programs including, Scanning, Analyzing, Responding, and Assessing (“SARA” Problem Solving), Code Team Enforcement, Neighborhood Association Meetings, and Special Operations Group (“SOG”), which will promote public safety and security for Michigan City residents; and

WHEREAS, if awarded the CHRP grant, the Michigan City Police Department intends to retain the three (3) police officers for the 3 years (36 months) funded by the CHRP grant, and thereafter, the Michigan City Police Department intends to retain the three (3) police officers for at least a minimum of an additional year (12 months), if not more, on a base salary and benefits package provided by the City of Michigan City.

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

Section 1. The Common Council supports and approves the application for the CHRP grant by the Michigan City Police Department to hire three (3) police officers to provide the Michigan City Police Department with additional personnel to increase community policing capacity, crime-prevention efforts, and to strengthen current local initiative programs including, Scanning, Analyzing, Responding, and Assessing (“SARA” Problem Solving), Code

Team Enforcement, Neighborhood Association Meetings, and Special Operations Group (“SOG”), which will promote public safety and security for Michigan City Residents.

Section 2. The Common Council supports and approves the Michigan City Police Department’s retention of the three (3) police officers for the 3 years (36 months) funded by the CHRP grant, and thereafter, the Common Council supports and approves the Michigan City Police Department retention of the three (3) police officers for at least an additional year, if not more, on a base salary and benefits package provided by the City of Michigan City.

Section 3. Upon receipt of the 2009 CHRP grant, the Mayor is authorized to execute any and all contracts and memoranda required for the award of the above-described grant.

Section 4. Upon receipt of the 2009 CHRP grant, the City Controller is authorized to open an account to receive the grant funds and make expenditures from said fund without further authorization of the Common Council.

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

Introduced By: /s/ Angela Nelson, Member
Michigan City Common Council

/s/ Marc Espar, Member
Michigan City Common Council

Councilman Espar advised that this Resolution would allow the City to put three (3) additional police officers into the neighborhoods of our community, with no cost to the City for three (3) years. Mr. Espar stated several reasons to support the resolution and thanked Chief Kintzele and the M.C. Police Department for proactively looking at ways to add and improve services to our community.

Councilman Espar moved to adopt the resolution, second by Councilwoman Nelson.

M.C.P.D. Assistant Chief Kintzele addressed the Council explaining what the grant monies could do for the community and neighborhoods of Michigan City and asked for the Council’s support.

Discussion ensued among Chief Kintzele and Council Members Nelson, Meer, Murphy, Boy, and Espar.

Council President McKee asked if there were any comments or questions 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 (9). NAYS: None (0).**

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE NO. 2114 BY CHANGING THE PROVISIONS FOR THE MAXIMUM HEIGHT OF STRUCTURES IN RESIDENTIAL DISTRICTS**

INTRODUCED BY: Patricia Boy

Councilwoman Boy advised that the current Ordinance doesn't have a standard way of measuring building heights, clarifying some of the changes that will go in effect after adopted.

Council President McKee referred this Ordinance to the Planning and Zoning Committee.

Councilman Murphy reminded everyone there would be a public hearing at the next Council meeting (April 21, 2009).

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 Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AMENDING THE MICHIGAN CITY ZONING MAP AND ORDINANCE NO. 2114 BY REZONING A PARCEL OF PROPERTY KNOWN AS 200 BLOCK (1,2,3,4,5,6,7,8, AND 9) IN ORR AND DEWOLF'S ADDITION TO MICHIGAN CITY FROM BUSINESS B2 TO RESIDENTIAL R2; AND BLAIR'S 2ND ADDITION TO MICHIGAN CITY BLOCK 5 SW CORNER LOT 11 AND PIECE IN NW CORNER LOT 10 FROM BUSINESS B2 TO RESIDENTIAL R2**

INTRODUCED BY: Ron Meer

Councilman Meer advised this Ordinance is in regard to new construction by the Habitat for Humanity on Willard Avenue, rezoning the property from business to residential.

Councilman Meer stated that officials from Habitat for Humanity were there to answer any questions the Council or general public may have.

Councilwoman Boy reported on the Public Hearing held on March 24, 2009 at the Plan Commission meeting regarding this matter.

Council President McKee referred this Ordinance to the Planning and Zoning Committee.

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 Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION FOR THE BUDGET OF THE GOLF FUND**

INTRODUCED BY: Joe Doyle

(DECREASE: Fund # 1314 Golf Unappropriated - \$ 21,800.00,
INCREASE: Fund # 1314 0000 02 423.005, Miscellaneous Merchandise Supplies (to purchase inventory for resale and related supplies) \$16,500.00
 Fund # 1314 0000 03 439.011, Contractual Services (to provide bartender training for employees, purchase alcohol permits, and purchase alcohol liability insurance) \$ 3,600.00, Fund # 1314 0000 02 423.003 Small Tools & Minor Equipment (to purchase refrigerators) \$ 1,700.00).

Councilman Doyle stated the proposed ordinance is an attempt by the Park Department to serve beer and wine at the golf courses.

Councilwoman Boy advised this is not an appropriation of new money, but a decrease in the golf fund account and an increase to new funds.

Council President McKee referred the proposed Ordinance to the Parks and Recreation Committee.

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 Clerk read on first reading by title only, **AN ORDINANCE REQUIRING THE REMOVAL OF GRAFFITI IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, DECLARING THAT PROPERTY MAY BECOME A NUISANCE OWING TO THE FAILURE OF RESPONSIBLE PARTIES TO REMOVE GRAFFITI AFTER HAVING BEEN REQUESTED TO DO SO BY CITY, ESTABLISHING A PROCESS FOR THE REMOVAL OF GRAFFITI AND THE RECOVERY OF PUBLIC CLEAN-UP EXPENSES, CREATING CIVIL REMEDIES, AND ADDING ARTICLE VII TO CHAPTER 46 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA**

INTRODUCED BY: Angie Nelson
Willie Milsap

Councilwoman Nelson advised the Council that Assistant Chief Swistek worked diligently researching graffiti laws in other communities creating this ordinance along with the input from City Attorney Lapaich. Ms. Nelson stated that this ordinance if adopted will enable the City to work with the community helping them remove the graffiti and the Police Department has purchased equipment to help address this matter in our community.

Assistant Chief Swistek presented a kit to Councilwoman Nelson to share with the Council. Ms. Nelson stated that these kits will be used to remove graffiti (rubber gloves, scrub brush, eco- friendly aerosol spray for removing paint)

Councilwoman Nelson stated that Assistant Chief Swistek will be at the next Council meeting (April 21, 2009) to do a presentation regarding the proposed graffiti ordinance.

Councilwoman Nelson addressed Councilwoman Boy's question regarding the language in Sec. 46-193(d).

Councilman Murphy commended the team for putting this ordinance together and thanked the authors for the second WHEREAS; graffiti can be a powerful visual symbol of disorder which erodes public safety, encourages vandalism and other criminal activity, reduces the attractive physical qualities of neighborhoods, and can contribute to a downward spiral of blight and decay, lessening property values, business viability and ultimately tax revenues. Mr. Murphy also thanked them for acknowledging the residences who have been victims of graffiti.

Councilwoman Nelson stated that she would have waivers at the next Council meeting (April 21, 2009) to present to the Council.

Council President McKee strongly agreed with Councilman Murphy regarding Section 46.193(c) prohibited acts.

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 Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA ANNEXING 44.347 ACRES**

OF REAL ESTATE OWNED BY OEHMSTEAD COMPANY, LLC, SITUATED ON 600 WEST, MICHIGAN CITY, INDIANA AND DECLARING THE SAME TO BE A PART OF THE CITY OF MICHIGAN CITY, INDIANA AND PROVIDING ZONING CLASSIFICATION THEREFORE

INTRODUCED BY: Robert McKee
Joseph Doyle
Marc Espar

Councilman Doyle advised that a representative was here to answer any questions in regards to the annexation this evening.

Attorney Michael Bergerson, 601 Franklin Street, representing Oehmstead Company, LLC, advised the Council of the location of the 44.347 acres of land and stated several reasons to adopt the Ordinance. Attorney Bergerson stated there will a public hearing at the May 5, 2009 Council Meeting.

There was a discussion among Attorney Bergerson and Council Members Boy and Meer.

John Regetz, Executive Director, Michigan City Economic Development Corporation, advised the Council of their full support of the annexation of the 44.347 acres.

Council President McKee advised Councilwoman Boy that due to the time frame from when an annexation is published and having the Public Hearing is 20 days.

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 on May 5, 2009, which at that time the Public Hearing will be held.

The Clerk read on first reading by title only, **AMENDING ORDINANCE NO. 2053 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 50-138, 50-140, 50-141, AND 50-142 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA AND AMENDING CODE 1980, § 150.035.1 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 50-139 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**

INTRODUCED BY: Patricia Boy

Council President McKee stated that he wanted to refer the previous proposed Ordinance (AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA ANNEXING 44.347 ACRES OF REAL ESTATE OWNED BY OEHMSTEAD COMPANY, LLC, SITUATED ON 600 WEST, MICHIGAN CITY, INDIANA AND DECLARING THE SAME TO BE A PART OF THE CITY OF MICHIGAN CITY, INDIANA AND PROVIDING ZONING CLASSIFICATION THEREFORE) to the Planning and Zoning Committee.

Council President McKee asked if the sponsor of this ordinance had any comments.

Councilwoman Boy stated that currently contractors who are working for companies and sub-contractors that work under them don't necessarily have insurance or proof of insurance with the City. Ms. Boy advised the proposed ordinance if adopted will require a contractor or sub-tractor to be registered with the City before working on any project.

Mayor Oberlie stated the topic of the ordinance in terms required the sub-contractor to become licensed, this process is ones assuring process of qualifications of the contractor.

Council President McKee referred this to the Licenses and Franchises Committee.

Attorney Amber Lapaich addressed Councilwoman Boy's questions regarding Section 50-138, Section 50-141 and Section 50-142.

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 Clerk read on first reading by title only, **AMENDING ORDINANCE NO. 2053 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 22-661 AND 22-663 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA AND AMENDING CODE 1980, § 150.035.1 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 22-662 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**

INTRODUCED BY: Patricia Boy

Councilwoman Boy advised the Ordinance is in regards to contractor's registering with the City.

Council President McKee referred the Ordinance to the Licenses and Franchises Committee.

President McKee clarified what Ordinances were being referred to which committee to Councilwoman Boy.

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 Clerk read on first reading by title only, **AMENDING ORDINANCE NO. 2053 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 22-691 AND SECTION 22-692 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**

INTRODUCED BY: Patricia Boy

Councilwoman Boy stated that the proposed Ordinance is concerning licensing of individuals and business associates.

Council President McKee referred the Ordinance to the Licenses and Franchises Committee.

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 Clerk read on third reading by title only, there being no objections,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4048

APPROVING ADDITIONAL AN APPROPRIATION OF UNAPPROPRIATED RIVERBOAT FUNDS FOR TRANSFER INTO ACCOUNTS IN THE RIVERBOAT FUND

WHEREAS, it has been demonstrated to the Council that it is necessary to appropriate more money than was appropriated in the 2009 Annual Budget for expenditures from certain accounts in the Riverboat Fund; and

WHEREAS, there are available additional unappropriated funds in the Riverboat Fund which can be appropriated for expenditures from certain accounts in the Riverboat Fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses identified below for the City of Michigan City the following additional sums of money are hereby appropriated out of the Riverboat Fund #9000 for the purposes specified below, subject to the laws governing the same:

DECREASE:

Fund # 9000 Riverboat	Unappropriated	\$ 86,800.00
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INCREASE:

Fund # 9000 Account 04 444.010	Cemetery Equipment (for purchase of three riding lawn mowers)	\$ 35,000.00
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Fund # 9000 Account 04 444.014	Animal Control Equipment and Improvements (to construct a new holding area and purchase a freezer)	\$ 11,800.00
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Fund # 9000 Account 04 444.015	Barker Civic Center Improvements (to repair or replace copper gutters and to tuck point portions of the building)	\$ 40,000.00
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This Ordinance to be effective upon passage by the Council, approval by the Mayor, after any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Councilman Marc Espar

Councilman Espar reported on the Finance Committee meeting held on March 11, 2009 stating their recommendation would be the adoption of this Ordinance.

Councilman Espar made a motion to adopt the Ordinance, second by Councilman Doyle.

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

The Clerk read on third reading by title only, there being no objections,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4049

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

WHEREAS, the Michigan City Common Council did, on May 17, 1977 adopt Ordinance No. 2305, entitled, AN ORDINANCE ESTABLISHING A SPECIAL NON-REVERTING OPERATING FUND WITHIN THE DEPARTMENT OF PARKS AND RECREATION OF THE CITY OF MICHIGAN CITY, INDIANA FOR

EXPENSES AT THE ZOO, in the order to allow the Michigan City Department of Parks and Recreation (the "Park Department") to operate food and concession stands and provide for expenses at the Washington Park Zoo; and

WHEREAS, the Michigan City Common Council did, on April 19, 2005, adopt Ordinance No. 3949, entitled, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING ORDINANCE NO. 2305, etc., in order to provide for revenues and expenses at the Zoo Gift Shop; and

WHEREAS, the City Controller has reported that it is necessary and advisable to combine certain of the Park Department's non-reverting funds which provide for the deposit of revenues from the sales of concession at Park Department facilities and which fund permissible expenditures thereof; and

WHEREAS, the Park Department, acting by and through the Michigan City Parks and Recreation Board, has determined that it is necessary for the good of its park facilities and to maximize the benefits to the citizens of this City, as well as the visitors hereto, and has requested that the Michigan City Common Council establish a special non-reverting operating fund which would replace the three (3) Park Department non-reverting funds that relate to the operation of the concessions at the Park Department's Washington Park facilities; and

WHEREAS, the concessions are intended by the Park Department to eventually be operated by the Park Department on a self-sustaining basis, thus not requiring the expenditures of funds appropriated from general tax revenues; and

WHEREAS, the establishment of such non-reverting fund is authorized pursuant to Chapter 311, Sections 216 and 221 of the Acts of the Indiana General Assembly of 1955; and

WHEREAS, the Common Council finds it is appropriate to establish a single non-reverting fund as a combination of the non-reverting funds that currently exist for the operation of the concessions at the Park Department's Washington Park facilities.

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

Section 1. Under the provisions of Chapter 311, Sections 216 and 221 of the Acts of the Indiana General Assembly of 1955, there is hereby established a Special Non-Reverting Operating Fund to be used for receipt and payment of all revenues and expenses for the combined operation of the food, beverage and sundries concession stands by the Michigan City Department of Parks and Recreation under the following provisions and for the purposes set forth in Section 2 hereof.

Section 2. Said new Fund, to be known as the Special Non-Reverting Fund No. 1315, shall replace the following non-reverting funds which relate to food, beverages and sundries sales:

- (a) Washington Park Zoo
- (b) Washington Park Beach and General Area
- (c) The new Oasis Splash Park

Section 3. All revenues in said existing Funds and all revenues received from sales of food, beverages and sundries from the locations referred to in Section 2, above, shall be deposited into Special Non-Reverting Fund No. 1315 from and after the effective date of this Ordinance.

Section 4. Expenditures may be made from Fund No. 1315 for the operating expenses of the facilities used for said sales, including the purchase of inventory for sale, salaries of special part-time employees, and for the following purposes:

- (a) Purchase of fixtures, equipment and capital improvements,
- (b) Maintenance, repair and improvements to concession equipment,
- (c) Maintenance and improvements to Washington Park, the Zoo and the Oasis Splash Park, and
- (d) Feed for the animals at the Zoo.

Section 5. Each year, at the time of submission of the proposed Park Department budget for the following fiscal year, the anticipated revenues and expenditures from said Fund No. 1315 shall be shown. An amount equal to such expenditures for two (2) months, together with amounts for any permissible expenditures shall remain in the operating fund to be used in the following year. (This sentence makes no sense to me since the expenses are to be paid out of the new non-reverting fund.) Any excess funds over and above said amounts shall remain in said Fund No. 1315 and shall be available for the permitted necessary purchases or improvements as determined by the Park Board.

Section 6. Expenditures may be made from said Fund No. 1315 without special appropriations, but only upon for claims approved by, and signed by the appropriate officers of, the Park Department's Board of Commissioners.

Section 7. All budgeting requirements herein shall be completed in the Park Department Budget for the next fiscal year after the adoption hereof.

Section 8. Any parts of Ordinance No. 2305 and Ordinance No. 3949 which are in conflict with this Ordinance are hereby repealed.

Section 9. This Ordinance shall be in full force and effect from and after its adoption, approval by the Mayor, any publication required by law and any necessary approval of the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ JOSEPH DOYLE

Councilman Doyle made a motion to adopt the Ordinance, second by Councilwoman Nelson.

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

The Clerk read on third reading by title only, there being no objections,

MICHIGAN CITY COMMON COUNCIL

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4050

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

WHEREAS, MICHIGAN CITY CODE SECTIONS 2-51 through 2-80 are the current Code provisions which provides for the rules and procedures of the Michigan City Common Council; and

WHEREAS, the Michigan City Municipal Code, with the passage of time, needs clarification, modification and additions; and

WHEREAS, the Common Council finds that there is the need to review and amend the current Code Sections dealing with the rules and procedures of the Common Council in order to better effect the city's business and Council meetings for the benefit of the citizens of Michigan City.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana, that Sections 2-51 through 2-80 are hereby rescinded and deleted and replaced with the following provisions:

DIVISION 2. RULES OF ORDER AND PROCEDURE

Sec. 2-51. Suspension or amendment.

- (a) Except to the extent that the provisions reflect mandatory state statutes and except as otherwise provided in this division:
 - (1) The provisions of this division may be repealed or amended by a majority vote of the members-elect of the council.
 - (2) Except for section 2-57(a) regarding the number of readings of an ordinance, the provisions of this division may be suspended by unanimous consent of the council.
- (b) In addition to the requirements of IC 36-4-6-11, no ordinance shall be read on three readings on the same day it is introduced, unless the council unanimously directs otherwise.

Sec. 2-52. Applicability of Robert's Rules of Order

The rules contained in the edition of Robert's Rules of Order on file in the city clerk's office at the time that any questions shall arise or any challenge shall be made; shall govern the common council in all cases to which they are applicable and in which they are not inconsistent with this division.

Section 2-53. Regular and special meetings.

- (a) The common council shall meet at the council chambers of the city on the first and third Tuesday evenings of every month at 6:30 p.m. local time. When any day fixed by this

section for the regular meeting of the common council is designated by law as a legal holiday or election day, the meeting shall be held on the following day, at the times specified.

- (b) Special meetings shall be held on the call of the mayor or any member of the common council, who shall when issuing the call designate the time and place of the special meeting and duly notify the city clerk with sufficient time for proper notice. It shall be the duty of the city clerk to notify each member, either in person or by notice left at his place of residence. At special meetings of the council, only such matters of business as are specifically stated in the call for the meeting may be conducted or acted upon. State law references: Meetings of common council, IC 36-4-6-7.

Section 2-54. Presiding officer

- (a) The president and vice president of the council shall be elected by the members of the council at the first meeting of each calendar year.
- (b) The president or vice-president, referred to in this division as the presiding officer, shall take the chair at the hour designated in section 2-53 and at special meetings. If a quorum is present, he shall proceed with the business of the council.
- (c) At the commencement of the term of the council, pending the election of a president, the city clerk shall perform the duties of the chair.
- (d) The vice-president shall execute the duties of the chair during the absence of the president.
- (e) The vice-president shall have the right to name a councilman to perform the duties of the chair during his temporary absence, but the substitution shall not extend beyond an adjournment.

State law references: Selection of presiding officer, IC 36-4-6-8(a).

Sec. 2-55. Duties of president or presiding officer.

- (a) The presiding officer shall preserve order and decorum at council meetings, and shall decide all questions of order without debate, subject to an appeal to the council, as provided for in subsection (e) of this section. The presiding officer may submit to the council any question of order for a decision.
- (b) The presiding officer may participate in debate, may be the first heard on matters of order, and shall have the right to vote on any question where the ayes and nays are taken, except as provided in subsection (e) of this section. If the presiding officer decides to participate in debate he may do so only after all other members have spoken but prior to a sponsor who has reserved the right to close debate. The presiding officer shall step down and designate another member to take the chair during the time the presiding officer is engaged in debate.
- (c) The president shall appoint the members of all standing committees and any special committees as may be ordered by the council. He shall determine the number of members to serve on a committee and may name the chairman of it. Standing committees shall be appointed at the commencement of the term of the council. Members of standing committees shall serve only during the term of the president appointing them. If any member of a committee refuses or is unable to perform the duties required of him, the president may replace that member.
- (d) The presiding officer shall sign all ordinances, orders and resolutions passed by the council before they are presented to the mayor. The presiding officer referred to in this subsection includes the councilman designated by the vice-president to perform the duties of the chair during his absence.
- (e) Any member may appeal a decision or ruling of the presiding officer and, if the appeal is duly seconded, the presiding officer shall put the question of the appeal in the following form: "Shall the decision of the chair stand as the decision of the council?" The matter shall be decided by a majority of the members present and the chair shall not vote on the question. If the presiding officer fails or refuses to entertain and properly put the question of appeal, any member shall have the right to rise from his seat and put the question, and direct the city clerk to call the roll on the question put. The clerk shall then call the roll, except the name of the presiding officer, and record the result of the vote in the record of council proceedings. Any other question or motion that the presiding officer may fail or refuse to put to a vote, after it has been seconded, may be put in the same manner. When appeal is taken, any question of order or appeal that may afterwards arise shall be decided without debate, and if an appeal is laid on the table, it shall be held as affirming the decision of the chair.

Sec. 2-56. Quorum

A majority of all the councilmembers-elect shall constitute a quorum. If the presence of a quorum is questioned and it shall be ascertained that a quorum is not present, no debate or motion, but to adjourn, shall be in order until a quorum is present.

State law references: Quorum, IC 36-4-6-10.

Sec. 2-57. Procedure for ordinance enactment.

- (a) Every ordinance shall receive three readings in council previous to passage, one at each of three successive meetings. The first and second readings shall be by title, unless the council shall otherwise order in any case. No ordinance shall be amended until it has been read twice. It shall not be in order on the third reading of an ordinance to propose amendments, unless by unanimous consent, but it shall be in order before the passage of any ordinance to move its recommitment. A motion to recommit shall not be open to amendment except to add instructions. The third reading shall be verbatim, except as specified in section 2-51. No ordinance shall receive its third reading or be passed at the same meeting at which it was introduced, except by a suspension of the rules as provided for in section 2-51(b).
- (b) No ordinance or resolution shall be introduced unless a copy has been delivered in person or to the residence or business address of each councilmember at least 96 hours prior to the meeting.
- (c) When a blank is to be filled in, the question shall be taken on the highest number or sum proposed, or longest time stated.

State law references: Ordinance adoption procedure, IC 36-4-6-12 et seq.

Sec. 2-58. Voting

- (a) To pass an ordinance, resolution, or motion a majority vote of all the councilmembers-elect is required.
- (b) The clerk shall call for members' votes in alphabetical order, calling first for the vote of the member who voted second in the proceeding roll-call vote.
- (c) Council members who have disqualified themselves on a matter due to a substantial conflict of interest or have disclosed fully the nature of their conflict of interest, pursuant to the provisions of this division, are entitled to abstain. A member shall announce his belief that he has a conflict of interest and/or his intent to abstain from voting on the matter as soon as reasonably possible and, in either event, shall not participate in the debate on the matter thereafter. No councilman shall vote or take at his discretion, or agree to take, any action in violation of this subsection, nor shall he induce other members to violate it.
- (d) No councilmember shall be permitted to vote after the results have been announced, but a councilmember may for special reasons change or withdraw his vote by unanimous consent.
- (e) Rules relating to voting in this section shall never, under any circumstances, be suspended.

State law references: Passage of ordinances and resolutions requires majority vote, IC 36-4-6-10, et seq..

Sec. 2-59. Order of business.

- (a) The order of business of the common council is as follows:
 - (1) Commencement of meetings. Call to order by the presiding officer and Pledge of Allegiance. Each meeting of the council may open with a moment of silence or a silent prayer. Thereafter, the clerk shall call the roll and note members present and absent and the presiding officer shall make a determination and declaration of the presence of a quorum.
 - (2) Reading and correcting minutes of the preceding regular or special meeting. The reading of the minutes may be dispensed with by the chair, or on request of a member by unanimous consent, and stand approved subject to objection. When objected to, it shall be determined by a vote. Any motion to correct mistakes made in the entries shall be deemed a question of privilege and proceeded with until disposed of.
 - (3) Reports from standing committees as defined in Sec. 2-62.
 - (4) Reports from special or select committees.
 - (5) Reports from Mayor, other city officials, boards and departments.
 - (6) Presentation of written petitions, communications, or written remonstrance and resolutions, except as provided for in subsection (9) of this section.

- (7) Ordinances on first reading. The presiding officer may entertain comments from people in attendance regarding any ordinance or resolution under consideration after each reading and prior to Council comments and debate. People in attendance must be allowed to comment on the topic of a legally required public hearing. The presiding officer may set reasonable limits on the length of time each person is allowed to speak on an item, but not less than three minutes. The presiding officer shall enforce order and rules of decorum during the period of public comment.
 - (8) Presentation of petitions, remonstrance, and communications only as they pertain to ordinances scheduled for consideration on second reading.
 - (9) Unfinished business.
 - (10) New business.
 - (11) Comments by the public.
 - (12) Comments and announcements by Council members.
 - (13) Adjournment.
- (b) All of the items listed in subsection (a) of this section shall be taken up in the order named in this section unless unanimous consent is given otherwise.

Sec. 2-60. Types of motions and precedence.

- (a) When a question is under debate before the council, no motion shall be received except to adjourn, to take a recess, to lay on the table, to postpone indefinitely, to postpone to a certain time or to amend. These motions shall have precedence according to the order in which they stand arranged.
- (b) A motion to adjourn is always in order, unless it be made immediately after a motion to adjourn has been defeated or when a member is addressing the body. A motion to adjourn or for a recess shall be decided without debate.
- (c) A motion to lay on the table is not debatable.
- (d) A motion to bring to a close debate upon a measure or a motion shall be decided, without debate, by two-thirds of the members present and voting. Except by unanimous consent, no amendment shall be in order after the vote to bring debate to a close, unless presented and read prior to that time.
- (e) When a question is postponed indefinitely, it cannot again be acted upon during the same meeting.
- (f) If a motion contains two or more separate propositions, any member may move to have a question divided into its parts to be voted on separately, except a motion to strike out and insert, which shall not be divided. Pending a motion to strike out and insert, however, each part shall be regarded as a question and the part to be struck out shall be open to amendment first.
- (g) When a motion has been made and seconded, it shall be restated by the presiding officer or, being in writing, shall be handed to the clerk, who shall read it aloud before it is debated.
- (h) It is in order to move to amend a motion by adding, deleting or changing a specific word, phrase, sentence or section.
- (i) The presiding officer or any member may request that a motion, amendment or resolution be written down and then read by the clerk before voting.
- (j) A motion may be withdrawn by the sponsor at any time before the ordering of the yeas and nays for final approval. An ordinance or resolution may be withdrawn by a sponsor, but only with the consent of all other sponsors, at any time before the ordering of the yeas or nays for final approval. A member may withdraw as a sponsor of an ordinance or resolution at any time before the ordering of the yeas and nays for final approval. Any ordinance or resolution for which there is no sponsor dies for lack of a sponsor but before declaring such condition to have occurred, the presiding officer shall ask whether any member wishes to become a sponsor of the ordinance or resolution.

Sec. 2-61. Rules of conduct; conflicts of interest.

- (a) While the presiding officer is putting a question or addressing the council, no member shall leave his chair or talk.
- (b) When any member is about to speak, he or she shall address the chair, wait to be recognized before speaking, and then confine him or herself to the question under debate. A member shall be allowed five minutes to speak. The member who has made the motion is entitled to the floor first and is also entitled to close the debate, but only after everyone who wants to speak has done so. No member shall interrupt another without his or her consent, to obtain which he or she shall first address the chair. No member shall

speaking more than twice, and shall be allowed three minutes the second time on any one question on the same day.

- (c) No member shall impeach the motive of any other member's vote or argument.
- (d) When two or more members signal or address the chair at the same time, the presiding officer shall name the one to speak first. In all other cases, the presiding officer shall recognize the member who first addresses him.
- (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.
- (f) It shall be the duty of the chief of police or his appointed officer to attend all meetings of the council and restore order upon request of the presiding officer.
- (g) No member of the council is to leave the council chambers after the meeting has been called to order unless he has first secured the permission of the presiding officer.
- (h) Whenever a councilman has or is likely to have a substantial conflict of interest in connection with a matter pending before the council in which his action may be influenced by possible economic benefits or material gain, he shall disclose fully the nature of his conflict of interest, in which event he shall disqualify himself from further participation in the deliberations and not vote on the matter, unless a majority of the council present determines that it is not a material conflict of interest.
- (i) No councilman may be either directly or indirectly interested in any manner in any contract or agreement with the city, as provided by IC 35-44-1-3.
- (j) Councilmen shall not derive or attempt to derive any unjustified enrichment from their office. This prohibition applies to:
 - (1) The solicitation or acceptance of any bribe, gift or other material, economic or personal benefit, or of any promise of similar benefit, which he believes, or reasonably should believe, was intended to influence his vote or other action to be taken in his official capacity;
 - (2) The solicitation or acceptance of any gift or other economic or personal benefit conferred because of any vote or other action already taken by him in his official capacity;
 - (3) The acquisition or use for personal purposes of any property, services or funds of the city, except as authorized by law; and
 - (4) The use for personal gain of information pertaining to the city, which is not a matter of public record, at a time when it is treated as confidential by officials of the city.

Sec. 2-62 Committees generally.

- (a) Standing committees. The standing committees of the common council are as follows:
 - (1) Committee on finance.
 - (2) Committee on streets and alleys.
 - (3) Committee on judiciary and rules.
 - (4) Committee on planning and zoning.
 - (5) Committee on utilities.
 - (6) Committee on waters and harbors.
 - (7) Committee on public health and safety.
 - (8) Committee on licenses and franchises.
 - (9) Committee on humane activities.
 - (10) Committee on parks and recreation.
- (b) Committee on labor relations.
 - (1) There is created a special committee of the common council to be known as the committee on labor relations, to consist of three councilmen to be appointed at the same time as the chairmen and members of the standing committees of the council.
 - (2) All proposed legislation relating to labor generally, wages and hours, standards, and mediation and arbitration of disputes shall be referred to this committee. This committee shall have leave to report by bill or otherwise.

Sec. 2-63. Committee reports.

- (a) Following the first reading, the presiding officer may refer each proposed ordinance to a standing committee of the council having jurisdiction over the subject matter predominating in the proposed legislation. However, if a member requests that an ordinance be referred to committee, the presiding officer shall refer the matter to an appropriate committee for further consideration. The decision of the presiding officer on committee jurisdiction shall be subject to appeal.

- (b) The committee to which the matter is referred shall make every effort to schedule a public meeting at a time and place conducive to public participation and at a mutually agreeable time and place for committee members.
- (c) The chairman shall make the report for his committee, recommending one of the following: passage, nonpassage, amendment or other action, or “No recommendation.” This report shall be made before the second reading of the ordinance. Committee reports shall state the opinion of the majority, but a minority opinion may be filed. All reports shall be made in writing and filed with the clerk prior to presentation and with sufficient time to be included with distribution of the agenda. The presiding officer shall determine if the report is properly on file before calling for it, unless, for the dispatch of business, these provisions are dispensed with by unanimous consent.

Sec. 2-64 Pre-adoption budget procedures.

- (a) The Mayor shall amend any department budget requests to conform to his wishes and shall then submit the amended requests to the finance committee of the common council no later than five weeks prior to the deadline for final budget passage. The finance committee shall report to the common council with recommendations.
- (b) The controller shall furnish a copy of the following to each councilmember no later than 30 days prior to the deadline for final budget passage:
 - (1) A report of the final status of each budget account for the previous calendar year.
 - (2) A report of the status of each current budget account as of June 30.
 - (3) Any other reasonable information that the finance chairman has requested in writing prior to August 1 of the current year.
- (c) If special circumstances arise, the deadlines mentioned in this section may be extended with the written consent of a majority of the council.

Sec. 2-65 Transfer of funds within department’s budget.

- (a) The common council by resolution may transfer funds from one major budget classification to another major budget classification at any regular or specially called public meeting without notice when the council determines that the transfer is necessary pursuant to IC 6-1.1-18-6(a)
- (b) The city controller is authorized to transfer funds from one minor account to another minor account at the request of the respective department head when he determines that the transfer is necessary. The controller shall report all such transfers to the council at least monthly.

Sec. 2 –66 Appointments to Committees and Boards

- a. Before the final meeting of the Council in a calendar year, the Clerk shall produce for the Council a schedule of the positions on the various boards and commissions to which the Council makes appointments which will become open in the next calendar year and the dates those positions will become open.
- b. The following procedures will be followed in regards to the Council selecting the persons to fill those positions:
 - i. The vote for the appointments (Election), will be scheduled by the President for the last Council meeting held before the position becomes open.
 - ii. Two meetings before the Election meeting, the President will announce that nominations will be accepted at the next meeting for those appointments.
 - iii. In order to be eligible for nomination, there must be a completed candidate's form has been filed in the Clerk's office by noon of the Thursday before the next meeting.
 - iv. One meeting before the Election meeting nominations for the positions can be made for any person, but only such persons, for whom a completed candidate's form has been filed with the Clerk's office as provided for above. To be a candidate in the Election, a person must receive a nomination and at least one statement of support from a member.
 - v. At the Election meeting the voting will take place in the manner described in the City Council Nomination and Appointment Process attached hereto as Exhibit A and which is incorporated herein.

Sec. 2-67—2-80. Reserved.

INTRODUCED BY: /s/ Marc Espar

/s/ Ron Meer

/s/ Robert McKee

Councilman Espar stated that the amendment is the work of the Judiciary and Rules Committee and is being introduced by its members. Mr. Espar advised that the amendment addresses procedures relative to Council appointments to various City boards and commissions and for dealing with requests for advice and consent for certain appointments submitted by the Mayor.

Councilman Espar moved to adopt the Ordinance, second by Councilman Meer.

Councilman Meer stated that the amendment would make the process more fair for everyone and will give the public more notification of the different commissions and boards being appointed .

Council President McKee asked if there were any comments or questions from the general public or Council and hearing none, the Ordinance was adopted by the following vote: **AYES: MEMBERS Espar, Jankowski, McKee, Meer, Milsap, Murphy, Nelson, Boy, and Doyle (9). NAYS: None (0).**

The Clerk read on third reading by title only, there being no objections,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4051

**ADDITIONAL APPROPRIATIONS FOR THE PARK DEPARTMENT TO COVER
ADDITIONAL EXPENSES INCURRED FOR THE OASIS SPLASH PAD AND
GENERAL CONCESSIONS**

WHEREAS, the Department of Parks and Recreation, acting by and through the Parks and Recreation Board, has reported in its Resolutions No. 665 and 667, copies of which were submitted to the Michigan City Common Council for its review, that for the operation of the new Oasis Splash Park and General Concessions in Washington Park, certain additional appropriations are necessary within the Budget of the Michigan City Department of Parks and Recreation because of unanticipated expenses, required from the various accounts described below, which accounts do not have sufficient funds available for payment for said expenses; and

WHEREAS, there are funds available for said purposes in the unappropriated balances of other Park Department funds which are not expected to be utilized for expenses during the remainder of this budget year; and

WHEREAS, the Michigan City Common Council, being duly advised, has determined that said additional expenses are necessary and that additional appropriations should be made in order to meet said expenses.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, that for the expenses of the Michigan City Department of Parks and Recreation the following additional sums of money are hereby appropriated out of the funds named for the purposes specified, and that because of the significant delay in completion of property assessments required for the collection of property taxes and the resultant delay in the Budgetary Approval process for the current fiscal year, that this Ordinance be submitted to the Department of Local Government Finance at such time as a Budget for the City of

Michigan City for the year 2009 has been approved. The sums of money hereby additionally appropriated are as follows:

Park Fund No. 1301 – Administration

DECREASE Park Fund No. 1301 Unappropriated	\$40,194.00
INCREASE Personal Services 1301 080201 411.014	\$27,294.00
INCREASE Supplies 1301 0802 02 422.033	\$5,925.00
INCREASE Other Services and Charges 1301 080203 439.011	<u>\$6,975.00</u>
TOTAL INCREASES	\$40,194.00

Purpose: Appropriation for operation expense (excluding concessions) for new Oasis Splash Park.

Park Fund No. 1315 – Park Concessions Non-Reverting Fund

DECREASE Fund No. 1315 Unappropriated	\$67,887.00
INCREASE Personal Services 1315000001 411.014	\$26,687.00
INCREASE Supplies 1315 0000 02 423 .095	<u>\$41,200.00</u>
TOTAL INCREASES	\$67,887.00

Purpose: Appropriation for operating expenses for General Washington Park Concessions, including Zoo and Oasis Splash Park Concessions.

INTRODUCED BY: /s/ JOSEPH DOYLE

Councilman Doyle made a motion to adopt the ordinance, second by Councilwoman Nelson.

Council Members Boy and Doyle commented on the proposed Ordinance.

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

UNFINISHED BUSINESS

Mayor Oberlie has requested advice and consent for the appointment of Mr. Dan Messina as a Member of the Michigan City Port Authority Board – term to begin immediately and expire on March 15, 2013.

Councilman Meer moved to give the requested advice and consent. Councilman Milsap second the motion, which carried as follows: **AYES: COUNCIL MEMBERS McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (9). NAYS: None (0).**

Mayor Oberlie has requested advice and consent for the re-appointment of Mr. James Cadwell as a member of the Michigan City Port Authority Board – term to begin immediately and expire May 15, 2013.

Councilman Meer moved to give the requested advice and consent. Councilman Milsap second the motion, which carried as follows: **AYES: COUNCIL MEMBERS Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, and Meer (9).**
NAYS: None (0).

NEW BUSINESS

President McKee advised Brian Godfrey's term expired on January 1, 2009 on the Animal Control Advisory Board, and that nominations will take place at the next Council meeting (April 21, 2009).

COMMENTS FROM THE PUBLIC

There were no comments from the public.

COMMENTS FROM THE COUNCIL

Councilman Espar reminded the community on Saturday, April 18, 2009 from 9:00 a.m. to 11:00 a.m., the second Coffee with the Council will be held at the Skwiat American Legion Post 451, 121 Skwiat Legion Ave, Michigan City.

Councilman Meer commented on the school redistricting issue and the closing the Early Learning Center.

ADJOURNMENT

A motion by Councilman Milsap, supported by Councilman Espar, and there being no further business to transact, President McKee declared the meeting ADJOURNED (approximately 8:10 p.m.).

Thomas F. Fedder, City Clerk