

REGULAR MEETING – June 15, 2010

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, June 15, 2010, at the hour of 6:30 p.m., local time, in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

The meeting was called to order at 6:30 p.m. by Council President Marc Espar.

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, Angie Nelson, Richard Murphy, and Willie Milsap (8).

ABSENT: Joe Doyle (1).

A QUORUM WAS NOTED PRESENT.

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

APPROVAL OF MINUTES

President Espar inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of June 1, 2010 and the Executive Sessions on March 2, 2010, March 11, 2010, March 19, 2010, April 20, 2010, and May 27, 2010.

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

REPORTS OF STANDING COMMITTEES

Councilman Jankowski presented the following amended Finance Committee meeting minutes of June 24, 2010:

The meeting to discuss alternate funding sources and two ordinances was called to order by the Chair, Marc Espar at 4:35 p.m. The other two members of the committee, Rich Murphy and Phil Jankowski were also present. Other Council Members present included Pat Boy. Mayor Oberlie and Controller John Schaefer were present.

Ron Miller of WEFM also attended.

Items reviewed:

1. Alternate funding source for Park Maintenance building roof.
 - Mayor Oberlie identified CREDIT funds as the funding source. Those funds were initially budgeted as matching funds for a FAA grant for the airport and will not be needed.
2. Alternate funding source for Vector Control equipment.

- Mayor Oberlie identified CEDIT funds as the funding source. Those funds were initially budgeted as matching funds for a FAA grant for the airport and will not be needed.
3. Ordinance – Deleting the appropriation for any full-time employee position funded through the Michigan City 2010 budget for any and all full-time positions that become vacant during 2010 for any reason and requiring the Mayor to seek an addition appropriation to fill the position during 2010.
 - After discussion that focused primarily on police and fire department issues, it was determined the ordinance would be modified to address some of the issues. The committee voted unanimously to recommend approval subject to modification.
 4. Ordinance – Designating the Common Council as the City agency with the sole expenditures and transfers from the city's riverboat fund and Boyd development fund.
 - After discussion, Mr. Espar indicated he would modify the wording in the ordinance. The Committee voted unanimously to recommend approval.

Having completed all business identified on the notice dated June 2, 2010, the meeting was adjourned at approximately 5:17 p.m.

Councilman Jankowski addressed the raid that took place at the Sanitary District on Thursday, June 3, 2010.

Councilman Jankowski stated that the Utilities Committee would be scheduling a Utilities Committee meeting addressing the Sanitary District's financial plan, sewer services provided to entities located outside of Michigan City and the Sanitary District Board of Commissioners.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman McKee reported on the Code Review Committee meeting held on June 15, 2010 advising a finalized product would be brought to the Council at the next Council meeting (July 6, 2010).

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

There were no reports of other city officers and departments.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

There were no resolutions.

ORDINANCES

The Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR THE CONSTRUCTION OF CHARLES R. WESTCOTT PARK**

Introduced by: Richard Murphy
Co-Sponsor: Willie Milsap
Pat Boy

DECREASE: Fund #9000, Riverboat Fund, Unappropriated Balance - \$1,047,393.00.
INCREASE: Account # 9000 0000 04 443.002, Park Project - \$1,047,393.00).

Councilman Murphy presented a copy of Resolution No. 4387 along with a copy of the complete plans of the Gateway Project encouraging the Council to review them.
Councilman

Murphy proposed to send the ordinance to the Planning and Zoning Committee for further review and recommendation.

Discussion ensued among President Espar and Councilman Murphy agreeing to schedule a joint meeting with Planning/Zoning Committee and the Finance Committee for their review and recommendation.

Councilman Meer stated his concerns regarding the Gateway Project and the proposed additional appropriation ordinance.

President Espar agreed with Councilman Meer's comments addressing the amount being proposed in the additional appropriation ordinance. Mr. Espar addressed the ongoing maintenance/operational costs that will be associated with Charles R. Westcott Park after the project is complete.

President Espar asked if there were any other questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was held over for second reading.

The Clerk read on second reading by title only, **DESIGNATING THE COMMON COUNCIL AS THE CITY AGENCY WITH THE SOLE AUTHORITY TO APPROVE ANY AND ALL CLAIMS AGAINST, AND ANY AND ALL EXPENDITURES AND TRANSFERS FROM, THE CITY'S RIVERBOAT FUND AND BOYD DEVELOPMENT FUND**

Introduced by: Phil Jankowski
Marc Espar
Robert McKee

Councilman Jankowski stated that the Finance Committee unanimously recommended the approval of the proposed ordinance.

Council President Espar addressed the Council regarding the monies appropriated for the Splash Pad at Washington Park and the comments made in The News Dispatch on June 10, 2010 by Parks and Recreation Superintendent Jan Orlich.

President Espar asked if there were any questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was held over for third reading.

The Clerk read on second reading by title only, **DELETING THE APPROPRIATION FOR ANY FULL-TIME EMPLOYEE POSITION FUNDED THROUGH THE MICHIGAN CITY 2010 BUDGET FOR ANY AND ALL FULL TIME POSITIONS THAT BECOME VACANT DURING 2010 FOR ANY REASON AND REQUIRING THE MAYOR TO SEEK AN ADDITIONAL APPROPRIATION TO FILL THE POSITION DURING 2010**

Introduced by: Robert McKee
Marc Espar

Councilman Jankowski made a motion to adopt the following amendment to the proposed ordinance:

3. The terms of this Ordinance shall not apply to any sworn officer of the Police Department, or the chief and any other sworn member of the Fire Department of the rank of Captain or lower.

The motion was second by Council Members McKee and Boy.

Council President Espar addressed Mayor Oberlie's question regarding the proposed amendment.

President Espar asked if there were any questions or comments by the general public or Council on the proposed amendment and hearing none, the amendment was adopted by the following vote: **AYES: Council Members Espar, Jankowski, McKee, Meer, Milsap, Murphy, Nelson, and Boy (8). NAYS: None (0).**

Council President Espar addressed the Council regarding reasons he proposed and sponsored this ordinance.

President Espar asked if there were any other questions or comments by the general public or Council on the proposed amended ordinance and hearing none, the ordinance was laid over for third reading.

The Clerk read on second reading by title only, **APPROVING AN ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVER BOAT FUND FOR GOVERNMENT AND PUBLIC ACCESS TELEVISION SERVICES**

Introduced by: Phillip Jankowski
Marc Espar

(DECREASE: Fund #9000, Riverboat Fund Unappropriated - \$105,000.00. INCREASE: Account #9000 0000 03 439.011 Contractual Services Appropriated \$105,000.00.)

Councilman Jankowski stated the proposed appropriation would provide funding for the balance of the year for the operation of the Public Access and Governmental Channel; \$70,000 operating agreement with Alco, \$10,000 Public Access Studio rental, \$5,000 software renewal, and \$20,000 for equipment contingency to cover City owned equipment.

President Espar asked if there were any questions or comments by the general public or Council and hearing none, President Espar opened the formal public hearing, repeating three times "Any questions or comments by the general public at this time?"

Council President Espar repeated three times?, "Any questions or comments by the

General public at this time?" There was no response and the public hearing was closed.

President Espar asked if there were any questions or comments by the Council on the proposed ordinance and hearing none, the ordinance was held over for third reading.

The Clerk read on second reading by title only, **AMENDING ORDINANCE NO. 4072 SETTING SALARIES AND WAGES FOR APPOINTED OFFICIAL AND EMPLOYEES OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2010**

Introduced by : Robert McKee
Marc Espar

Councilman McKee stated that the proposed ordinance relates back to the Local Government Task Force where their thought process was to hire a Facilities Manager.

Attorney Meyer advised President Espar that the proposed ordinance did not have to have a Formal Public Hearing because the funds were appropriated in the 2010 budget.

Council President Espar asked if there were any other questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was laid over for third reading.

UNFINISHED BUSINESS

Attorney Meyer advised that due to being in trial that he did not prepare the subpoena for the documents from Attorney Phillips and Attorney Nelson.

Council President Espar noted that the Council received the records requested from the Sanitary District Attorney Bill Nelson.

President Espar stated the subpoena would be prepared by Attorney Meyer for Attorney Mark Phillips as soon as possible.

NEW BUSINESS

President Espar advised the Michigan City Social Status of African-American Males Commission incumbent Mrs. Gerry H. Jones term expires July 23, 2010. President Espar stated nominations would take place at the next Council meeting (July 6, 2010) with the vote at the Council meeting on July 20, 2010.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

COMMENTS FROM THE COUNCIL

Councilwoman Nelson advised she would be scheduling a Public Health and Safety Committee meeting to review and discuss the proposed amended Fire Merit Ordinance that was TABLED at the April 20, 2010 Council meeting.

Councilwoman Nelson commented on the Park and Recreation Department addressing the monies spent on a concession stand and comments made in The News Dispatch.

Councilwoman Nelson wished the new Michigan City School Superintendent, Dr. Barbara Eason-Watkins well on her endeavors stating that she would be an asset to the school system and the community.

Councilman Meer addressed the Council advising what he had observed on June 14, 2010 between 4th and 5th Street on Franklin Square by the employees/workers of the landscaping company who was contracted by the City of Michigan City stating his concerns regarding this matter.

Councilman Meer commented on a grievance that was held with the Board of Works and Safety on June 7, 2010 and the union representing the Bus drivers. Mr. Meer stated his concerns regarding comments that Walter Gipson, Director, Michigan City Transit repeatedly stated.

Councilman Meer stated his concerns regarding the parking issues at Patriot Park, not having proper walkways, addressing safety issues to anyone attending events there.

ADJOURNMENT

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

Thomas F. Fedder, City Clerk