

REGULAR MEETING – July 6, 2010

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, July 6, 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, Joseph Doyle, Phillip Jankowski, Marc Espar, Robert McKee, Ron Meer, Angie Nelson, Richard Murphy, and Willie Milsap (9).

ABSENT: None (0).

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 15, 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 reported on the Tax Abatement committee meeting held on June 6, 2010 advising that Kevin Kieft, Business Development Manager, Michigan City Economic Development Corporation will be at the next Council meeting (July 20, 2010) to do a presentation regarding the 2010 Tax Abatements received. Mr. Jankowski stated the committee approved the Tax Abatements as presented.

Councilman Jankowski advised that the Utilities Committee meeting scheduled for Thursday, June 29, 2010 to review the Sanitary Districts financial plan, sewer services provided to entities located outside of Michigan City and Sanitary District Board of Commission had to be canceled due to the Sanitary Districts failure to provide the information.

Councilman Jankowski addressed the memorandum Councilman Espar received from the Sanitary District on May 7, 2010 advising him that a draft of the 2010 financial plan would be presented to the Sanitary Board of Commissioners meeting June 23, 2010. Mr. Jankowski stated that the information was not discussed at that meeting.

Councilman Jankowski addressed the Council regarding the IDEM report the Sanitary District received on June 22, 2010. Councilman Jankowski stated that Mike Hoffman reported on the overflows in May and that they were reported to IDEM along with three (3) additional overflows that were not reported.

Councilman Doyle reported on the Airport Workshop that was held on Tuesday, June 29, 2010.

Councilman Doyle thanked everyone for all the well wishes he received while he was sick.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Murphy presented the following minutes from the Planning & Zoning/ Finance Committee joint meeting held on Tuesday, June 22, 2010:

A joint meeting of the Finance and Planning & Zoning Committee of the Common Council took place on June 22 at 6:30 p.m. at City Hall.

All members of the Finance Committee, Espar, Jankowski, and Murphy were present and all members of the Planning and Zoning Committee were present, Espar, Boy, and Murphy were present. Various members of the public were in attendance. Council Members McKee and Meer were also noted in attendance.

Architect Basil Souder of Lohan Anderson Architects and Mark Underwood of Hitchcock Design Group were in attendance and gave a detailed presentation of the design of the Charles Westcott Park.

Several questions regarding the design and construction schedule of Westcott Park were asked by Committee members and members of the public. All questions were answered by Mr. Souder and Mr. Underwood, and the joint committee unanimously recommended the approval of the appropriation for the construction of the Charles Westcott Park.

The Committee suggested that Mr. Souder attend the July 6, 2010 City Council meeting to give a brief overview of the design of Westcott Park. Mr. Souder replied that he would be available and happy to do so.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mayor Oberlie addressed the Council requesting to schedule an Executive Session with them and the Director of Economic Development Corporation for purposes of setting parameters and negotiations on an EDC Project.

PETITIONS

There were no petitions.

COMMUNICATIONS

The Clerk read the following correspondence received on July 1, 2010:

Marc Espar, President
Michigan City Common Council

I acknowledge receipt of the "Subpoena to Appear and Subpoena *"Duces Tecum"* that was apparently filed with the City Clerk of the City of Michigan City on June 22, 2010. The Subpoena asks that I appear on July 6, 2010 at 6:30 p.m. to give testimony.

I would like to accommodate the Michigan City Common Council, but I have other pre-existing commitments that I must honor on July 6, 2010.

The earliest that I could be at the Michigan City City Hall on July 6, will be approximately 8:00 p.m. I will be happy to appear at that time.

Please consider this correspondence as my request under Indiana Rules of procedure, Trial Rule 34 (c)(3) to alter the terms of the Subpoena that you served by changing the time of the appearance from 6:30 p.m. to 8:00 p.m.

At the time of my appearance, I will provide a written response to the Subpoena and will also provide testimony. I will assume, unless I am notified otherwise, that certified court reporter will be available to record my testimony so that there can be no error or misunderstanding.

Attorney Mark L. Phillips
Newby, Lewis, Kaminski & Jones, LLP

The Clerk read the following correspondence sent to Mark L. Phillips, Newby, Lewis, Kaminski, Jones LLC from President Espar and received in the Clerk's Office on July 2, 2010:

I am in receipt of your letter dated June 28, 2010 received via the United States Postal Service on July 1, 2010, acknowledging the Council's Subpoena to Appear and Subpoena *Duces Tecum*.

As I am sure you are aware, Indiana Rules of Procedure, Trial Rule 34(c) (3), does not govern a subpoena issued by a legislative body; those rules govern the procedure and practice in all courts of the state of Indiana. However, I do appreciate the need to honor prior commitments and do not want to cause an undue burden on any party.

At this time you may comply with the Council's subpoena by submitting the documents outlined in the Subpoena to Appear and Subpoena *Duces Tecum*, to the City Clerk of the City of Michigan City, Indiana prior to 5:30 p.m. on July 6, 2010. The Council will agree to continue the appearance and testimonial aspect of the Subpoena until its next meeting, July 20, 2010 at, again, 6:30 p.m. This will give the council the opportunity to review the documents you produce before the questioning which should make the questioning more focused. At the time of your appearance and testimony, the Council will not have a certified court reporter present since the meetings are tape recorded and the Clerk's office prepares the official minutes and will generate a transcript if necessary. However, you may, of course, make your own arrangements for a court reporter, at your own expense.

Although your appearance and testimony has been continued, your failure to produce the documents at the time and date specified in the subpoena will be construed as your failure to comply with the Subpoena and the council may initiate the further steps to enforce compliance with our Subpoena.

If you have any questions please contact me. I can be reach by e-mail at mespar@emichigancity.com, or by phone at (219) 877-8259.

Marc A. Espar, President

Council President Espar stated that he received a response from Attorney Phillips advising that Mr. Phillips was unavailable to attend the next Council meeting on July 20, 2010 and that he would be scheduling a Special Council Meeting for July 29, 2010 at 6:30 p.m. in the Council Chamber to receive testimony from Attorney Phillips.

President Espar asked the Clerk's Office to forward a copy of Attorney Phillip's response to Attorney Meyer and each Council Member.

RESOLUTIONS

The Clerk ready by title only,

MICHIGAN CITY COMMON COUNCIL**RESOLUTION NO. 4450****APPROVING THE RECOMMENDED CHANGES TO THE MICHIGAN CITY MUNICIPAL CODE AND AUTHORIZING THE SUBMISSION OF SAID CHANGES TO MUNICIPAL CODE CORPORATION**

WHEREAS, the current Municipal Code for the City of Michigan City, Indiana was recodified on February 16, 1999 by Ordinance No. 3740;

WHEREAS, given the passage of time and changes in state law, the need existed to review the Municipal Code to determine whether any chapters, articles, or sections could be repealed or amended and whether any new chapters, articles, or sections should be created;

WHEREAS, the Code Review Committee has devoted a significant amount of time and effort thoroughly reviewing and discussing Chapters 1 through 110 of the Michigan City Municipal Code;

WHEREAS, after reviewing and discussing Chapters 1 through 110 of Municipal Code, the Code Review Committee recommends that certain chapters, articles, and sections be repealed or amended and that certain new chapters, articles, or sections should be created; and

WHEREAS, the recommendations of the Code Review Committee are attached hereto as "Exhibit A," and proposed additions to the Municipal Code are denoted by an underline and proposed deletions to the Municipal Code are denoted by a strikethrough line.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana as follows:

Section 1. The Michigan Common Council approves the recommended changes to the Municipal Code for the City of Michigan City, Indiana, which is attached hereto as "Exhibit A."

Section 2. The Michigan Common Council approves the submission of "Exhibit A" to Municipal Code Corporation to commence the editorial work necessary for the republication of the Michigan City Municipal Code.

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

INTRODUCED BY: /s/ Robert McKee, Member
Michigan City Common Council

/s/ Patricia Boy, Member
Michigan City Common Council

/s/ Joseph Doyle, Member
Michigan City Common Council

Councilman McKee stated the Resolution deals with the proposed draft of the Municipal Code that the Code Review Committee reviewed and recommended. Mr. McKee advised the process that would be taken before adopting an Ordinance to make the amendments to the City's Municipal Code.

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

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

ORDINANCES

The Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CREDIT FUND FOR AUTOMATED WEATHER OBSERVATION SYSTEM, WILDLIFE ASSESSMENT, AND BEACON**

Introduced by: Joseph Doyle
Robert McKee
Marc Espar
Phil Jankowski

(**DECREASE:** fund #0227, CREDIT, unappropriated \$118,000.00. **INCREASE:** Account #0227 0000 0443.013, Airport Project \$118,000.00)

Councilman Doyle stated several reasons to support the proposed ordinance.

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 laid over for second reading. Council President Espar advised there would be a Formal Public Hearing at the next Council meeting (July 20, 2010).

The Clerk read on first reading by title only, **AMENDING THE CODE OF THE CITY OF MICHIGAN CITY ADDING REQUIREMENTS REGARDING THE HIRING OF CITY RESIDENTS, MINORITIES AND WOMEN IN CERTAIN PUBLIC WORKS CONSTRUCTION PROJECTS PAID FOR BY MICHIGAN CITY**

Introduced by: Richard Murphy
Co-Sponsor: Bob McKee
Ron Meer

Councilman Murphy stated the City Council has been working with the Local Community Leaders and the Mayor to review the existing Local Hiring Ordinance. Mr. Murphy addressed the Council regarding proposed amendments.

Bill White, representing the United Front Coalition thanked the Council for the hard work and proposed amendments to the City's Local Hiring Ordinance.

Leonardo Victory, 304 Grace Street, addressed the Council regarding enforcing the proposed amended ordinance after it has been adopted

President Espar advised Mayor Oberlie that he would refer the proposed ordinance to the Local & Minority Hiring Oversight Committee.

Councilman Meer addressed the Council regarding the concept of the proposed ordinance stating several reasons to support the proposed ordinance.

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 laid over for second reading.

The Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO PURCHASE BODY ARMOR FOR THE MICHIGAN CITY POLICE DEPARTMENT**

Introduced by: Marc Espar
Co-Sponsor: Robert McKee

(**DECREASE:** Fund #2391, Cumulative Capital Development Fund, unappropriated balance - \$56,000.00. **INCREASE:** Account #2391 0000 04 444.008, Police Equipment - \$56,000.00.)

Council President Espar advised there would be a Formal Public Hearing at the next Council meeting (July 20, 2010).

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 laid over for second reading.

The Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CREDIT FUND**

Introduced by: Marc Espar

(**DECREASE:** Fund 0227, CREDIT, unappropriated - \$13,318.00 **INCREASE:** Account #0227 0000 04 444.001, Furniture & Fixtures - \$4,420.00, **INCREASE:** Account #0227 0000 04 444.005, Other Machinery & Equipment - \$8,898.00.)

President Espar advised there would be a Formal Public Hearing at the next Council meeting (July 20, 2010).

Mayor Oberlie advised Councilwoman Boy there would be thirteen (13) chairs; nine (9) chairs for the Council's desk and four (4) at the administrative desk (Acct. #0227 0000 04 444.001, Furniture & Fixtures - \$4,420.00).

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 laid over for second reading.

The Clerk read on second 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 advised that Team Leader Basil Souder of Lohan Anderson Architects and his team member Lance Thies, Hitchcock Design Group were present to present a brief overview of the design of Westcott Park.

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

Basil Souder, Lohan Anderson presented a brief overview of the design of Westcott Park to the public and Council.

Keith Devereaux, 221 Columbia Street, stated his concerns regarding the proposed ordinance.

Carolyn Saxton, Executive Director, Lubeznik Center of the Arts, addressed the Council regarding the tiles that were made through the Lubeznik center by children in our community that will be placed throughout the proposed Westcott Park. Ms. Saxton stated several reasons the Lubeznik Center is supporting the Westcott Park project.

Derrick Dirsk, 436 E. 8th Street, President of the Elston Grove Neighborhood Association addressed the Council with several positive reasons they should adopt the additional appropriation ordinance.

John Vail, Michigan City, addressed the Council regarding adding a statute of Charles Westcott at the entrance of the park.

Council President Espar repeated three times, "Any other questions or comments by the general public at this time?" There were no other responses and the public hearing was closed.

Discussion ensued among Mr. Souder and Council Members Milsap, Boy, and Espar.

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 laid over for third reading.

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4096

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

WHEREAS, there have been payments and transfers made from the Michigan City Riverboat Fund and Boyd Development Fund in violation of ordinances of Michigan City; and

WHEREAS, it is in the best interest of the City's financial condition and of the taxpayers of Michigan City that these unauthorized expenditures of City funds not be allowed; and

WHEREAS, Indiana law authorizes the Common Council to designate the City agency, including itself, as the entity with the authority to approve claims, expenditures, and transfers of all City funds, including the funds in the City's Riverboat Fund and Boyd Development Fund; and

WHEREAS, due to the prior expenditure of City funds from said Funds in violation of City Ordinances, the Common Council has determined that it is in the best interest of the City's finances and the citizens of Michigan City that the Common Council designate itself to be the sole authority to approve all claims against and expenditures and transfers from the City's Riverboat Fund and Boyd Development Fund beginning from and after the effective date of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Michigan City Common Council that from and after the effective date of this Ordinance:

1. No expenditure or transfer from the City's Riverboat Fund or Boyd Development Fund shall be allowed or made without the written approval of the Michigan City Common Council.
2. The City Controller shall timely prepare an appropriate Claims/Accounts Payable Vouchers for approval by the Common Council at a public meeting.
3. The City Controller, as he deems necessary, shall timely prepare an appropriate written request to transfer funds from the City's Riverboat Fund and Boyd Development Fund, along with an appropriate resolution approving the transfer, for the Common Council's approval at a public meeting.

4. The Claims/Accounts Payable Vouchers and requests transfers shall be prepared in a timely fashion so as to avoid the City incurring any late payment penalties or unnecessary delay or default in payment of any of the City's bills.
5. The Controller shall submit the appropriate supporting documentation, including that required by Indiana law and the Indiana State Board of Accounts, to the Common Council for each Claim/Accounts Payable Voucher the Common Council is asked to approve.
6. Any provision of the Michigan City Code or other Michigan City Ordinance in conflict with any provision of this Ordinance is hereby repealed upon the effective date of this Ordinance.
7. This Ordinance shall be effective and enforced as soon as allowed by Indiana law.

Introduced by: /s/ Phil Jankowski
 /s/ Marc Espar
 /s/ Robert McKee

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 adopted by the following vote: **AYES: Council Members Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, and McKee (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4097

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

WHEREAS, the City of Michigan City is faced with a substantial deficit in its various operating funds due to the delay in the collection of property taxes and the less than 100% collection rate for those taxes in previous years and during 2010; and

WHEREAS, as the City's fiscal body, the Common Council is charged with the responsibility of overseeing the City's finances and taking appropriate steps to avoid the City expenditures exceeding its revenues; and

WHEREAS, the Common Council has determined that, unless steps are taken to reduce expenditures by the City, including, but not limited to, payment of full time salaries for positions that are not necessary for the City to fulfill its obligation to protect the health, safety, and welfare of its citizens, the City will be in serious danger of its operating expenditures exceeding its operating revenues during 2010; and

WHEREAS, the Common Council has determined that, in order to avoid spending more for its operations than its actual revenues for 2010, it is imperative that the need and justification for each and every full time position, and its allotted salary under the City's 2010 budget, be demonstrated each time one of those positions becomes vacant for any reason during 2010.

NOW, THEREFORE, BE IT ORDAINED by the Michigan City Common Council that, pursuant to the authority granted to it under IC 36-4-7-8, it hereby:

1. Eliminates the then remaining appropriation for any full time employee position funded through the Michigan City 2010 Budget that is or becomes vacant for any reason during 2010 after the effective date of this ordinance.
2. If the Mayor of Michigan City believes it is reasonably necessary for the protection of the health, safety, or welfare of the citizens of Michigan City that that full time employee position be filled, he will thereafter request the Common Council to approve an additional appropriation to fund that position at a reasonable wage and with his request the Mayor shall submit the justification for his belief that filling the position is necessary to protect the health, safety, or welfare of the citizens of Michigan City.
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 below.

4. Any provision of any City Ordinance in conflict with the provisions of this Ordinance shall be repealed upon this Ordinance becoming effective.
5. This Ordinance shall be effective and enforced as soon as allowed by Indiana law.

**Introduced by: /s/ Robert McKee, Member
/s/ Marc Espar, Member**

Mayor Oberlie asked if the Council was going to address the Author's Amendment they had discussed at the Finance Committee meeting.

Council President Espar made the following Author's Amendment:

1. Eliminates the then remaining appropriation for any full time employee position funded through the Michigan City 2010 Budget that is or becomes vacant for any reason during 2010 after the effective date of this ordinance.

Councilman McKee made a motion to adopt the proposed ordinance, second by Councilman Jankowski.

President Espar advised Councilwoman Boy that he would contact the Clerk's Office with her concerns regarding the punctuation after "Police Department,".

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 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 on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4098

APPROVING AN ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR GOVERNMENT AND PUBLIC ACCESS TELEVISION SERVICES

WHEREAS, it has been demonstrated to the Council that it is necessary to appropriate more money than was appropriated in the 2010 Annual Budget for the Riverboat Fund for the payment of the City's contract with Access LaPorte County to provide government and public access television services; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Riverboat Fund #9000 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of Michigan City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

| | <u>AMOUNT REQUESTED</u> | <u>AMOUNT APPROPRIATED</u> |
|---|-----------------------------|--------------------------------|
| DECREASE Fund #9000, Riverboat Fund Unappropriated Balance | \$ 105,000.00 | |
| INCREASE Account # 9000 0000 03 439.011 Contractual Services | | \$ 105,000.00 |
| TOTAL FOR FUND | \$ 105,000.00 | |

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Phillip Jankowski, Member
Michigan City Common Council
/s/ Marc Espar, President
Michigan City Common Council

Council President Espar advised there was a Formal Public Hearing at the June 15, 2010 Council meeting.

Councilman Jankowski made a motion to adopt the proposed ordinance, second by Councilman Meer.

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 adopted by the following vote: **AYES: Council Members Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, and Milsap (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4099

**AMENDING ORDINANCE NO. 4072
SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS
AND EMPLOYEES OF THE CITY OF MICHIGAN CITY
FOR THE CALENDAR YEAR 2010**

WHEREAS, the City Hall Maintenance Supervisor has retired, and the City desires to improve efficiencies in the operations of its buildings and other facilities through the employment of a Facilities Manager;

WHEREAS, the Common Council has expressed its concurrence with the employment of a Facilities Manager in Resolution No. 4441;

WHEREAS, this change in status would require no additional funding to the City's 2010 budget; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that the position of Facilities Manager is established in the City Hall Maintenance Department with an annual salary of \$54,000 per year.

NOW, THEREFORE, BE IT FURTHER ORDAINED that the provisions of this ordinance are to be retroactive to May 17, 2010.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Robert McKee, Member
Michigan City Common Council

/s/ Marc Espar, President
Michigan City Common Council

Councilman McKee made a motion to adopt the proposed ordinance, second by Councilman Jankowski.

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 adopted by the following vote: **AYES: Council Members Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, and Murphy (9). NAYS: None (0).**

UNFINISHED BUSINESS

Council President Espar addressed the Council regarding the subpoena and that he would be scheduling a Special Council Meeting to be held on Thursday, July 29, 2010 at 6:30 p.m. to receive testimony from Attorney Mark Phillips in relation to the Council's investigation of the Michigan City Sanitary District.

President Espar opened nominations for the Commission of the Michigan City Social Status of African-American Males. Councilman Murphy made a motion to **TABLE** the nominations until the next Council meeting (July 20, 2010) to return with communications regarding positions on this Commission, second by Councilwoman Nelson.

The motion was approved by the following vote: **AYES: Council Members, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, Murphy, and Nelson (9). NAYS: None (0).**

NEW BUSINESS

Councilman Jankowski stated the Utilities Committee would be scheduling a meeting to discuss the NPDES Facility Notice of Inspection report along with out-of-town users.

COMMENTS FROM THE PUBLIC

. John Vail, 810 Constitution Drive, addressed the Council with his concerns about the 2011 budget and decisions the Council is going to have to make.

COMMENTS FROM THE COUNCIL

President Espar stated the Council takes their responsibilities with respect to the budget very seriously, holding several Finance Committees along with workshops welcoming public testimony.

Mike Kerestury, Michigan City, addressed the Council regarding the two (2) attorneys hired to represent the Sanitation Department at the Commission meeting held July 6, 2010. Mr. Kerestury stated his concerns about the Sanitary District being in compliance.

ADJOURNMENT

A motion by Councilwoman Boy, supported by Councilman Doyle, and there being no further business to transact, President Espar declared the meeting ADJOURNED (approximately 8:14p.m.).

Thomas F. Fedder, City Clerk