

REGULAR MEETING – SEPTEMBER 15, 2009

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, September 15, 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, Richard Murphy, Joe Doyle, Angie Nelson, Ron Meer, 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 McKee inquired whether there were any corrections, deletions, or additions to the minutes of the regular Meeting of September 1, 2009.

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

REPORTS OF STANDING COMMITTEES

Councilman Espar stated the Finance Committee met on seven (7) occasions during the last few months and presented the following;

Unanimous Recommendations by the Finance Committee

- Elimination of 27th pay period for all salaried positions not covered by labor agreements
- Fund Property Tax Relief in the amount of \$1,000,000 in the Riverboat Fund
- Re-allocate \$900,000 streets and sidewalk repairs, from fund 9000, line 436.003 to fund 9000, line 443.001
- Eliminate Education Funding of \$175,000 for the Early Learning Center in the Riverboat Fund
- Eliminate Public Access/Government Television funding of \$120,000 in the Riverboat fund pending contract negotiations for continuation of Public Access based on past programming
- Maintain Literacy Council funding request of \$25,000 in the Riverboat Fund
- Reduce Funding for self-funded health insurance in all departments by a total of \$200,000 (Reduce Riverboat Transfer by \$158,252) and adjust Riverboat Fund transfers to the General Fund to levels sufficient to fund all insurance amounts budgeted in the General Fund

In addition, the Finance Committee recommended that the administration increase health insurance deductible to \$1,000 saving approximately \$300,000 in health insurance

The following items received majority support from the Finance Committee, but lacked unanimous agreement.

- Move funding for tree inventory of \$150,000 from Riverboat Fund to Boyd Development fund

Mr. Jankowski excused himself from the meeting in order to meet a previous commitment.

The following items were decided in Mr. Jankowski's absence.

- Cut Department 0042 – office of the Clerk by \$27,888 reducing salaries & wages to 2.5 positions
- Reduce seasonal wages within Park Fund 1301 Recreation Department by \$20,000

Councilman Jankowski stated the Sanitary District will be sending the Utility Committee a response to their August 28, 2009 letter regarding concerns and questions they had at the Sanitary District.

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no special or select committee reports.

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

There being no objections, the Clerk read on second 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 COMMONLY DESCRIBED AS AN APPROXIMATE 1.5 ACRE PARCEL OF PROPERTY LOCATED IMMEDIATELY SOUTH OF THE SOUTHERN BOUNDARY LINE OF THE TOWN OF LONG BEACH, NORTH OF U.S. HIGHWAY 12, WEST OF KARWICK ROAD OF LONG BEACH, NORTH OF U.S. HIGHWAY 12, WEST OF KARWICK ROAD AND IMMEDIATELY EAST OF STOREY AVENUE IN MICHIGAN CITY, INDIANA FROM MANUFACTURING (M2) TO RESIDENTIAL (R2)**

Introduced by: Patricia Boy

Council President McKee stated as advertised in The News Dispatch on September 2, 2009 there would be a Formal Public Hearing held this evening.

Councilwoman Boy presented a copy of the Findings and Facts from the Plan Commission regarding this matter advising that it would be signed on September 21, 2009 and will be attached to the proposed ordinance.

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

Attorney Barry McDonnell, 601 Franklin Street, representing the petitioners, (Jason Billups, Laura Caldwell) addressed the Council regarding the documentation he submitted to them.

Council President McKee repeated three times, “Any questions or comments by the general public at this time?” There was no response and the public hearing was closed.

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

There being no objections, the Clerk read by title only, **AN ORDINANCE TO REDUCE APPROPRIATIONS**

Introduced by: Marc Espar

Councilman Espar stated this ordinance was to allow for the transfer of funds from 2009 and prior budgets into 2010 to fund the 27th pay period of the salary and wages of City employees.

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

There being no objections, the Clerk read by title only, **AN ORDINANCE ENDORSED BY THE FINANCE COMMITTEE OF THE MICHIGAN CITY COMMON COUNCIL FOR APPROPRIATIONS AND TAX RATES**

Introduced by: Marc Espar
Co- Sponsor: Richard Murphy
Co-Sponsor: Phil Jankowski

Council President McKee stated that a Formal Public Hearing was held on September 1, 2009 and appropriate advertising was placed. President McKee advised that it stated the adoption date would be September 15, 2009 and that the adoption date was rescheduled to September 28, 2009 at 6:30 p.m. in the Council Chambers.

President McKee advised that it may be necessary to make a formal short fall appeal to the department of local government finance to recover funds lost. President McKee advised September 12th and 19th an advertisement for a Formal Public Hearing to be held on September 28, 2009 on the appeal amount only was advertised in The News Dispatch.

By unanimous agreement, the Finance Committee recommended adoption of the Ordinance, an **Ordinance Endorsed by the Finance Committee of the Michigan City Common Council for Appropriations and Tax Rates**. Councilman Espar made a motion to adopt the following amendments to the 2010 Budget;

- Reduce - general fund accounts for health insurance by \$158,252.
- Reduce - non-general fund accounts for health insurance by \$41,748.

- Provide \$1,000,000 in property tax relief in the Riverboat Fund, correcting entry To the insurance transfer amounts in the Riverboat Fund.
- Eliminate the 27th pay period for salaried employees not covered by a labor agreement and elected officials in the amount of \$62,252, general fund \$47,216, park fund \$13,142, motor vehicle highway fund \$1,894.
- Riverboat fund – Move \$900,000 from Contractual Service to Capital Outlay.
- Riverboat fund – Delete \$175,000 (education fund) Early Learning Center.
- Riverboat fund – Delete \$120,000 public access government television fund.

The motion was second by Councilman Jankowski.

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

Councilman Espar made a motion to make the following amendment, second by Councilman Murphy.

- Park Dept. Fund – Reduce Seasonal Wages within the Recreation Budget by \$20,000.

President McKee addressed Councilwoman Nelson's concerns regarding the amendment.

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

Councilman Espar made a motion to adopt the following amendment, second by Councilman Murphy;

- Reduce Department 0042 – Office of the Clerk by \$27,888 reducing salaries and Wages to 2.5 positions.

Councilman Espar stated that this amendment was decided in the Finance Committee meeting held Saturday, September 12, 2009 advising that Councilman Jankowski was not present at the time. Mr. Espar explained reasons for the proposed amendment.

Councilmen Espar and McKee addressed Councilwoman Nelson's questions and concerns regarding the proposed amendment.

Councilman Meer stated that he would not be in support of any layoffs proposed by the administration or any reduction of any City employees.

NOTE: Tom Fedder, City Clerk stated that he was not in favor of the amendment.

Council President McKee asked if there were any questions or comments by the general public or Council and hearing none the amendment failed by the following vote: **AYES: COUNCIL MEMBERS Doyle, Espar, McKee, and Murphy (4) NAYS: COUNCIL MEMBERS Nelson, Boy, Jankowski, Meer, and Milsap (5).**

Councilman Espar made a motion to adopt the following amendment, second by Councilman Murphy.

- Move funding for tree inventory of \$150,000.00 from Riverboat Fund to Boyd

Development Fund.

Councilman Meer made a motion to Councilman Espar's proposed amendment to strike the entire \$150,000.00 from the line item budget, second by Councilman Jankowski.

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

The motion by Councilman Espar amending to move funds for tree inventory of \$150,000.00 from Riverboat Fund to Boyd Development Fund failed by the following vote: **NAYES: COUNCIL MEMBERS Doyle, Espar, Jankowski, McKee, and Meer (5). AYES: COUNCIL MEMBERS Boy, Milsap, Murphy, and Nelson (4).**

There was discussion regarding the vote on Councilman Meer's amendment between Attorney Meyer, Council Members Espar, Meer, McKee and Boy.

Council President McKee asked if there were any questions or comments by the general public or Council and hearing none the vote on the amendment to strike the entire \$150,000.00 was adopted by the following vote: **AYES: COUNCIL MEMBERS Doyle, Espar, Jankowski, McKee, and Meer, (5). NAYS: COUNCIL MEMBERS Milsap, Murphy, Nelson, and Boy (4).**

Council President McKee asked if there were any other amendments.

President McKee and Councilman Espar addressed John Schaefer, City Controller's questions regarding transfers for health insurance discussed at the Finance meeting held Saturday, September 12, 2009.

Council Members Espar and Nelson commented on the proposed 2010 amended Appropriation and Tax Rate Ordinance.

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

There being no objections, the Clerk read by title only, **AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2010**

Introduced by: Marc Espar

Councilman Espar stated the Ordinance sets the salaries and wages for the Police Department, and there were no changes to the amounts as they were the same in the 2009 budget.

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 third reading.

There being no objections, the Clerk read by title only, **AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2010**

Introduced by: Marc Espar

Councilman Espar stated the Ordinance sets the salaries and wages for the Fire Department, and there were no changes to any of the amounts.

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 third reading.

There being no objections, the Clerk read by title only, **AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2010.**

Introduced by: Marc Espar

Councilman Espar made a motion to adopt the following amendment, second by Councilwoman Nelson;

- Elimination of 27th pay period for salaried positions.

President McKee asked if there were any comments or questions by the general public or Council and hearing none, the amendment was adopted by the following vote:

AYES: COUNCIL MEMBERS Espar, Jankowski, McKee, Meer, Milsap, Murphy, Nelson, Boy, and Doyle (9). NAYS: None (0).

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

UNFINISHED BUSINESS

Council President McKee advised Mayor Oberlie was requesting advice and consent concerning the re-appointment of Mr. Jeffrey Meyer as a member of the Michigan City Tree Board. Mr. Meyer's term of office will begin immediately and expire August 1, 2012. President McKee stated that the vote for the re-appointment will be addressed at the October 6, 2009 Council Meeting.

NEW BUSINESS

There was no new business.

COMMENTS FROM THE PUBLIC

Brett Kelley, 330 North Calumet Avenue, representing the United Front Coalition of Michigan City addressed the Council stating that contractors being awarded City projects are being non-compliant to the Local Hiring Agreement with the City of Michigan City in regards to the hiring of minorities and Michigan City residents.

Leonardo Victory, 304 Grace Street, United Front Coalition of Michigan City stated he agreed with Mr. Kelley regarding this matter, asking for an investigation by the Human Rights Commission. Mr. Victory also asked the Council to address the language in the Ordinance regarding this matter.

Danny Brown, 501 Lincoln Ave, agreed with Councilman Meer's statements, addressing the Council regarding the poor job the company hired by the City trimming trees did throughout the City. Mr. Brown asked the City to please cut the tree completely down in front of his residence at 501 Lincoln Avenue.

COMMENTS FROM THE COUNCIL

A discussion among Councilman Milsap and Brett Kelley, 330 Calumet Avenue, addressed the contacts that were made by Mr. Kelley regarding the non-compliance matter.

Councilman Meer commented on Mr. Kelley's comments regarding these issues.

Councilman Espar called a point-of-order stating that "public comment" was closed.

President McKee advised that he would allow clarification to Councilman Milsap's question, but there couldn't be a debate since public comments had already been closed.

Councilman Milsap addressed Mr. Kelley of the United Front Coalition of Michigan City, asking to give the Human Rights Department an opportunity to address the issue.

Councilman Milsap invited everyone to attend the 5th Ward Annual Block Party on Sunday, September 20, 2009, from 12:00 p.m. until 7:00 p.m. at the Early Learning Center on Michigan Boulevard.

Councilman Milsap congratulated the Michigan City High School – Wolves football team for a job well done, winning their recent game with Valparaiso, asking the citizens to support and attend the next football game on Friday, September 18, 2009.

Councilwoman Boy announced the 4th Ward Coffee with the Council will be held this Saturday, September 19, 2009 at the LaPorte County Visitors Bureau, Marquette Mall from 10:00 a.m. to 12:00 p.m. inviting everyone to attend.

Councilman Meer commented on Reverend Brown's concerns.

Council President McKee addressed the Council regarding the process of the budget and changes needed to be made to reach goals necessary for the 2011 budget.

ADJOURNMENT

A motion by Councilwoman Nelson, supported by Councilman Milsap, and there being no further business to transact, President McKee declared the meeting ADJOURNED (approximately 7:40 p.m.).

Thomas F. Fedder, City Clerk

