

REGULAR MEETING – OCTOBER 20, 2009

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, October 20, 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 Special Meeting of September 28, 2009.

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

President McKee inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of October 6, 2009.

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

REPORTS OF STANDING COMMITTEES

Council President McKee reported on the Code Review Meeting held October 20, 2009, stating this meeting was the start of a cover to cover review of the City Code Book. Mr. McKee advised he would be providing each Council Member a schedule of the next ten (10) meetings regarding the subject that will be addressed at each meeting.

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no reports of special or select committees.

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 being no objections, the Clerk read the resolution by title only,

MICHIGAN CITY COMMON COUNCIL**RESOLUTION NO. 4431****SUPPORTING THE PURSUIT OF LEGAL ACTION ON BEHALF OF THE CITY OF MICHIGAN CITY TO PREVENT AN IMPENDING FINANCIAL SHORTFALL ARISING FROM THE ACTIONS OF THE LA PORTE COUNTY AUDITOR**

Whereas, the La Porte County Auditor is charged with the legal responsibility to certify certain information regarding the assessed values and applicable exemptions and deductions for all real estate parcels in LaPorte County, Indiana incorporating values approved by the Indiana Department of Local Government Finance; and

Whereas, the Department of Local Government Finance approved the assessed values for La Porte County properties based upon the La Porte County 2006 assessment; and

Whereas, the La Porte County Auditor wrongfully refused to certify the DLGF-approved 2006 assessed values for La Porte County properties for the 2006 pay 2007 property tax bills and, instead, unilaterally and without legal authority certified un-trended values from 2005; and

Whereas, the Auditor's wrongful action would cause a loss of approximately \$2.8 million dollars of tax revenues to the City of Michigan City and \$500,000 to the Michigan City Sanitary District for the 2007 budget year; and

Whereas, such a loss of tax revenue would require Michigan City and its Sanitary District to embark upon a significant reduction in workforce, including layoffs, the termination of as yet unidentified services, and/or other measures to make up the financial shortfall caused by the Auditor's unprecedented and wrongful action; and

Whereas, the Michigan City Area School Corporation, Town of Long Beach, New Prairie School System, and various other LaPorte County taxing units affected by the Auditor's actions are pursuing such legal actions against the Auditor as are necessary and proper to prevent the financial harm that would otherwise result from the Auditor's action.

NOW, THEREFORE, BE IT RESOLVED that the Michigan City Common Council fully supports joining with the other LaPorte County taxing units in pursuing litigation to obtain appropriate judicial relief from the adverse financial effects resulting from the La Porte County Auditor's refusal to certify the 2006 assessed values for real estate parcels in LaPorte County. The Council agrees that the legal costs incurred in the unified joint effort to challenge the Auditor's actions shall be shared by all participating entities in proportion to the loss of tax revenue potentially caused by the Auditor in their 2007 budget relative to that of all the other participating entities.

INTRODUCED BY: /s/ Robert McKee
 /s/ Marc Espar
 /s/ Phil Jankowski
 /s/ Patricia Boy

Councilman Espar made a motion to adopt the resolution, second by Council Members Boy and Jankowski.

Councilman Murphy addressed the Council regarding reasons he was supporting the Resolution.

Councilwoman Boy agreed with Councilman Murphy.

Council President McKee addressed the Council advising why the Council needed to adopt the resolution.

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

ORDINANCES

There were no ordinances.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

COMMENTS FROM THE COUNCIL

Councilman Murphy reminded everyone to attend the South Shore Public Forum being held on Monday, October 26, 2009, 6:30 p.m. in the Council Chamber.

Councilman Meer complimented President McKee and Councilman Murphy on their statements regarding the resolution adopted.

Mayor Oberlie addressed Councilman Meer's questions regarding project status from the October 14, 2009 report.

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 6:45 p.m.).

Thomas F. Fedder, City Clerk