

REGULAR MEETING – November 17, 2009

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, November 17, 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 November 3, 2009.

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

REPORTS OF STANDING COMMITTEES

Councilman Espar reported on the Finance Committee Meeting held on Tuesday, November 10, 2009.

Councilwoman Nelson reported on the Public Health and Safety Committee meeting held on Tuesday, November 10, 2009.

Councilman Jankowski stated that the Utilities Committee received a response from the Sanitary District that was requested on October 30, 2009. Mr. Jankowski advised that he would get copies to each Council Member.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Murphy reported on the Michigan Boulevard Committee, reminding everyone of the public meeting scheduled for Wednesday, November 18, 2009, 6:30 p.m. in the Council Chambers, City Hall to review plans and to answer any questions regarding the Michigan Boulevard Project. Councilman Murphy stated INDOT would be present addressing the community in terms of contractor qualification requirements.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

There were no reports of other city officers and departments.

PETITIONS

There were no petitions.

COMMUNICATIONS

Tom Fedder, City Clerk read the following letter received from the Fraternal Order of Police and the MCPD K9 Unit;

On behalf of the members of the Fraternal Order of Police and the MCPD K9 Unit (Officer Samuelson and partner Luke, and Officer Grant with K9 Henry). We want to thank you for the continued support throughout the last year and we are looking forward to your continued support the upcoming years. The FOP is a great organization and one that gives back to the community, on November 28th we are coming together to raise money for the Salvation Army food bank. We will be collecting money at various stores around the city and hope to collect enough to assist with need for additional food for the needy during the Holiday Season.

Doug Samuelson

(Please accept the K9 coin as members of the F.O.P. and from Luke and Henry!)

RESOLUTIONS

The Clerk read by title only, there being no objections,

**MICHIGAN CITY COMMON COUNCIL
RESOLUTION NO. 4433**

**A RESOLUTION RECONFIRMING THE DESIGNATION
OF AN ECONOMIC REVITALIZATION AREA
AND EXTENDING THE LIFE OF SAID DESIGNATION
2010 - 2014**

WHEREAS, the Michigan City Common Council on December 1, 1987 adopted a final resolution (Resolution 3199) entitled RESOLUTION CONFIRMING THE ADOPTION OF A PRELIMINARY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF MICHIGAN CITY AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF REAL AND PERSONAL PROPERTY TAX; and

WHEREAS, pursuant to the preliminary Resolution thereby confirmed, a copy of said preliminary resolution and a simplified legal description and a map were filed with the County Assessor and further, the City Clerk caused the publication of Notice of Public Hearing to be held December 21, 1987; and

WHEREAS, after said hearing was held, and after the Common Council received public comment from interested persons, the Common Council considered all evidence presented to it; and

WHEREAS, I.C. 6-1.1-12.1-1 et seq., provides that the Common Council is charged with the responsibility of finding whether a particular area of the City is an Economic Revitalization Area; and

WHEREAS, the Common Council in said Resolution found that the citizens of Michigan City will benefit from the creation of additional jobs, expansion of the property tax base, protection of private investment, and revitalization of those areas designated as an Economic Revitalization Area; and

WHEREAS, the Common Council, pursuant to said Resolution No. 3199, acted to stimulate private redevelopment and development consistent with the laws of the State of Indiana and the City of Michigan City in ways which will provide new job opportunities for the City's residents and will have a positive impact on the local construction industry; and

WHEREAS, the Michigan City Department of Redevelopment and the Michigan City Planning Department have reported that the reports, maps, charts and findings of the said Michigan City Department of Redevelopment underlying the adoption of Resolution No. 3199 have remained viable and accurate to this date.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the matters and things recited in the preamble hereof are hereby adopted and made a part of this Resolution by incorporation and reference as if repeated in full:

Section 2. That Michigan City Common Council finds that the City of Michigan City has benefitted from, and will benefit from, the establishment of such an Economic Revitalization Area in that the citizens of Michigan City will realize additional permanent jobs, expansion of the property tax base, protection of private investment and revitalization of those area which have been designated as undesirable for normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy age, obsolescence, substandard buildings or other factors which have impaired values or have prevented normal development or use of property.

Section 3. That the Common Council hereby determines and finds that the additional number of individuals that will be employed or whose employment will be retained and the annual; salaries of those individuals, and the additional value of redevelopment or rehabilitation as well as reasonable cost of new manufacturing equipment, together with many other benefits about which the Common Council will receive information from property owners, are benefits that can be reasonably expected to result from rehabilitation, redevelopment, or purchases of new manufacturing equipment as reasonable costs, within the proposed Economic Revitalization Area.

Section 4. That the Common Council hereby accepts the report of the Michigan City Department of Redevelopment that the reports, maps, charts and findings of the Michigan City

Department of Redevelopment underlying the adoption of Resolution No. 3199 have remained viable and accurate to this date and are accordingly hereby confirmed by the Common Council; the Common Council hereby accepts the report and recommendation of the Michigan City Redevelopment Commission and the Michigan City Plan Commission that tax abatement benefits be extended to the area described herein, and that the life of such designation be extended.

Section 5. That the Common Council of the City of Michigan City hereby determines and finds that the area hereby described, to-wit: the entire corporate limits of the City of Michigan City, Indiana, continues to be an Economic Revitalization Area for the purposes of real property and personal property tax abatement.

Section 6. That the deductions to be allowed for property tax abatement within the Economic Revitalization Area so designated shall be deductions allowed under Section 3 and 4, Chapter 12.1, Article 1.1, Title 6 (Real Estate) and deduction allowed under Section 4.5 of said Chapter (Manufacturing Equipment).

Section 7. That any person who wishes to claim a deduction under this Resolution shall comply with the Statement of Benefits filing requirements of said Sections 3 and 4.5 which statements shall be reviewed and approved or rejected by this Council as provided in said Section 3 and 4.5 of I.C. 6-1.1-12.1 and only those persons whose Statement of Benefits shall contain the information described in I.C. 6-1.1-12.1 and shall be submitted on forms prescribed by the State Board of Tax Commissioners.

Section 8. That the designation as an Economic Revitalization Area and the effectiveness of this Resolution shall expire December 31, 2014, and all persons whose Statement of Benefits have been approved prior to said date shall be entitled to the applicable property tax deduction hereunder.

Section 9. That owners of real property and personal property, whose Statement of Benefit applications are approved by resolution of this Council, shall be entitled to a property tax deduction for a maximum period of ten (10) years, as this Council shall, on a case by case basis, determine.

Section 10. That the procedures described herein for application for tax abatement shall be effective January 1, 2010 through December 31, 2014.

Section 11. This resolution shall be in force and effect from and after its adoption by the Common Council and approved by the Mayor.

INTRODUCED BY: /s/ PHILLIP JANKOWSKI
Co-Sponsored by: /s/ ANGELA NELSON

Councilman Jankowski stated John Regetz, Director, Economic Development Corporation and Attorney Winski were present to answer any questions the Council may have.

John Regetz, Economic Development Corporation addressed the Council regarding the Resolution.

Mr. Regetz addressed Councilman Espar's questions regarding marketing being done to attract businesses to our community.

Councilman Murphy and Mr. Regetz discussed how the Economic Development Corporation might create "an easy to use" redevelopment tool kit for investors, advising them what Michigan City has to offer on a web site. Mr. Regetz stated that the EDC is always open for suggestions.

Councilman Jankowski made a motion to adopt the Resolution, second by Councilwoman Nelson.

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

ORDINANCES

There being no objections, the Clerk read on first reading by title only, **AN ORDINANCE EXTENDING AND MODIFYING TAX ABATEMENT WITHIN THE CITY OF MICHIGAN CITY, INDIANA 2010 – 2014**

INTRODUCED BY: Phillip Jankowski
Angela Nelson

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 second reading.

There being no objections, the Clerk read by title only, **APPROVING ADDITIONAL APPROPRIATIONS TO TRANSFER MONIES INTO THE BUDGET OF THE RIVERBOAT FUND FOR THE MICHIGAN CITY POLICE DEPARTMENT DATA TRANSFER CANOPY STRUCTURE PROJECT**

INTRODUCED BY: Marc Espar

(DECREASE: fund #9000 Riverboat Unappropriated \$100,000.00. **INCREASE:** account #9000 0000 04 443.005, other projects – MDT Canopy, \$100,000.00).

An author's amendment was made by Councilman Espar to add a second paragraph to read; "WHEREAS, there are unappropriated funds in the Riverboat Fund #9000 that are available for that purpose." There was no objection.

The formal public hearing was open, with President McKee asking "is there anyone from the public who wishes to address the Council," and hearing none the public hearing was closed.

Councilman Espar stated that the appropriation would fund monies so the City could complete the canopy structure over the City, providing the Police vehicles improved contacts.

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 on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE 4074

APPROVING ADDITIONAL APPROPRIATIONS TO TRANSFER MONIES INTO THE BUDGET OF THE RIVERBOAT FUND TO REPLACE THE BOILER AT THE MICHIGAN CITY POLICE DEPARTMENT

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget to replace the boiler at the Michigan City Police Department located at 102 West Second Street, Michigan City, Indiana.

WHEREAS, there are unappropriated funds in the Riverboat Fund #9000 that are available for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the taxing unit, the following additional sums of money are hereby appropriated out of the funds 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 Unappropriated	\$ 30,000.00	
INCREASE Account #9000 0000 04 442.006 Improvements to Buildings		\$ 30,000.00
TOTAL FOR FUND	\$ 30,000.00	

This Ordinance shall 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/Marc Espar, Member
Michigan City Common Council

An author's amendment was made to add a second paragraph to read; "WHEREAS, there are unappropriated funds in the Riverboat Fund #9000 that are available for that purpose," by Councilman Espar. There was no objection.

The formal public hearing was open, with President McKee asking "is there anyone from the public who wishes to address the Council," and hearing none the public hearing was closed.

Councilman Espar stated the Finance Committee received information from the Mayor and Police Department advising the furnace being installed is a Weil McLain boiler, which is manufactured in Michigan City and Wayne Heating also a local vender will be installing it.

Councilman Espar without objection requested to have third reading. There was no objection.

There being no objections, the Clerk read by title only, **APPROVING ADDITIONAL APPROPRIATIONS TO TRANSFER MONIES INTO THE BUDGET OF THE RIVERBOAT FUND TO REPLACE THE BOILER AT THE MICHIGAN CITY POLICE DEPARTMENT**

INTRODUCED BY: Marc Espar

(DECREASE: fund #9000 Riverboat Unappropriated \$30,000.00. **INCREASE:** account #9000 0000 04 442.006 – improvements to building \$30,000.00)

Councilman Espar made a motion to adopt the amended ordinance, second by Councilman Jankowski.

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

There being no objections, the Clerk read by title only, **AN ORDINANCE REQUIRING THE INSTALLATION OF A KEY BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE MICHIGAN CITY FIRE DEPARTMENT DURING AN EMERGENCY OR ANY OTHER ACTION DEEMED NECESSARY BY THE MICHIGAN CITY FIRE DEPARTMENT AND ADDING ARTICLE V TO CHAPTER 54 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**

INTRODUCED BY: Willie Milsap

Councilman Milsap stated there was an amendment to the ordinance agreed upon at The Public Health and Safety Committee meeting.

Councilwoman Nelson made a motion to adopt the following amendment on page one, Under Responsible Party;

Responsible Party shall refer to the party owner, of a building subject to this Ordinance.

The motion was second by Councilman Espar.

Council 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 Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee and Meer (9). NAYS: None (0).**

Tony Childers, 205 Douglas Street, asked questions regarding the Key Emergency Access System.

Councilman Milsap stated there was representation present from the Fire Department to answer any questions the Council may have.

Kyle Kazmierczak, Fire Marshall addressed Mr. Childers and the Council regarding the installation of the key box emergency access systems.

Mr. Kazmierczak addressed Councilman Milsap's questions advising what businesses are going to be required to have the key boxes.

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 second reading.

There being no objections, the Clerk read by title only, **ORDINANCE ESTABLISHING A FIRE INSPECTION FEE AND NON-EMERGENCY MEDICAL ASSISTANCE FEE AND ADDING SECTION 50-283 TO CHAPTER 50 AND ADDING SECTION 54-5 AND SECTION 54-6 TO CHAPTER 54 OF THE MUNICIPAL CODE FOR THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA**

INTRODUCED BY: Willie Milsap

Councilman Milsap advised there were amendments made at the Public Health and Safety Committee meeting.

Councilwoman Nelson made a motion to adopt the following amendment to Sec. 54.6;

When the Michigan City Fire Department provides medical non-emergency assistance to a private ambulance service, to assist in the transport of a patient, a fee as set forth in Section 50-143 will be charged to the private ambulance service and collected by the City Controller's Office for each request for transport assistance. (Example: Lift assist for a doctor appointment.)

The motion was second by Councilman Espar.

Councilwoman Nelson read the amendment again for Councilwoman Boy.

Councilman Espar addressed several reasons why the committee supported the increase in fees to the ordinance.

Council 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 Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, and Milsap (9). NAYS (0).**

Kyle Kazmierczak addressed Councilman Meer's questions and concerns regarding Sec. 50-283 The fire code compliance inspection fee as required by Section 54-5 shall be \$30.00 annually.

Councilman Meer made a motion to adopt the following amendment to Sec. 50-283(a)

- (a) The fire code compliance inspection fee as required by Section 54-5 shall be **\$1.00** annually.

The motion was second by Councilman Jankowski.

Discussion ensued among Kyle Kazmierczak, Fire Marshall, Council Members, Meer Boy, Milsap, Espar, Nelson, and Jankowski.

Council President McKee asked if there were any comments or questions by the general public or Council and hearing none, the amendment failed by the following vote: **AYES: Council Members Jankowski and Meer (2). NAYS: Council Members Nelson, Boy, Doyle, Espar, Milsap, McKee, and Murphy (7).**

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, **APPROVING ADDITIONAL APPROPRIATIONS TO TRANSFER MONIES INTO THE BUDGET OF THE RIVERBOAT FUND FOR PROFESSIONAL SERVICES FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE GATEWAY PARK PROJECT**

INTRODUCED BY: Richard Murphy

(DECREASE: fund #9000 riverboat unappropriated, \$125,500.00. **INCREASE:** account #9000 0000 04 443.005, other projects – Gateway Park \$125,500.00).

Councilman Murphy stated several reasons to support the proposed appropriation for the Gateway Park Project.

The formal public hearing was open, with President McKee asking "is there anyone from the public who wishes to address the Council?"

Councilman Murphy addressed Tony Childers', 205 Douglas Avenue, concerns and questions regarding the proposed ordinance (Gateway Park project).

Council President McKee advised Mr. Childers' that his comments would be taken under advisement.

President McKee asked if there were any other comments or question by the general public and hearing none, the public hearing was closed.

Councilman Espar stated reasons to support the proposed ordinance.

Councilman Espar made a motion to adopt the following amendment:

WHEREAS, there are unappropriated funds in the Riverboat Fund #9000 available to be appropriated for that purpose.

The motion was second by Councilwoman Boy.

Council 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 Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, Nelson and Murphy (9). NAYS: None (0).**

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

There being no objections, the Clerk read by title only, **APPROVING ADDITIONAL APPROPRIATIONS FOR THE MICHIGAN CITY DEPARTMENT OF PARKS AND RECREATION**

INTRODUCED BY: Joe Doyle

Councilman Doyle advised that representation from the Parks and Recreation Department was present to answer any questions regarding the appropriation.

Councilman Doyle asked if there were no objections to have second and third reading. There were no objections.

The formal public hearing was open, with President McKee asking "is there anyone from the public who wishes to address the Council," and hearing none the public hearing was closed.

Councilman Doyle made the following author's amendment;

WHEREAS, there are unappropriated funds in the Recreation Fund #1311 that are available to be appropriated for that purpose.

Council President McKee requested the Clerk to read the amended ordinance on third reading.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE **4075**

**APPROVING ADDITIONAL APPROPRIATIONS FOR THE MICHIGAN CITY DEPARTMENT OF
PARKS AND RECREATION**

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the Michigan City Department of Parks and Recreation because of unanticipated expenses from the first year of the triathlon;

WHEREAS, there are unappropriated funds in the Recreation Fund #1311 that are Available to be appropriated for that purpose.

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

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Fund #1311 Recreation N/R Unappropriated	\$6,000.00	
INCREASE Account #1311 0000 02 423.003 Recreation N/R small tools		\$6,000.00
TOTAL FOR FUND	\$ 6,000.00	

This Ordinance shall 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/Joseph Doyle, Member
Michigan City Common Council

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

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

UNFINISHED BUSINESS

Council President McKee reminded everyone nominations for (2) appointments to the Redevelopment Commission will be on the December 1, 2009 agenda.

NEW BUSINESS

Councilman Meer reported on the meeting held on November 10, 2009 with Jim Stemmler and John Brugos, President, Building Trade Union of the Northwest Indiana area.

President McKee stated that he and Councilman Murphy have met with Mr. Stemmler regarding this matter.

COMMENTS FROM THE PUBLIC

Brett Kelley, United Front Coalition, addressed the Council regarding the petition drive the United Front Coalition is working on, obtaining signatures of Michigan City residences that support the idea of amending the present hiring ordinance. Mr. Kelley

stated they have over 1000 signatures to date in support of amending the hiring ordinance.

Bill White, United Front Coalition, addressed the Council advising he agreed with Mr. Kelley's statements and stated his concerns regarding this matter.

COMMENTS FROM THE COUNCIL

Councilman Murphy reported on the public process of the proposed improvements of the South Shore Lines in Michigan City.

Councilman Espar addressed the Council regarding a proposed ordinance, regarding additional appropriations and the scheduling of formal public hearings.

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 7:55 p.m.).

Thomas F. Fedder, City Clerk