

## **REGULAR MEETING – November 3, 2009**

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, November 3, 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 October 20, 2009.

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

### **REPORTS OF STANDING COMMITTEES**

Councilman Jankowski reported on the Utilities Committee meeting held on Tuesday, October, 20, 2009.

### **REPORTS OF SPECIAL OR SELECT COMMITTEES**

Councilman Murphy reported on the Michigan Boulevard Committee stating a public meeting is scheduled to be held on 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**

There were no communications.

**RESOLUTIONS**

**MICHIGAN CITY COMMON COUNCIL  
RESOLUTION 4432**

**A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS  
WITHIN THE BUDGET OF THE CENTRAL MAINTENANCE DEPARTMENT OF  
THE GENERAL FUND #0101 FOR THE YEAR 2009**

**WHEREAS**, the Michigan City Central Maintenance Department requests the transfer of funds within the budget of the Central Maintenance Department for the year 2009 to provide funding to conduct Certified Level II Energy Audits at the Michigan City Police Station and Michigan City Fire Station 1;

**WHEREAS**, to accommodate the request of the Michigan City Central Maintenance Department, the budget of the Michigan City Central Maintenance Department requires increasing and decreasing of appropriations for the line items in the Department of the General Fund #0101 for the year 2009.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AS FOLLOWS:**

Section 1. It is deemed advisable and necessary, in order to meet the circumstances facing said Central Maintenance Department of the General Fund of the City, that the Common Council approve the following transfer of appropriations, as listed, to-wit:

**CENTRAL MAINTENANCE DEPARTMENT OF GENERAL FUND**

<b>DECREASE :</b>	A/C #0101 0119 02 422.021	
	Gasoline	\$20,000
<b>INCREASE</b>	A/C #0101 0119 03 439.011	
	Contractual Services	\$20,000

Section 2. This Resolution shall be in full force and effect after passage and approval by the Mayor.

**Introduced by :** /s/Marc Espar, Member  
Michigan City Common Council

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

Councilman Espar stated the resolution would provide \$20,000 to the Central Maintenance Department to be able to conduct a certified energy audit of the police station and one fire house. Councilman Espar advised the City would be applying for a grant receiving energy assistance.

Charlie Cate, Superintendent, Central Maintenance addressed Council Members Meer and Boy's questions and concerns regarding the appropriation.

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, Milsap, Murphy, Nelson, Boy, Espar and Doyle (7). NAYS: Jankowski and Meer (2).**

**ORDINANCES**

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).

Council President McKee referred the Ordinance to the Finance Committee.

Councilman Espar advised a Public Hearing would be held at the next Council Meeting (November 17, 2009).

Discussion ensued among Thomas Fedder, City Clerk, Attorney Meyer, Council President McKee and Councilman Espar regarding which “Reading” a Public Hearing should be held.

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 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 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).

Council President McKee referred the Ordinance to the Finance Committee.

Council President McKee asked Councilman Espar to have a report by the next Council Meeting; advising the Mayor requested to have 2<sup>nd</sup> and 3<sup>rd</sup> Reading on November 17, 2009 due to the urgency regarding the appropriation.

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 second reading.

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 representation present from the Fire Department to answer any questions regarding the Ordinance.

Council President McKee referred the Ordinance to the Public Health and Safety Committee.

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

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 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 Kyle Kazmierczak, Fire Marshall would answer any questions regarding the proposed ordinance.

Fire Marshall Kazmierczak addressed Councilwoman Boy's questions and stated several reasons why the Council should support the ordinance.

President McKee referred the Ordinance to the Public Health and Safety Committee.

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 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 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 addressed the Council stating reasons for the appropriation in regards to the Gateway Park Project. Councilman Murphy presented a proposal to each Council Member.

Council President McKee referred the Ordinance to the Finance Committee.

Mayor Oberlie addressed Councilwoman Boy's concerns regarding the proposed ordinances advising the amount spent to date from the Riverboat Fund for 2009. Mayor Oberlie stated the projects are capitalized expenses and are related to capital improvement.

Mayor Oberlie addressed Councilman Meer's questions regarding the dollar amount spent on the Gateway Park Project to date.

Mayor Oberlie addressed Councilman Meer's questions and concerns regarding the proposal received from Lohan Anderson, advising why they were considered for the completion of the design and construction administration of the Gateway Park Project.

Councilman Meer stated his concerns regarding the language of the proposal received from Lohan Anderson (Gateway Park Project).

Mayor Oberlie addressed Councilman Meer's concerns.

Mayor Oberlie advised Councilwoman Nelson that the deadline for completion of the Gateway Park Project was 2013.

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 second 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:** Joseph Doyle

**(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)

Councilman Doyle advised Shannon Eason, Director of Administration, Park and Recreation Department was present to answer any question regarding the appropriation.

Council President McKee referred the Ordinance to the Finance Committee.

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 second reading.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

Council President McKee stated (for information only) the Michigan City Redevelopment Commission incumbents; Ms. Lynne Kaser and Mr. Neil Kienitz will expire December 31, 2009.

President McKee advised nomination will be held at the December 1, 2009 Council meeting and the vote will take place at the Council meeting held on December 15, 2009.

### **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**COMMENTS FROM THE COUNCIL**

Councilman Jankowski invited everyone to attend the Coffee with the Council in the 6<sup>th</sup> Ward scheduled for Saturday, November 14, 2009 between 1:00 p.m. and 2:30 p.m. at the Fire/Police Training Center, 2510 E. Michigan Boulevard.

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

Councilman Meer addressed the Council regarding local vendors/companies from our community being used whenever possible at all City projects.

**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 7:28 p.m.).

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Thomas F. Fedder, City Clerk