

REGULAR MEETING – February 20, 2007

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, February 20, 2007, at the hour of 7:30 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 7:30 p.m. by Council President Willie Milsap, who presided.

The Pledge of Allegiance to the Flag and a short period of silent prayer were observed.

Roll call was authorized and the following were noted present and/or absent:

PRESENT: COUNCIL MEMBERS Evelyn D. Baker; Patricia Boy; Joseph Doyle; Phillip Jankowski; Charles Lungren; Virginia Martin; Ronald Meer, Willie Millsap, Paul Przybylinski; (9)

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Milsap inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of February 6, 2007, and, hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

Councilwoman Baker stated that some of the Council had questions about the Sanitary District paying for engineering services to design a gravity sewer line and the construction costs would be borne by the Springfield Regional Sewer District via the developers. Ms. Baker read the following that she received from Al Walus, Manager of the Sanitary District:

For several years, the Sanitary District has had inquiries from potential developers, existing property owners, other governmental entities and IDEM to extend sanitary sewers to the US Hwy. 12 and Meer Road intersection. This past fall, the District received an inquiry from a private developer located along 1000 North requesting sanitary sewer service. The developer proposed that the District participate in paying for the Construction costs. The district declined, however in order to facilitate the donation of a new sewer in this area which would allow Michigan City property owners to have access to a sanitary sewer where none currently exists, the District offered to engineer the sanitary sewer extension from the north side of the Hwy. 12 railroad tracks to the south side of US Hwy. 12. The developer would pay for the construction costs for this part of the sewer, and they would also pay for the engineering and construction costs to extend this sanitary sewer from this point to their development located outside of the city limits. Having a sanitary sewer presence on the south side of U.S. Hwy 12 without having to pay for construction costs would be beneficial as this service area could include 236 residential homes, a 75 site trailer park and 2 businesses.

Councilwoman Baker advised Councilman Jankowski that she would get the cost of the engineering services for this project.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Jankowski reported on the Tax Abatement Committee meeting, regarding the new manual, which combines many policies and procedures of Michigan City and City of LaPorte. Mr. Jankowski stated that it will be finalized and be presented to the Council in the near future.

Councilman Jankowski advised Councilman Przybylinski regarding the reason why the manual is for Michigan City and the City of Laporte, that they are looking at a regional development and it was a convenience to perspective developers to having everything in one location.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mayor Oberlie stated that he presented the State of the City Address at the Senior Center. Mayor Oberlie presented the full text of that speech, along with executive summary booklet to each Councilperson.

Mayor Oberlie stated the summary of portions of the text that he presented earlier at the Senior Center.

Mayor Oberlie and Councilman Lungren discussed the status of the study on the reroute of NICTD line through Michigan City regarding the time frame.

President Milsap asked the Clerk to draft a letter to John Pugh, Director, Planning and Inspection, requesting the status of the Well's Chair Building, 200 E. U.S. Hwy. 20. Mr. Milsap stated the status of the Well's Chair Building on 200 E. U.S. Hwy 20 will be on the agenda to discuss at the next Council Meeting (March 6, 2007).

President Milsap introduced the new Michigan City Common Council Attorney, James B. Meyer.

Attorney Meyer introduced himself stating he is affiliated with Meyer & Wyatt, P.C. in Gary, Indiana. Attorney Meyer stated that he is proud that the City Council chose him to represent them and that he would do his best to help them to obtain their goals and to provide them with any legal advice that is needed.

PETITIONS

There were no Petitions

COMMUNICATIONS

There were no Communications

RESOLUTIONS

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

RESOLUTION NO. [4355](#)

**A RESOLUTION OF THE MICHIGAN CITY COMMON COUNCIL
REQUESTING THE ASSISTANCE OF THE MICHIGAN CITY
REDEVELOPMENT COMMISSION, PLAN COMMISSION, PARK DEPARTMENT
AND BOARD OF PUBLIC WORKS IN DETERMINING THE FEASIBILITY OF
A PEDESTRIAN WALKWAY FOR PUBLIC ACCESS FROM
THE WESTSIDE OF MICHIGAN CITY TO A LAKE MICHIGAN**

WHEREAS, the Michigan City Common Council has determined that it is in the best interest of the City of Michigan City to explore the possibility of pedestrian access on behalf of the public from the Westside of Michigan City to Lake Michigan in the order to promote future economic development in that area; and

WHEREAS, a proposed pedestrian walkway could also potentially connect with the Singing Sand Trail System currently being implemented.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA as follows:

- (1) The Michigan City Common Council respectfully requests the assistance of Michigan City Redevelopment Commission, the Plan Commission, the Park Department and the Board of Public Works in determining the feasibility of a pedestrian walkway for public access from the Westside of Michigan City to Lake Michigan,

as well as pursuing all avenues necessary for the implementation of such a pedestrian walkway, including but not limited to:

- (A) Contacting NIPSCO, the railroad, the Indiana Department of Natural Resources, the United States National Park Service and any other party necessary to determine whether or not an easement can be obtained to allow safe pedestrian access from the Westside of Michigan City to Lake Michigan;
- (B) Negotiating for the purchase and executing a contract for the purchase of any such easement from NIPSCO, the railroad or any other party to allow safe pedestrian access from the Westside of Michigan City to Lake Michigan;
- (C) Applying for and pursuing all grants which may be available to alleviate or reduce the cost of purchasing any such easement from NIPSCO, the railroad or any other party to allow safe pedestrian access from the Westside of Michigan City to Lake Michigan;
- (D) Authorizing the City Controller to establish a fund to receive and expend any grant monies received For the purpose of implementing this resolution without further action from the Common Council: and
- (E) Amending the Five (5) Year Master Plan of the Park Department for the purpose of prioritizing the Exploration of the possibility of pedestrian access from the Westside of Michigan City to Lake Michigan, as well as pursuing all avenues necessary for the implementation of such a pedestrian walkway, as intended by this resolution.

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

Sponsored by: /s/ Ron Meer, Vice President

Co-Sponsor by: /s/ Paul Przybylinski, Member

Co-Sponsor by: /s/ Evelyn Baker, Member

Councilman Meer moved for the adoption of this resolution, seconded by Councilman Przybylinski.

Councilman Meer stated the Resolution speaks for itself, to get accessibility to a large portion of the Michigan City Lake Shore from the power plant of NIPSCO to Mount Baldy. Mr. Meer commented on the achievements he wants to see accomplished.

Councilman Meer requested a copy of the resolution be sent to the Board member's that were requested to assist for the implementation of such pedestrian walkway.

John Schaefer advised Councilwoman Boy that authorizing the city Controller to establish a fund to receive and expend any grant monies is sufficient, the way it is stated in the resolution.

Councilman Lungren stated reasons he supported this resolution.

Charles Sheerin, 402 Sheridan Avenue commented on the development of the access to West Beach and the importance of the project.

The motion carried and the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS Przybylinski, Baker, Boy, Doyle, Jankowski, Lungren, Martin, Meer, and Milsap (9). NAYS: None (0).**

ORDINANCES

The Clerk read on second reading by title only, **AN ORDINANCE OF THE MICHIGAN CITY COMMON COUNCIL TO EXPAND THE MAP SETTING FORTH THE HISTORIC DISTRICT OF THE CITY OF MICHIGAN CITY INCLUDE 'THE WORKS' BUILDING**

INTRODUCED BY: Paul Przybylinski, Member
Historic Review Board Liaison

Councilman Przybylinski requested to table this Ordinance on 2nd reading until the next Council Meeting (March 6, 2007), seconded by Councilman Jankowski. The motion carried and the Ordinance was tabled on 2nd Reading until the next Council meeting (March 6, 2007) by the following vote: **AYES: MEMBERS Boy, Jankowski, Meer, Milsap, and Przybylinski (5). NAYS: Baker, Doyle, Lungren, and Martin (4).**

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Councilman Przybylinski asked the chair to direct their attorney to draft a resolution to support legal action concerning the Pahs Road Development, seconded by Councilman Lungren and Councilwoman Boy.

Councilman Lungren stated that a declaration of judgment should be provided to see if Pahs Road was properly annexed. Mr. Lungren advised that this has never been answered and he supports Mr. Przybylinski.

Attorney Meyer and President Milsap discussed the contents of the resolution that Attorney Meyer will draft for the next Council meeting (March 6, 2007) regarding the Pahs Road Development.

COMMENTS FROM THE COUNCIL

Councilman Przybylinski responded on the correspondence he received from Sharon Carnes, 414 E. Coolspring regarding vacant and deteriorating construction within our community.

Councilman Przybylinski thanked the City Team for the snow removal this last week.

Councilman Lungren explained his NAY vote on the Ordinance concerning The Works building.

Councilman Meer commented on the status and weather conditions on February 13, 2007 when the Board of Zoning Appeal meeting was held, that comments from the general public are important and they should have had more than three (3) minutes to comment and express themselves.

Councilwoman Boy reported on the response from the public access counselor concerning the market studies that were done on the tax credits that were awarded to Canterbury House Apartments.

COMMENTS FROM THE PUBLIC

David Landow, 627 Pine Street stated that he has a petition to preserve The Works building and commented on the history of this building. Mr. Landow asked the Council to vote to protect The Works building.

John Vail, 8 Constitution Drive, thanked the Council that the Water Department is going to start direct billing in the near future.

Dawn Banthey, 5271 Johnson Road thanked the Council for continuing the efforts to investigate the property on Pahs Road. Ms. Banthey also thanked Mr. Meer for his comments on the Board of Zoning Appeal meeting and the limitation put on the general public .

Joan Chumley, 832 Pine Street thanked Councilman Meer for acknowledging that the Westside is also a part of the north end of Michigan City. Ms. Chumley commented on the status and condition of the Canterbury building and stated what she would like to see done.

Tony Childers, 205 Douglas Avenue thank Mr. Meer for the Resolution regarding public access from the Westside of Michigan City to Lake Michigan.

ADJOURNMENT

On motion by Councilman Doyle, supported by the majority of the Council, and there being no further business to transact, President Milsap declared the meeting **ADJOURNED** (approximately 8:30 p.m.)

Thomas F. Fedder, City Clerk