

REGULAR “HYBRID/ZOOM” MEETING

February 7, 2023

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, February 7, 2023, at the hour of 6:30 p.m., Hosted by “Hybrid/Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by President Fitzpatrick.

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

PRESENT: COUNCIL MEMBERS Bryant Dabney, Sean Fitzpatrick, Michael Mack, Angie Nelson Deutch, Don Przybylinski, Paul Przybylinski, Gene Simmons, and Dalia Zygas (8).

ABSENT: COUNCIL MEMBERS Tracie Tillman (1).

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Jewel Harris, Gale Neulieb City Clerk and Stacy Dudley Deputy Clerk

APPROVAL OF MINUTES

President Fitzpatrick asked if there were any corrections, deletions, or additions to the Regular “Hybrid/Zoom” Council meeting minutes that was held on January 17, 2023 and the Special “Hybrid/Zoom” minutes that was held on January 24, 2023

Councilman D. Przybylinski made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting minutes that was held on January 17, 2023 and the Special “Hybrid/Zoom” meeting that was held on January 24, 2023, second by Councilman P. Przybylinski.

The motion carried and the minutes from the January 17, 2023 Regular Council meeting and the “Special” meeting held on January 24, 2023 were approved by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (8) **NAYS:** Council member None (0)

REPORTS of STANDING COMMITTEES

President Fitzpatrick asked if there were any standing committee reports, there was no response.

FINANCE REPORT

President Fitzpatrick asked Councilman P. Przybylinski to report on the February 7, 2023 Claim Docket; Councilman P. Przybylinski advised that Fund #2235 – Riverboat Claims was in the amount of \$40,000 for equipment for the Park Department; EFT Riverboat – none, Fund #2504 – Boyd Development Claims – none, EFT Boyd Development – none and stating the total amount of the claims for February 7, 2023 was \$40,000.

CLAIMS DOCKET**February 7, 2023**

| | | |
|--|-----------|------------------|
| Fund #2042 – Riverboat – Claims - | \$ | 00.00 |
| EFT | \$ | 40,000.00 |
| Fund #2031 – Boyd Development - | \$ | 00.00 |
| EFT | \$ | 00.00 |
| TOTAL CLAIMS | \$ | 40,000.00 |

A motion was made to approve the Riverboat/Boyd claims from February 7, 2023 by Councilman D. Przybylinski, second by Councilwoman Deutch.

The motion carried and was approved by the following vote: **AYES:** Council members P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, and Zygas (8). **NAYS:** None (0).

Councilman D. Przybylinski asked to add “Reports from Boards and Commissions” to the agenda; with President Fitzpatrick agreeing to add this item to the agenda from today on.

REPORTS OF SPECIAL or SELECT COMMITTEES

President Fitzpatrick asked if there were any reports of special or select committees.

Councilman D. Przybylinski wanted to let the public know that the Sanitary District has filed legal action against the Town of Long Beach for breach of contract regarding the study that took place for the installation of sanitary sewers on Lake Shore Drive in 2022.

Councilman D. Przybylinski liaison of the Solid Waste District advised that the district voted to relocate the recycle box located in the parking lot of Marquette Mall to behind the Michigan City Central Service Department at 1801 Kentucky Street; which will be a lot nicer and cleaner at Marquette Mall’s parking lot.

President Fitzpatrick asked if there were any other “Reports of Special or Select Committees”, there was no response.

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

President Fitzpatrick asked if there were any reports from the mayor or other city officers and departments.

MCPD Asst. Chief Corley of operations addressed the Council advising that the department is in the testing process with tests being done on January 21st with twenty (20) applicants and twelve (12) of them moving on in the next process and that they actually did the written part, physical and interviews and started their background investigation; stating that they are hoping to have at least four (4) to six (6) new officers after their background checks are completed.

Asst. Chief Corley advised that they are going to IUSB in South Bend on February 16th where we will have some of our recruitment retention team members visiting there to look for applicants; advising this area of the university is specifically geared towards criminal justice students; reported on the marketing company they hired is moving forward in hopes that this project will be out on their web page to recruit new officer applicants to Michigan City very soon.

Chief Corley stated that the department is gearing up to do another testing process on March 18th in hopes of getting new officers hired and reach their goal of eighty-four (84) officers by the end of the year.

Chief Corley advised that LaPorte County, LaPorte City, and Long Beach police departments have implemented raises to their officers using the LIT tax; stating that if we move forward with negotiations, it will help our city get our pay rate up to what surrounding communities are offering.

Chief Corley updated Councilman D. Przybylinski regarding the status of the "Flock" system being installed within our city along; advising the gunshot program/project will start being installed this spring.

Chief Corley advised President Fitzpatrick that approximately over half of the applicants that took the test on January 21st were Michigan City Residents.

Tommy Kovalik, 1316 Ohio Street announced that the Michigan City Fire Department is looking for lifeguards to work at Washington Park this season with the pay rate starting at \$25.50 an hour and to apply at the Michigan City Fire Training Center, 2510 E. Michigan Blvd or at City Hall 100 E. Michigan Blvd.

President Fitzpatrick asked if there were any other reports, there was no response.

PETITIONS

President Fitzpatrick asked the Clerk if there were any petitions.

Clerk Neulieb stated that there were no petitions this evening.

COMMUNICATIONS

President Fitzpatrick asked if there was any correspondence received.

Clerk Neulieb read the correspondence received in the Clerk's office January 17th.

Correspondence was received in the Clerk's Office on January 19, 2023 from Controller Hoffmaster regarding Engineering service payments between 01/01/2017 – 12/31/22.

Correspondence was received in the Clerk's Office on January 26, 2023 from Controller Hoffmaster listing the outstanding checks as of December 31, 2022 from year 2020.

Correspondence was received in the Clerk's Office on January 26, 2023 from Brian Wright, President of the FOP Dunes Lodge #75 requesting to open contract negotiations as soon as possible between the Michigan City Police Department and the City of Michigan City.

Correspondence was received in the Clerk's Office on February 1, 2023 from Councilwoman Zygus regarding the appointment to the Social Status of African American Male Commission.

Councilman P. Przybylinski made a motion to amend the agenda adding a proposed resolution and a proposed ordinance concerning legal fees regarding the NIPSCO rate increase, second by Councilman D. Przybylinski; the motion carried and was approved by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus and P. Przybylinski (8). **NAYS:** None (0).

President Fitzpatrick stated for the record that each council member has the proposed ordinance and resolution in front of them.

President Fitzpatrick advised Clerk Neulieb to read the proposed resolution at the end of final proposed resolution and at the end of the proposed ordinances on the agenda.

RESOLUTIONS

The Clerk read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION 4872

A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE LOCAL ROAD AND STREET FUND #2202 FOR THE YEAR 2023 IN MICHIGAN CITY, INDIANA

WHEREAS, recently, bids for the purchase of a backhoe loader for the Michigan City Street Department came in higher than the appropriated budget, and more specifically, the lowest bid was \$182,275.00 and \$176,924.00 was budgeted for the backhoe loader; and

WHEREAS, there exists certain circumstances within the budget of Local Road and Street Fund #2202 of Michigan City which require increasing and decreasing appropriations for certain line items in that Fund for the year 2023.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Michigan City, La Porte County, Indiana, that:

Section 1. Because it is deemed advisable and necessary, in order to meet the circumstances facing the budget of Local Road and Street Fund of the City, the Common Council approves the following transfer of appropriations, as listed, to-wit:

LOCAL ROAD AND STREET FUND #2202

| | | |
|------------------|-------------------------------|------------|
| DECREASE: | A/C #2202 000.423.021 | |
| | Repair & Maintenance Supplies | \$6,000.00 |

| | | |
|------------------|-----------------------------|------------|
| INCREASE: | A/C #2202 000.445.050 | |
| | Other Machinery & Equipment | \$6,000.00 |

This Resolution shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

INTRODUCED BY: /s/ Don Przybylinski, Member
Michigan City Common Council

President Fitzpatrick asked if sponsor had anything to add.

Councilman D. Przybylinski stated the Street Department went out for bids for a new backhoe with the bids coming back higher than what was budgeted; with a \$6,000 difference between the bid and how much money was allocated; asking for this transfer to appropriate the monies to purchase the backhoe.

President Fitzpatrick asked if there were any comments from the public, there was no response.

President Fitzpatrick asked if there were any comments from the Council.

Councilman Dabney made a motion to approve the proposed resolution, second by Councilman P. Przybylinski, the motion carried and was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski and Dabney (8). **NAYS:** None (0).

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4873

DETERMINING THAT FUNDING FOR CERTAIN OUSTANDING PURCHASE ORDERS SHOULD BE ENCUMBERED AND AUTHORIZING THE CITY CONTROLLER TO ENCUMBER SUCH FUNDS

WHEREAS, the City of Michigan City, is an Indiana municipal corporation governed by its duly elected Mayor and City Council; and

WHEREAS, the Council has the authority and duty to maintain and oversee the fiscal operations of the City and to reconcile the City's financial and budgetary records; and

WHEREAS, the City of Michigan City has outstanding purchase orders in the Riverboat Fund that the services or products have not yet been paid as listed in Exhibit A; and

WHEREAS, in order to complete certain projects, programs, or purchases using funding set aside in previous fiscal years, and in order to be consistent with Indiana law and Indiana Department of Local Government Finance (DLGF) procedures, the encumbrances must be authorized by a resolution adopted by the Common Council and approved by the Mayor; and

WHEREAS, the City Controller of the City of Michigan City, Indiana recommends the approval of the various services or products that have not yet been paid for as listed in Exhibit A.

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

Section 1. That those certain City purchase orders identified in Exhibit A, which is attached hereto and made a part hereof, are hereby approved.

Section 2. The City Controller of the City of Michigan City is hereby directed to encumber the funding for said purchase orders in the appropriate accounts.

This Resolution shall be in full force and effect after passage by the Michigan City Common Council and the approval by the Mayor.

INTRODUCED BY: /s/ Tracie Tillman, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this 7th day of February, 2023.

/s/ Sean Fitzpatrick, President
Michigan City Common Council

Approved/Vetoed (*circle appropriate action*) by me, this 8th day of February, 2023.

/s/ Duane Parry, Mayor
Michigan City, Indiana

ATTEST:
 /s/ Gale A. Neulieb, Clerk
 City of Michigan City, Indiana

EXHIBIT A

| P.O. Number | GL Account Fund | Vendor | Description | Encumbered |
|---------------|------------------|---|-------------------------------|---------------------|
| 2022-00000264 | 2235.000.438.020 | 100005 - City of Michigan City | ESG Loan Interest Expense | 1,000.00 |
| 2022-00000254 | 2235.116.445.020 | 100005 - City of Michigan City | Street Backhoe Loader | 176,924.00 |
| 2022-00000228 | 2235.000.445.020 | 100005 - City of Michigan City | Fire Brush Truck | 250,000.00 |
| 2022-00000059 | 2235.000.445.050 | 102962 - Lake County Divers Supply, Inc | Police - Scuba Gear | 14,160.00 |
| 2022-00000067 | 2235.000.445.020 | 100005 - City of Michigan City | Police - Police Vehicles | 81,558.01 |
| 2022-00000203 | 2235.000.445.020 | 107746 - LaPorte Chrysler Inc | Vehicle Leases | 246,285.00 |
| 2022-00000054 | 2235.000.443.050 | 103514 - Michigan City Parks & Recreation | Improvements to Senior Center | 175,000.00 |
| 2022-00000255 | 2235.000.444.050 | 108100 - New Tech | Airport Maintenance Building | 394,812.95 |
| 2022-00000256 | 2235.000.4440.05 | 103511 - Michigan City Municipal Airport | Airport Fuel Farm | 800,000.00 |
| Total | | | | 2,139,739.96 |

President Fitzpatrick stated Councilwoman Tillman is absent with no comments being made this evening.

President Fitzpatrick asked if there were any questions or comments from the public, there was no response.

President Fitzpatrick asked if there were questions or comments from the Council.

Controller Hoffmaster advised Councilwoman Deutch that encumbrances are brought to the Council every year at this time for approval to move forward.

Councilwoman Deutch made a motion to adopt the proposed resolution, second by Councilman P. Przybylinski; the motion carried, and the resolution was approved by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney and Fitzpatrick (8). **NAYS:** None (0).

The Clerk read the following proposed resolution by title only.
APPROPRIATING FUNDS FOR A FEASIBILITY, PROGRAM AND CONCEPT DESIGN STUDY FOR A MICHIGAN CITY RECREATION/SPORTS COMPLEX

Introduced by: Michael Mack

President Fitzpatrick asked if there were any comments from the sponsor.

Councilman Mack read the following proposed resolution in its entirety.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

**APPROPRIATING FUNDS FOR A FEASIBILITY, PROGRAM AND CONCEPT
DESIGN STUDY FOR A MICHIGAN CITY RECREATION/SPORTS COMPLEX**

WHEREAS, Michigan City, Indiana is a unit of government within the State of Indiana with the authority to provide for the safety and comfort of its residents and visitors, promote public welfare, increase public health and enlarge economic opportunities within the city;

WHEREAS, Michigan City is dedicated to providing the best possible advantages to its citizens through good government, innovating ideas, and opportunities to grow and flourish within the community; and

WHEREAS, other municipal units within the State of Indiana, such as Hammond, South Bend, Crown Point, and Merrillville, Indiana have created Sportsplexes within their communities for the health, wellness and benefit of their citizens and visitors; and

WHEREAS, these complexes have been successful in providing a location for adult residents and visitors to increase their health through increased levels of activity as well as provide space for classes, meetings, and community fellowship; and

WHEREAS, these complexes have been successful in providing a location for youth residents and visitors of a safe place to participate in recreational and organized sports activities, additional academic and recreational activities within a controlled environment; and

WHEREAS, these communities have seen a positive economic impact from these sports complexes, through the creation of part-time, full-time, and temporary employment opportunities as well as additional spending within a concentrated area; and

WHEREAS, studies have shown that community sports complexes provide a multitude of benefits to communities through continued health, reductions in stress, increases in property values, cultural diversity, tourism, public safety, and reduced youth crime rates; and

WHEREAS, upon the consideration of a sports complex, the Common Council has determined that the building of a sports complex within the municipal borders will provide for the safety and comfort of its residents and visitors, promote public welfare, increase public health and enlarge economic opportunities within the City; and

WHEREAS, American Structurepoint, Inc., has submitted a proposal to aid Michigan City in determining the feasibility of a sports complex within the municipal borders of the city, including meetings with community stakeholders, the designs of venues and floor plans, the assessment of three possible locations to take advantage of all available incentives to benefit the sports complex, and a detailed cost estimate to build the final design, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Michigan City, Indiana as follows:

1. That the Common Council supports the building of a recreation/sports complex within the municipal borders of Michigan City, Indiana for the health, wellness and benefit of our citizens and visitors.
2. That the Common Council supports the appropriation of funds for a Feasibility Study, Concept Design, and Detailed Cost Estimate for the previously mentioned recreation/sports complex.
3. That the Common Council finds that the appropriate source for funding this matter are ARPA or Riverboat funds.

This Resolution shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

Councilman Mack introduced Chris Murphy and John Kennedy representing American Structure point; stating that they are present to answer any questions the council may have.

Chris Murphy, American Structure Point addressed the council advising they have put together a scope of work and fee schedule to prepare a feasibility study that will involve a market analysis, a need of demand, a demographic review of the entire community, so that they can put together a development plan that the entire city will be comfortable knowing this facility will be used by the entire community and benefit the community as well.

Discussion ensued between Mr. Murphy and John Kennedy from American Structure Point Councilman Mack and Council members Zygus, Fitzpatrick, P. Przybylinski, D. Przybylinski regarding how this sports facility will benefit our community, if the financing is private, city owned, combination, working with other communities, history of other facilities they have worked on, TIF dollars being used to build a facility, what the facility will consist of soccer, basketball, softball, etc. requesting funds out of ARPA or the Riverboat Fund, estimated cost for a facility in our community, and the proposed cost if wouldn't break ground until 2025.

President Fitzpatrick asked if there were any questions or comments from the public.

Tommy Kulavik, 1316 Ohio Street commented on why the city should say "NO" to spend this kind of money on a study, let alone to think about building this facility.

Rodney McCormick, 617 Union Street, asked who would own this facility and would our Park Department be responsible if the city did own and run it; that he just heard it could be privately owned, questioning about spending tax dollars and a private entity owning the facility; that tax dollars shouldn't be used on this project, but he isn't totally against what is being proposed, our kids need something to do and somewhere to go.

Ernie Hallahan, 302 Gladys Street, stated the cost of this is so expensive that the city isn't going to be able to afford to even think about doing this; realizing that the kids in our community need something to do and a place to go but this isn't the answer.

Councilman Mack stated several ways to receive the financing for this facility.

Angela Hensman, 237 Leo Avenue, addressed the council explaining that the facility they are proposing is not just a place for kids to spend after school, it is an economic opportunity; stating that it is going to bring tournaments and people to our city, it will bring other outside teams and families to our city, it gives our students a quality place to practice and hold tournaments in competitions, it isn't just a boys and girls club or a YMCA it's a large scale sports complex where you can have many different sports and other events to bring other organizations as well.

Brian Gross, 830 W. 6th Street stated that other surrounding communities have actually opened their public-school gyms up after hours and weekends to use; that one thing he would be against is having an event center and renting it out and competing with all the private businesses that already have to compete against private enterprises in our community.

Kathy Stransky, 223 Barker Avenue asked who is going to transport these kids to this new facility; advising that we had the YMCA on Coolspring Avenue, the Elston Building on Detroit Street and no one could find transportation to these facilities and they are in our city limits; stating that she feels this is a bad idea and that we should build something on a smaller scale, in maybe one of our local neighborhoods.

Tommy Kulavik, 1316 Ohio Street, stated several ideas the city could do rather than spend twenty-five (25) million dollars on this facility; advising that we need a better school system for our kids.

Mr. Murphy American Structure Point addressed Councilman Dabney's question explaining the difference if the facility would be run by the city versus a private institute for the city; that the primary difference is, if it's run by a private organization, they're going to be interested in the revenue business model; if it's run by the city, it will be run in the best end of the community.

Councilwoman Deutch stated that the council doesn't have the authority to appropriate the money or enter a contract; stating that she was trying to understand where the mayor sits on this because this is just a proposed resolution not an appropriation or contract being proposed to the council.

Mayor Parry advised that he has not had conversations with Councilman Mack or American Structure Point regarding this proposed study; advising that he has thought about this and that over the years our student population keeps going down, that in the late sixties every gymnasium in our city was open on Saturdays for the kids to go to and that doesn't happen anymore; now in terms of the finances the city was in debt \$70,000 when he became mayor and we are finally recovering and in debt \$20,000; stating he is not interested in taking on a lot of bond debt due to what we are going to assume on the bond debt on the station block and need to be awful careful about how we spend our money.

Mayor Parry commented on YMCA/Elston building is not doing well and that his hopes is that at the Elston property he would like to see the Performing Arts Center be included in that facility which would benefit our community.

Mayor Parry advised that he couldn't support grassroots for a twenty-eight (28) million dollar project at this time.

Councilman Mack stated to clear up some of the things that might have been said this evening, that he doesn't think are quite accurate is the draw for the event center isn't like a concert arena, but like the facility in Hammond which draws homeschoolers who are having athletic venues who then rent that facility out and have tournaments from homeschoolers in a sixty mile radius, they have championships for charter schools, the AAU, homeschool kids; it will help young people develop their sports abilities and give children direction; that he will agree and disagree with the promise of the future of Michigan City, because the past performance does not dictate the future performance and don't believe there is a low bar of expectations in our community.

Councilwoman Deutch stated that she does believe that we need opportunities for our students and that she feels a workshop should come first with all the entities, that impact children whether it's the school system, boys and girls club, the YMCA, who is looking for a new space as well and is asking a feasibility study to be done that is probably a quarter of the mountain of this study being proposed.

Councilwoman Deutch advised that the council could pass this, and nothing will happen, because it is still up to the administration to bring this forward to the council with an appropriation for this study; suggesting that we have a full engagement workshop first and then come back to this proposed resolution, would be her suggestions.

Councilman P. Przybylinski stated that he has listened to several of the comments this evening along with what Councilwoman Deutch brought up and is a major concern of his; he feels we are putting the cart before the horse and when talking about spending thirty million dollars; it is a huge investment especially with so many things going on right now that the city is obligated to do this year; public municipal services, equipment needed in all city departments, a sewer obligation on 420 acres along with another water/sewer obligation that we were promised would be developed into something great; questioning where are we going to get 40 million dollars and how are we going to finance this project; stating that is why we need the input from our community not only the young but the retired residents that are over 60 years old; making a motion to

TABLE the proposed resolution indefinitely; President Fitzpatrick asked if there was a second (repeating three times), there was no response and the motion died.

Councilman D. Przybylinski commented on what he has heard this evening and comments that he has received from some of the residents in our community, that at this time the city has 2.5 million dollars in the riverboat fund, we are asking for \$250,000 to do this study; stating several projects that need to be prioritized in which he hasn't seen a list or heard anything about what the plan is at this time; stating that he would not be supporting this resolution at this time.

Councilman Mack stated that he would like to see this go to the public for a workshop, especially parents of school age children who attend our local schools to hear their views and input; advising that the ARPA funds that we've spent quite a lot of money on different things and the Riverboat funds which has never been a community pointed funding in the history of the boat.

Councilwoman Zygus stated that what she hearing from all of the comments made this evening that people think there has to be more programming and has to be more things for kids to do, but like logistics of the order of this right now, even if we approve this we're not going to get any funding; making a motion to TABLE this resolution giving one month to schedule public workshop before bring it back to the council, second by Councilman Dabney; the motioned carried and was approved to TABLE the proposed resolution until there is a workshop held by the following vote: **AYES:** Council members Deutch, Simmons, Zygus, P. Przybylinski, and Dabney (6). **NAYS:** Council members D. Przybylinski and Fitzpatrick (2).

President Fitzpatrick stated the resolution is TABLED for one month to schedule a public workshop to discuss and review it the proposed resolution.

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. **4874**

SUPPORTING THE HIRING OF PROFESSIONAL LEGAL SERVICES TO OPPOSE THE PROPOSED NIPSCO RATE INCREASE FOR ELECTRIC UTILITY SERVICE

WHEREAS, Northern Indiana Public Service Company (NIPSCO), pursuant to I.C. §§8-1-2-42.7, 8-1-2-61 and 8-1-2.5-6 has filed a petition before the Indiana Utility Regulatory Commission (IURC) under Cause Number 45772 seeking authority to modify its' retail rates and charges for electric utility service through a phased-in increase of rates totaling, on average, 16.5%; and

WHEREAS, by virtue of Resolution #4865 enacted by the Council on January 17, 2023 and signed by the Mayor on January 19, 2023, the City voiced its' opposition to the proposed Nipsco rate increase; and

WHEREAS, the City desires to retain professional legal services to formally contest the proposed increase at the IURC hearing scheduled to begin on March 13, 2023; and

WHEREAS, the Common Council supports the City retaining professional legal services to formally contest the aforementioned matter.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Michigan City, Indiana supports retaining professional legal services to formally contest the proposed Nipsco rate increase in an amount not to exceed \$15,000.00 and agrees to appropriate funding for the same.

This Resolution shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

INTRODUCED BY: /s/ Paul Przybylinski, Member
Michigan City Common Council

President Fitzpatrick asked if there was anything the sponsor wanted to add.

Councilman P. Przybylinski supports this resolution stating several reasons; stating that we need to be at the table with this proposed rate increase and by taking on legal counsel who has experience in doing this, with Michigan City being able to have a say when he attends the hearings.

President Fitzpatrick asked if the public had any questions or comments, there was no response.

President Fitzpatrick asked if there were any comments from the Council.

Councilman D. Przybylinski made a motion to amend the \$20,000 fee in the resolution to \$15,000; advising that he turned in his amendment into the Clerk's office this afternoon in writing, advising that if the attorney needs more money he can come back to us and explain why, the motion was second by Councilwoman Deutch.

The motion carried and was approved to amend the \$20,000 to \$15,000 by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, and Deutch (8). **NAYS:** None (0).

Councilman D. Przybylinski advised that at first, he was not sure this was a necessary resolution, but after talking to Councilman P. Przybylinski he agreed and understood how important this was in moving forward to fight against this increase.

Councilman P. Przybylinski advised Councilman Fitzpatrick that the original amount of \$20,000 came from City Attorney Lapaich and how many hours will work that they're proposing to be able to be ready for the upcoming hearing.

President Fitzpatrick asked if there were any other comments or questions from the Council.

Councilman P. Przybylinski made a motion to approve the amended resolution, second by Councilman D. Przybylinski; the motion carried and the amended resolution was approved by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch and Simmons (8). **NAYS:** None (0).

ORDINANCES

The Clerk read the following proposed ordinance on second reading by title only.

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT AND RAINY DAY FUNDS FOR INFRASTRUCTURE (WATER AND SEWER EXTENSION) TO THE ANNEXED PROPERTY ON THE CITY'S EASTSIDE

INTRODUCED BY: Angie Nelson Deutch
Paul Przybylinski
Gene Simmons

(DECREASE Riverboat Fund 2235 Unappropriated balance \$2,500,000.00 INCREASE ACCOUNT#2235 000.442 \$2,500,000.00 Infrastructure TOTAL FOR FUND \$2,500,000.00 DECREASE Rainy Day Fund 2236 Unappropriated balance \$2,500,000.00 INCREASE ACCOUNT#2236 000.442 \$2,500,000.00 Infrastructure)

President Fitzpatrick asked if any of the sponsors had anything to add.

Councilwoman Deutch stated that this is the obligation that we have for the annexation property that we've been discussing for a while and had a workshop on it previously as well.

Councilman P. Przybylinski stated that the cost for the material for this project has probably doubled since covid hit and that this is something that the city is obligated to do in a certain timeframe questioning what the exact date is to have this completed and is the impact study/analysis been done by the water and sanitary department to be able to move forward; which are additional cost in the range of \$300,000 to \$400,000

Mayor Parry stated that the last he looked both the Sanitary and Water Department advised him that the price was still good to move forward to do this study; that they were still looking at approximately 7.8 million for services and the timeframe was impacted heavily for water piping materials; and that if we would of acted at that time to order the materials we would receive it four (4) weeks before the end of 2023, and that they probably should be in another update on material costs.

President Fitzpatrick asked if any of the other sponsors had anything to add at this time, there was no response.

President Fitzpatrick opened the formal public hearing asking, (repeating three times) "if there were anyone from the public that had any questions or comments".

Rodney McCormick, 617 Union Street, thanked President Fitzpatrick for standing firm and creating the "Rainy Day Fund" a few years ago; that a lot of people were against adopting it, but as we all can see that having it is helping the city fill their obligations to complete this project.

President Fitzpatrick asked (repeating three times) "if there were any other comments from the public", there was no response with the formal public hearing being closed.

President Fitzpatrick asked if there were any comments from the Council.

Councilwoman Deutch stated that she would like to suspend the rules making a motion to have third reading this evening, second by Councilman P. Przybylinski. The motion carried to have third reading this evening by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (8). **NAYS:** None (0).

The Clerk read the following proposed ordinance on third reading by title only.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4665

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT AND RAINY DAY FUNDS FOR INFRASTRUCTURE (WATER AND SEWER EXTENSION) TO THE ANNEXED PROPERTY ON THE CITY'S EASTSIDE

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget to extend water and sewer infrastructure to the annexed property on the City's eastside¹

Budget to extend water and sewer infrastructure to the annexed property on the City’s eastside¹, and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Riverboat Fund #2235 and Rainy Day Fund #2236 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

| | <u>AMOUNT REQUESTED</u> | <u>AMOUNT APPROPRIATED</u> |
|--|-----------------------------|--------------------------------|
| DECREASE Riverboat Fund 2235 Unappropriated balance | \$2,500,000.00 | |
| INCREASE ACCOUNT#2235 000.442 Infrastructure | | \$2,500,000.00 |
| TOTAL FOR FUND | \$2,500,000.00 | |
| DECREASE Rainy Day Fund 2236 Unappropriated balance | \$2,500,000.00 | |
| INCREASE ACCOUNT#2236 000.442 Infrastructure | | \$2,500,000.00 |
| TOTAL FOR FUND | \$2,500,000.00 | |

This Ordinance to 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/ Angie Nelson Deutch, Member
Michigan City Common Council

INTRODUCED BY: /s/ Paul Przybylinski, Member
Michigan City Common Council

INTRODUCED BY: /s/ Gene Simmons, Member
Michigan City Common Council

President Fitzpatrick asked if there were any comments from the sponsors.

Councilman P. Przybylinski stated that this is a left over from the previous administration, commenting on this project be annexed with no fiscal planning.

President Fitzpatrick asked if there were any questions or comments from the public, there was no response.

President Fitzpatrick asked if there were any comments from the Council.

Councilwoman Deutch made a motion to adopt the proposed ordinance, second by Councilman P. Przybylinski; the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, and Zygas (8). **NAYS:** None (0).

The Clerk read the following proposed ordinance on second reading by title only.

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ENGINEER DEPARTMENT OF THE GENERAL FUND FOR ON- CALL ENGINEERING SERVICES APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ENGINEER DEPARTMENT OF THE GENERAL FUND FOR ON-CALL ENGINEERING SERVICES WITH HAAS & ASSOCIATES AND PRIMERA ENGINEERING FOR 2023

INTRODUCED BY: Angie Nelson Deutch

(DECREASE General Fund 1101 Unappropriated balance \$325,000.00 INCREASE ACCOUNT#1101 114.431.020 \$325,000.00 Other Services and Charges – Engineering Services)

President Fitzpatrick stated that there will be a formal public hearing this evening.

President Fitzpatrick asked if the sponsor had anything to add t this time.

Councilwoman Deutch advised that she and Councilman D. Przybylinski had a conversation with our Human Resource Director TaTanesha George regarding changing the position to state it is a full-time not part-time engineer having several great ideas and was going to repost this position using some of them to try and get some different hits.

Councilwoman Deutch reported on what the city spent from 2017 thru 2019 for on-call engineering services; stating that since covid the city has spent approximately \$127,000 to \$150,000 without having an engineer; advising that this appropriation is specifically for on call services, so that we can have an engineering service for project we are working on at the present time to move forward.

President Fitzpatrick stated the formal public hearing is open; asking (repeating three times) “is there anyone from the public that wished to speak on the proposed ordinance” there being no response, the formal public hearing is closed.

President Fitzpatrick asked if there were any questions or comments from the Council.

Councilman P. Przybylinski stated that he was aware of the engineering costs the city spent on-call from 2017 thru 2019 that Councilwoman Deutch reported on; advising that during this time we did have a City Engineer on staff; commenting on the firm that is not even in the city of Michigan City or LaPorte County being Primera Engineering Services and have been paying money out of our county, when we have firms here and LaPorte County that the City could be contracting with.

Councilman P. Przybylinski stated that he was going to ask for a separation of these fund mechanism on the vote; asking what the amount was for each firm.

Attorney J. Harris advised Councilwoman Deutch that it can be proposed in the motion when it is made to have a separation of funds.

Councilman P. Przybylinski made a motion to the separation of funds in the amount of Haas and Associates - \$50,000 and Primera Engineering in the amount of \$300,000, a motion was second by Councilman D. Przybylinski; asking Asst. Controller Mary Lynn Wall if that was correct, with her response that she would have to check the amounts. Councilman P. Przybylinski removed his motion as well as Councilman D. Przybylinski removing his motion to second this.

Councilman P. Przybylinski advised that he would bring back the motion on third reading when he knows the exact amount for each firm.

President Fitzpatrick asked if there were any other comments from the public, there was no response; stating that the proposed ordinance will be held over on third reading at our February 21, 2023 Council meeting.

The Clerk read the following proposed ordinance on second reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE SIXTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR THE PURCHASE OF A STREET LOADER

INTRODUCED BY: Angie Nelson Deutch
 Bryant Dabney
 Dalia Zygas

(DECREASE ARP Coronavirus Local Fiscal Recovery Fund 2407 Unappropriated Balance \$232,000.00
 INCREASE ACCOUNT # 2407 000 445.020 \$232,000.00 Motor Equipment)

President Fitzpatrick stated that there will be a formal public hearing this evening.

President Fitzpatrick asked if the sponsors had anything to add, there was no response.

President Fitzpatrick opened the formal public hearing asking (repeating three times) "if there were any comments from the public", there was no response with the formal public hearing closed.

President Fitzpatrick asked if there were any questions or comments from the Council.

Councilman D. Przybylinski made a motion to have third reading this evening, a second was made by Councilman P. Przybylinski; the motion carried, and the ordinance was approved to have third reading this evening by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, and P. Przybylinski (8). **NAYS:** None (0).

The Clerk read the following proposed ordinance on third reading by title only.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4666

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE SIXTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR THE PURCHASE OF A STREET LOADER

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget for the purchase of a loader for Street Department to be funded by monies the City received from the American Rescue Plan (ARP); and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the ARP Coronavirus Local Fiscal Recovery Fund #2407 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

| | <u>AMOUNT REQUESTED</u> | <u>AMOUNT APPROPRIATED</u> |
|--|-----------------------------|--------------------------------|
| DECREASE ARP Coronavirus Local Fiscal Recovery Fund 2407 | | |
| Unappropriated balance | \$ 232,000 | |
| INCREASE ACCOUNT # 2407 000 445.020 | | \$ 232,000 |
| Motor Equipment | | |
| TOTAL FOR FUND | \$ 232,000 | |

This Ordinance to 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/ Angie Nelson Deutch, Member
Michigan City Common Council

INTRODUCED BY: /s/ Bryant Dabney, Member
Michigan City Common Council

INTRODUCED BY: /s/ Dalia Zygas, Member
Michigan City Common Council

President Fitzpatrick asked if there were anything from any of the sponsors, there was no response.

President Fitzpatrick asked if there were any questions or comments from the public.

Rodney McCormick 617 Union Street, commented on the equipment that is being purchased for the Street Department is need; asking when the city is going to build a new building for all this new equipment to be stored in; we are wasting our money if this equipment isn't going to be stored inside.

Tommy Kulavik, 1316 Ohio Street stated that he spoke with Street Department Director Shong Smith advising that all the thoroughfares are going to be striped in the spring and was happy to hear that.

President Fitzpatrick asked if the Council if they had any questions or comments.

Councilman D. Przybylinski made a motion to approve the proposed ordinance, second by Councilman P. Przybylinski; the motion carried and was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski and Dabney (8). **NAYS:** None (0).

The Clerk read the following proposed ordinance on second reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE SIXTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR PARK IMPROVEMENTS

INTRODUCED BY: Bryant Dabney
Dalia Zygas

(DECREASE ARP Coronavirus Local Fiscal Recovery Fund 2407 Unappropriated Balance \$234,230.00 INCREASE ACCOUNT # 2407 000 443.050 \$52,075.00 Capital Outlay – Other Buildings INCREASE ACCOUNT # 2407 000 445.020 \$53,355.00 Motor Equipment INCREASE ACCOUNT # 2407 000 443.050 \$128,800.00 Capital Outlay – Improvements Other Than Buildings)

President Fitzpatrick stated that there will be a formal public hearing this evening.

President Fitzpatrick asked if either of the sponsors had anything to add, there is no response.

President Fitzpatrick opened the formal public hearing (repeating three times) “is there anyone from the public that wished to speak at this time”, there was no response with the public hearing being closed.

President Fitzpatrick asked if there were any comments from the council.

Councilman D. Przybylinski made a motion to have third reading this evening, second by Councilman Dabney; the motion carried and was approved to have third reading this evening by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, and Fitzpatrick (8). **NAYS:** None (0).

The Clerk read the following proposed ordinance on third reading by title only.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4667

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE SIXTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY’S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR PARK IMPROVEMENTS

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget for improvements to Park facilities and equipment to be funded by monies the City received from the American Rescue Plan (ARP); and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the ARP Coronavirus Local Fiscal Recovery Fund #2407 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

| | <u>AMOUNT REQUESTED</u> | <u>AMOUNT APPROPRIATED</u> |
|--|-----------------------------|--------------------------------|
| DECREASE ARP Coronavirus Local Fiscal Recovery Fund 2407 Unappropriated balance | \$234,230 | |
| INCREASE ACCOUNT # 2407 000 443.050 Capital Outlay – Other Buildings | | \$ 52,075 |
| INCREASE ACCOUNT # 2407 000 445.020 Motor Equipment | | \$ 53,355 |

| | |
|--|------------|
| INCREASE ACCOUNT # 2407 000 443.050 | \$ 128,800 |
| Capital Outlay – Improvements Other Than Buildings | |

| | |
|-----------------------|------------------|
| TOTAL FOR FUND | \$234,230 |
|-----------------------|------------------|

This Ordinance to 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/Bryant Dabney, Member
Michigan City Common Council

INTRODUCED BY: /s/ Dalia Zygas, Member
Michigan City Common Council

President Fitzpatrick asked if either of the sponsors had anything to add at this time.

President Fitzpatrick asked if there were any comments from the public.

Ed Shinn, Superintendent of the Park Department, advised the three (3) projects are new flooring and office relocation at the Senior Center, the purchase of a truck for Park Department, and the replacement of the fencing at Patriot Park.

Discussion ensued between Councilman P. Przybylinski and Mr. Shinn regarding what they are purchasing for the truck for Patriot Park and if they will be using it after the summer season is over for plowing.

Councilman Dabney made a motion to approve the proposed ordinance, second by Councilwoman Deutch.

Councilman D. Przybylinski asked Mr. Shinn to bring back the warranty that is going to cover the footings/fencing that is being installed to the Council for their review before signing the contract; that we don't want to see the footings coming out of the ground in years ahead; with Mr. Shinn advising that he will make sure when the contract is approved by the Park Board that for the record he will be bring it back to the council for the review of the warranty deed.

The motion carried to adopt the proposed ordinance by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, and Mack (8). **NAYS:** None (0).

The Clerk read the following proposed ordinance on second reading by title only.

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE SIXTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES INFRASTRUCTURE FOR CITY'S EASTSIDE ANNEXED PROPERTY

INTRODUCED BY: Angie Nelson Deutch
Bryant Dabney
Dalia Zygas
Paul Przybylinski
Gene Simmons

(DECREASE ARP Coronavirus Local Fiscal Recovery Fund 2407 Unappropriated Balance \$2,500,000.00 INCREASE ACCOUNT # 2407 000 442 \$2,500,000.00 Infrastructure)

President Fitzpatrick stated that there will be a formal public hearing this evening.

President Fitzpatrick asked if there were any comments from the sponsors.

Councilman P. Przybylinski stated that this appropriation in the amount of \$2,500,000 and the other appropriation we approved this evening from the Riverboat Fund and the Rainy Day Fund in the amount of \$5,000,000 will bring this up to the total of \$7,500,000 that the city's paying to complete their obligation to this annexation; questioning Attorney Harris if there would be anything that could be modified, due to the fiscal plan stating we're responsible for the infrastructure of this property, not just delivering the service to the property with the owners at this point so there isn't a law suit.

Attorney Harris advised Councilman P. Przybylinski that to amend or modify the fiscal plan regarding what the city is responsible for there would have to be negotiations done with the property owners and an agreement/contract signed amending what is in the fiscal plan to date.

President Fitzpatrick opened the formal public hearing (repeating three times) "is there anyone from the public that wish to speak on the proposed ordinance", there was no response, with the public hearing being closed.

President Fitzpatrick asked if the council had any questions or comments.

Councilwoman Deutch made a motion to have third reading this evening, second by Councilman D. Przybylinski; the motion carried, and the proposed ordinance will be read on third reading this evening by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack and Deutch (8). **NAYS:** None (0).

The Clerk read the following proposed ordinance on third reading by title only.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4668

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE SIXTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR INFRASTRUCTURE FOR CITY'S EASTSIDE ANNEXED PROPERTY

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget for infrastructure to annexed property on City's eastside to be funded by monies the City received from the American Rescue Plan (ARP); and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the ARP Coronavirus Local Fiscal Recovery Fund #2407 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

| | <u>AMOUNT REQUESTED</u> | <u>AMOUNT APPROPRIATED</u> |
|--|-----------------------------|--------------------------------|
| DECREASE ARP Coronavirus Local Fiscal Recovery Fund 2407 Unappropriated balance | \$2,500,000 | |
| INCREASE ACCOUNT # 2407 000 442 Infrastructure | | \$ 2,500,000 |
| TOTAL FOR FUND | \$2,500,000 | |

This Ordinance to 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/ Angie Nelson Deutch, Member
Michigan City Common Council

INTRODUCED BY: /s/ Bryant Dabney, Member
Michigan City Common Council

INTRODUCED BY: /s/ Dalia Zygus, Member
Michigan City Common Council

INTRODUCED BY: /s/ Paul Przybylinski
Michigan City Common Council

INTRODUCED BY: /s/ Gene Simmons
Michigan City Common Council

President Fitzpatrick asked if any of the sponsors had anything to add at this time, there was no response.

President Fitzpatrick asked if there were any comments from the public, there was no response.

President Fitzpatrick asked if the Council had any questions or comments.

Councilwoman Deutch made a motion to approve the proposed ordinance, second by Councilman D. Przybylinski; the motion carried, and the proposed ordinance was approved by the following vote: **AYES:** Council members Simmons, Zygus, P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch and D. Przybylinski (8). **NAYS:** None (0).

The Clerk read the following proposed ordinance on second reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET THE PUBLIC SAFETY LOCAL INCOME TAX (LIT) FUND FOR THE PURCHASE OF A FIRETRUCK

INTRODUCED BY: Dalia Zygus
Bryant Dabney
CO-SPONSOR: Angie Nelson Deutch
Don Przybylinski
Paul Przybylinski

(DECREASE Public Safety LIT Fund 2240 Unappropriated balance \$850,000.00 INCREASE ACCOUNT#2240.201.445.020 \$850,000.00 Capital Outlay – Motor Equipment)

President Fitzpatrick stated that there will be a formal public hearing this evening.

President Fitzpatrick asked if the sponsors had anything to add at this time.

Councilman P. Przybylinski advised he received the information from the fire department regarding what they are purchasing which; 2023 Chassis Pumper in the amount of \$849,400.00 and that he feels this information should have been brought to the Finance Committee to be forwarded to the Council for review.

President Fitzpatrick opened the formal public hearing asking, (repeating three times) "if there were any comments from the public".

Tommy Kulavik 1316 Ohio Street stated he is excited that we are getting a new fire truck that is a pumper.

Chief Legault advised that the pumper truck was put on list to start receiving bids on Friday, February 3, 2023 and their salesperson forwarded the specs for the truck that is up for bid and he forwarded the specs to each of the council members for their review.

President Fitzpatrick asked if there were any other comments from the public.

Barrett Taylor, MCFD President of Local 475 addressed the Council regarding the LIT Tax Fund; asking to meet with the city's negotiation team to reopen their contract as soon as possible.

President Fitzpatrick asked if there were any other comments from the public, there was no response, with the public hearing being closed.

President Fitzpatrick asked if there were any other comments from the Council.

Councilman D. Przybylinski made a motion to have third reading this evening, second by Councilwoman Deutch; the motion carried and was approved to have third reading this evening by the following vote: **AYES:** Council members Zygus, P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (8) **NAYS:** Council member None (0).

The Clerk read the following proposed ordinance on third reading by title only.

ORDINANCE NO. 4669

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PUBLIC SAFETY LOCAL INCOME TAX (LIT) FUND FOR THE PURCHASE OF A FIRETRUCK

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget to fund the purchase of a firetruck, and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Public Safety LIT Fund #2240 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

| | |
|------------------|---------------------|
| <u>AMOUNT</u> | <u>AMOUNT</u> |
| <u>REQUESTED</u> | <u>APPROPRIATED</u> |

| | |
|---|---------------------|
| DECREASE Public Safety LIT Fund 2240 Unappropriated balance | \$850,000.00 |
| INCREASE ACCOUNT#2240.201.445.020 Capital Outlay – Motor Equipment | \$850,000.00 |
| TOTAL FOR FUND | \$850,000.00 |

This Ordinance to 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/ Dalia Zygas
/s/ Bryant Dabney
CO-SPONSOR: /s/ Angie Nelson Deutch
/s/ Don Przybylinski
/s/ Paul Przybylinski

President Fitzpatrick asked if there were any comments from the sponsors.

Councilman P. Przybylinski stated that he understands the need for this truck to be purchased at this time and that he met with Chief Legault and Assistant Chief Rebac to gather spec information to share with the public.

Councilman D. Przybylinski stated that he also spoke with Chief Legault about getting this truck; asking in the future to establish an equipment committee so that items/equipment needed on the department is addressed on a timely fashion instead of waiting until items are ready to fall apart all at one time.

President Fitzpatrick asked if there were any other comments from the sponsors, there was no response.

President Fitzpatrick asked if there were any other comments from the public, there was no response.

Councilwoman Deutch made a motion to approve the proposed ordinance, second by Councilman D. Przybylinski; the motion carried and was approved by the following vote: **AYES:** Council members P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, and Zygas (8) **NAYS:** Council member None (0).

The Clerk read the following proposed ordinance on first reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR LEGAL SERVICES TO CONTEST THE PROPOSED NIPSCO RATE INCREASE

INTRODUCED BY: Paul Przybylinski

(DECREASE Riverboat Fund 2235 Unappropriated balance \$15,000.00 INCREASE ACCOUNT#2235.112.431.010 \$15,000.00 Professional Legal Services)

President Fitzpatrick asked if there were any comments from the sponsors.

Councilman P. Przybylinski advised that this proposed ordinance is to follow up from the resolution that passed earlier in the meeting regarding legal services representing us with the Indiana Utility Regulatory Commission (NIPSCO) and the adoption of the amended resolution to \$15,000.00.

President Fitzpatrick asked if there were any comments from the public, there was no response.

President Fitzpatrick asked if there were any comments from the Council.

Councilman D. Przybylinski stated that he wanted to clarify that the Council addressed the reason why the amendment was made during comments in the resolution to amend the amount from \$20,000 to \$15,000.

Councilman D. Przybylinski made a motion to amend the proposed ordinance from \$20,000 to \$15,000, second by Councilwoman Deutch; the motion carried and was approved to amend the amount to \$15,000 by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus, and P. Przybylinski (8) **NAYS:** Council member None (0).

President Fitzpatrick asked if there were any other comments from the Council.

Councilman D. Przybylinski stated that the proposed amendment approved we received in the Clerk's Office prior to the meeting and that everyone received a copy at their desk.

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating this ordinance will be held over to second reading at the February 21, 2023 Council meeting.

NEW BUSINESS

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the Michigan City Common Council regarding his appointment of Larry Zimmer to the Michigan City Historic Preservation Commission (term will begin immediately and expire 3/15/26)

Councilwoman Deutch made a motion to approve Mayor Parry's request for the advice and consent of Mr. Larry Zimmer, second by Councilwoman Zygus; the motion carried and was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, and Dabney (8) **NAYS:** Council member None (0).

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the Michigan City Common Council regarding his appointment of Ms. Jamie Llorens to the Human Rights Commission (term will begin immediately and expire 11/02/25)

Councilman D. Przybylinski made a motion to approve Mayor Parry's request for the advice and consent of Ms. Jamie Llorens, second by Councilwoman Deutch; the motion carried and was approved by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Dabney, and Fitzpatrick (8) **NAYS:** Council member None (0).

UNFINISHED BUSINESS

2023 Council Committee Assignments Nominations & Vote: President Fitzpatrick advised on the 2023 VOTING MEMBERS ON THE FOLLOWING COUNCIL COMMITTEE ASSIGNMENTS

- Social Status of African American Males
- Economic Development Corporation

President Fitzpatrick opened nominations (repeating three times) asking if there were any nominations for Social Status of African American Males.

Attorney Harris advised President Fitzpatrick that if there are no nominations at this time to bring it back on the next Council meeting agenda February 21, 2023 under "Unfinished Business".

President Fitzpatrick stated that there is no need to vote on Economic Development appointment that the Council received correspondence from MCECD advising that Councilwoman Zygus would be representing the Council for 2023

President Fitzpatrick stated that everyone should have received a copy of the 2023 Council Committee Assignments.

NOMINATIONS: President Fitzpatrick advised that the Council has the following appointments to the Michigan City Social Status of African American Male Board (term expires February 15, 2023 and is a 1yr term)

Incumbent: Resigned- Ministerial Assoc.
Linda Fay Conley- NAACP
Willie Milsap- Swanson Center
Rodney McCormick- M.C. Resident
Dwayne Hurt- MCAS

President Fitzpatrick asked if there were any applications/letters received to date.

Clerk Neulieb advised that we have not received any letters at to date.

VOTE: President Fitzpatrick advised that the Council has one (1) appointment to the Michigan City Social Status of African American Male Commission (a city resident) term will begin immediately and expire 2/15/2024

Nominations: Rodney McCormick
Michael Jones

President Fitzpatrick advised that the Council will be voting this evening on that appointment; advising that nominations are Mr. Rodney McCormick and Mr. Michael Jones.

Rodney McCormick 617 Union Street addressed the Council advising that he is withdrawing his application to accept a two (2) year appointment from Mayor Parry on the Social Status of African American Male Commission.

President Fitzpatrick stated there is only one nomination now to the Social Status of African American Male Commission (a city resident); Mr. Michael Jones.

Attorney Harris advised Councilman P. Przybylinski that it wasn't necessary to open another nomination at the next meeting; that the council can accept the Mr. Michael Jones and vote on his appointment.

Councilwoman Deutch made a motion to accept the recommendation of the Social Status of African American Males to appoint Mr. Michael Jones, second by Councilman D. Przybylinski; the motion carried and was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Dabney, Fitzpatrick, and Mack (8) **NAYS:** Council member None (0).

NOMINATIONS: President Fitzpatrick advised that the Council has one (1) appointment to the Michigan City Tree Board (term expires February 15, 2023 and is a one (1) year term)

Incumbent: Laura Henderson representing Elston Grove Neighborhood Assoc.

President Fitzpatrick opened nominations (repeating three times) "Are there any nominations at this time" representing the Tree Board (Elston Grove Neighborhood Assoc.)

City Clerk Neulieb advised that the Clerk's office had received one letter from the Elston Grove Neighborhood Assoc. reappointing Laura Henderson.

Councilwoman Zygas made a motion to accept the reappointment of Laura Henderson to the Michigan City Tree Board by the Elston Grove Neighborhood Association, second by Councilwoman Deutch; motion carried and was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, and Deutch (8) **NAYS:** Council member None (0).

NOMINATIONS: President Fitzpatrick advised that the Common Council has one appointment (business) to the Michigan City Urban Enterprise Association due to Ms. Esther Guncheon resignation from her appointment (term begins immediately and expires 12-31-2024)

President Fitzpatrick asked if there were any applications/letters received to date.

City Clerk Neulieb advised that the Clerk's office had received one letter from Mr. Kenneth Fly Sr.

President Fitzpatrick opened nominations (repeating three times) "Are there any nominations at this time" representing a business in Michigan City by the Council.

Councilman D. Przybylinski asked if Mr. Fly owned a business in the Urban Enterprise Zone.

Discussion ensued between President Fitzpatrick, Council members Deutch, D. Przybylinski and Rodney McCormick regarding Mr. Fly owning a non for profit business called Fly High Youth.

Councilwoman Deutch made a motion to nominate Mr. Kenneth Fly Sr. to the Urban Enterprise Association, second by Councilman P. Przybylinski; the motion carried and was approved by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, and D. Przybylinski (8) **NAYS:** Council member None (0).

COMMENTS FROM THE PUBLIC

President Fitzpatrick asked if there was anyone from the public that would like to speak at this time.

Rodney McCormick 617 Union Street commented on Councilman Mack's comments who is trying to deal with some of the issues we have in our community; stating several

reasons why our city needs to come together and get something for our kids to do like it or not.

Barrett Taylor, MCFD President of Local 475 stated the Council received correspondence from the MCPD FOP Dunes Lodge 75; requesting to meet with the city's negotiating team to open their contract up as soon as possible for negotiations. Mr. Taylor advised that the Council will be getting a letter to the Clerk's Office requesting to meeting as soon as possible as well.

Tommy Kulavik, 1316 Ohio Street, Fire Merit Commissioner commented on the fire that destroyed the Pullman Rail Car Shop on July 13, 1973, here in Michigan City asking for a proclamation about this should be made; and giving his condolences to his dear friend Jeff Santa and his wife for his passing.

President Fitzpatrick asked if there were any additional comments from the public, there was no response.

COMMENTS FROM THE COUNCIL

President Fitzpatrick asked if there were any comments from the Council at this time.

Councilman Dabney commented on the ARP funds, that we started with approximately 16.3 million dollars and we have been replacing a lot of equipment for our city workers; that people have forgotten that when covid hit, our city stopped all capital spending, so now we are trying rotate police cars, purchase fire trucks, equipment, but everything was put on hold for a few years; advising that we are moving forward on the restoration of some of our city parks "Water Tower Park" is being started on this summer, hopefully "Fedders Alley"/ "Washington Park" and there is the new park behind the police station on Michigan Boulevard.

Councilman D. Przybylinski commented about parks in our community, that there is so much money that can go around to different areas and that it is going to take time and that we wouldn't be able to purchase all the equipment we have and done the things we have been able to do if we wouldn't have received the ARP funds we couldn't of done these things.

Councilman D. Przybylinski congratulated the owner of Duncan Donuts that just opened on Michigan Boulevard and that he spoke to him and they will be hiring eighteen to twenty people from the 5th ward; giving back to the surrounding neighborhoods on the east side of town.

Councilman D. Przybylinski stated that he also had the opportunity to attend the Black History month celebration; that it was very well put together, a moving program.

Councilman D. Przybylinski thanked Tommy Kulavik for bringing up about the passing of Jeff Santana who was a city employee, great fire fighter, referee, basketball player, county commissioner, friend, and he will very missed.

Councilman D. Przybylinski shouted out to Mike Vinson, Vice President of the Michigan City Board of Public Works and Safety and is present this evening; thanking him for taking care of request that he put into them regarding shots fired on Fulton Street behind Kathy Stansky's house; stating the light has been installed which helped the situation.

Councilwoman Deutch liked what Mr. McCormick stated about the kids in our community and them needing things to do; that when growing up she didn't have any fancy places to play but did play softball, basketball at different community centers and they were small; that we still have ARPA money left with the mayor holding the purse strings to bring a plan forward to the council.

Councilwoman Deutch advised that the city will be announcing the nonprofits that are receiving dollars from the ARPA funds in March or April and that there is a second wave of ARP monies in the amount of \$500,000 that will be available later in the year, one million in workforce development with that leaving approximately four (4) million that's available for community things; with everyone repeating the same statement that in ten (10) years we will be asking what did the City do with all that money; so this next four (4) million is going to be important; that if anyone in the public has an idea reach out to the mayor, something you believe is needed in the community, he's the first stop to even get on the agenda to talk about output.

Councilman Deutch commented on Black History month, Jessica Kelly was the speaker where she talked about our history and the impact it has on our future; that she was a dynamic speaker, hoping that everyone will watch her speech on ALCO; announced the schedule for free movies being held on Thursdays during February about Black History, lastly congratulating the twenty-five (25) officers who received training in crisis prevention and mental health tactics.

Councilman Mack stated that the direction of the parks should not just be for outdoors, that we should going in a new direction like everyone else, programming with a representative director and need to invest in serious attempts to try to change behaviors in the children starting at a young age; as for the facility it will not cost \$20 million and is why I'm asking for the study to see what type of facility will fit in our community.

Councilman P. Przybylinski thanked everyone involved with trying to help reduce our utility rates and commenting on Black History month and Martin Luther King.

President Fitzpatrick asked if there were any other comments from the council, there was no response.

ADJOURNMENT

A motion by Councilman P. Przybylinski, second by Councilwoman Deutch and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 9:17 p.m.)

Gale A. Neulieb, City Clerk

