

REGULAR “HYBRID/ZOOM” MEETING

March 7, 2023

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, March 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, Dalia Zygas and Tracie Tillman (9).

ABSENT: COUNCIL MEMBERS None (0).

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 February 21, 2023 or the Executive Session minutes that were held on February 28, 2023

Councilman D. Przybylinski made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting minutes that was held on February 21 and the Executive Session minutes that was held on February 28, 2023 second by Councilman Dabney.

The motion carried and the minutes were approved from the February 21, 2023 Regular Council meeting were approved and also the Executive Session minutes that were held on February 28, 2023 were approved by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski (9) **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

Councilwoman Tillman stated that the Finance Committee met this evening, March 7, 2023 at 5:34 p.m. there was a quorum and the claims were reviewed; Riverboat Fund #2235 in the amount of \$34,520.46, paying Applied Concepts, Inc. Stalker Radar in the amount of \$11,094.50 and to Maxim Power Sports in the amount of \$23,425.96 Boyd Development Fund #2504 had no claims and Riverboat EFT Fund had no claims as well. The Total amount on the March 7, 2023 Claim Docket was \$34,520.46 with the finance committee making no recommendations, claims were not approved; advising that the reason for not being approved was due to Committee member P. Przybylinski

questioning Controller Hoffmaster if the \$23,425.96 that was purchased for an ATV for the Lifeguards who are now a part of the Fire Department; why these funds wasn't coming out of the LIT Fund along with the other claim that were items for the Police Department in the amount of \$11,094.50 and not getting an answer from the Controller; advising that the current Riverboat Statement of cash fiscal year to date March 7, 2023 is \$6,936,168.34

CLAIMS DOCKET

President Fitzpatrick read the following claim docket for March 7, 2023.

March 7, 2023

Fund #2042 – Riverboat – Claims -	\$	34,520.46
EFT	\$	00.00
Fund #2031 – Boyd Development -	\$	00.00
EFT	\$	00.00
TOTAL CLAIMS	\$	34,520.46

Councilman Dabney asked if Controller Hoffmaster had an answer regarding Councilman P. Przybylinski question regarding the fund these two claims were taken from.

Discussion ensued between Controller Hoffmaster and Council members Dabney, P. Przybylinski, D. Przybylinski, and Deutch, that these claims should of came out of the LIT funds, and that it would take six (6) weeks to pay these invoices due to having to have a formal public hearing on an additional appropriation ordinance, voting this March 7, 2023 claim docket down and these two claims were approved during the 2023 budget to come from the Riverboat fund, questioning if the council should go back and review what was approved during the 2023 budget hearing and was approved by the police or fire department safety items and transfer anything approved to come from the LIT fund, questioning the perspective from the controller what the easy way to do this would be, explained the amount of money that was approved for the 2023 budget from the both the Fire and Police Department, proposing the de-obligation from the Riverboat, schedule a workshop to look at what needs to be done identifying the items.

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

Councilman P. Przybylinski made a motion to not approve the March 7, 2023 Claim Docket and the City Controller will come back at our March 21, 2023 Council meeting with an appropriation from the LIT fund to pay these two (2) claims, a second was made by Councilman D. Przybylinski; the motion failed to not approve the March 7, 2023 Claim Docket in the amount of \$34,520.46 by the following vote: **AYES:** Council members Deutch and D. Przybylinski (2) **NAYS:** Council member Bryant, Fitzpatrick, Mack, Simmons, Zygus, P. Przybylinski, and Tillman (7).

Councilman P. Przybylinski asked to reconsider his vote.

Councilman P. Przybylinski made a motion to reconsider the vote that was just taken, second by Councilwoman Tillman; the motion carried, and the vote will be reconsidered by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, and Tillman (7) **NAYS:** Council member Fitzpatrick and Bryant (2).

Councilman P. Przybylinski made a motion to NOT approve the claim docket for March 7, 2023 in the amount of \$34,520.46 and that the Controller comes back at our next meeting on March 21, 2023 appropriating \$34,520.46 from the LIT fund to pay these two (2) claims, second by Councilman D. Przybylinski; the motion failed to NOT approve the March , 2023 Claim Docket by the following vote: **AYES:** Council members Deutch, D. Przybylinski, P. Przybylinski, and Tillman (4) **NAYS:** Council members Mack, Simmons, Zygus, Dabney, and Fitzpatrick (5).

Councilman Dabney stated that if this would of passed, we are going to tell these vendors who we've already purchased and we received invoice from and call them back to tell them they are going to have to wait six (6) weeks before we can pay them.

Councilman D. Przybylinski commented on the timeframe on bringing this back at the next Council meeting as an additional appropriation and that this should have been done in the first place and came out of the LIT Funds.

President Fitzpatrick stated that the LIT tax didn't exist when we were working on the 2023 budget.

A motion was made to approve the Riverboat/Boyd claims from February 21, 2023 by Councilman P. Przybylinski, second by Councilman D. Przybylinski.

The motion carried and was approved by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus, and P. Przybylinski (9) **NAYS:** Council member None (0)

REPORTS FROM BOARDS AND COMMISSION

President Fitzpatrick asked if there were any reports from any boards or commissions.

Councilwoman Deutch advised that the Woman's Commission will be at the March 21, 2023 Council meeting do their 2022 Annual Report.

Shannon Eason representing the Michigan City Art Committee, introduced Janet Bloch, Dale Cooper, Judy Jacobi, and Carol Ann Brown all members of the art committee; presented their 2022 Annual report to the council.

REPORTS OF SPECIAL or SELECT COMMITTEES

President Fitzpatrick asked if there were any reports of special or select committees, there was no response.

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

Mayor Parry stated that if the motion made by Councilman P. Przybylinski, to not pay the March 7, 2023 Riverboat claims the city could have possibly received a penalty/late charge fee and should be kept in mind in the future.

MCFD Legault reported the following monthly data for the month of February:

- Fires – 5
- Rescue/Emergency Medical – 270
- Hazardous conditions (non-fire) – 3
- Service Call – 4
- Good Intent Call – 40
- False Alarm & False Call – 4
- Narcan – 5

Chief Legault advised that there are three (3) probationary firefighters at the Mac Career Academy, we have four (4) applicants being processed for hiring and that we have four (4) firefighters retiring in the next few months; stating that the total number of firefighters is in the budget is eighty-one (81).

Chief Legault commented on the LIT Funds hoping that we can schedule a negotiation meeting to move forward on this matter; reporting the research he did; advising why firefighters are leaving Michigan City and going to other departments for higher pay.

Discussion ensued between Chief Legault and Council members Deutch, P. Przybylinski, Dabney, and D. Przybylinski regarding the current hiring list, asking for anyone interested in being a firefighter to submit their application, when the testing will take place, how many applicants there are left on the current hiring list, why firefighters are leaving, why so many firefighters have their twenty years in and why they are staying, and number of firefighters on the department to date.

MCPD Chief Steve Forker reported to the Council regarding their applicant testing that was done in January of this year, with four of those applicants have been offered a job with the MCPD and is hoping to swear them in very soon; one officer has left and went to the Chesterton Police Department and that they did an exit interview stating that not only was it for better pay, but they have twelve (12) hour shifts which gives them more time off and was closer to his home; explained the salaries the MCPD is competing with from communities close to our city, more marketing that is being done to recruit officers, and full staff being 84 officers.

Chief Forker advised President Fitzpatrick the pay he is referring to is the City's baseline salary plus longevity, we're not looking at shift differentials or benefit packages; this is based on the numbers for a first-class patrolman.

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 any correspondence received.

Clerk Neulieb advised that the Clerk's Office didn't receive any correspondence.

RESOLUTIONS

The Clerk read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION 4875

**APPROVING AND AUTHORIZING THE INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY AND THE LAPORTE COUNTY BOARD OF COMMISSIONERS
REGARDING REPAIRS TO THE LIBERTY TRAIL BRIDGE PERFORMED IN
CONJUNCTION WITH THE PHASE 3 OF THE CITY'S SINGING SANDS TRAIL**

WHEREAS, I.C. 36-1-7-1, et seq., permits governmental entities to enter into interlocal cooperation agreements to make the most effective use of their powers and resources by contracting and utilizing services for the mutual benefit of the participating governmental entities; and

WHEREAS, the City of Michigan City ("City") is a unit of local government located in LaPorte County, Indiana, with jurisdiction over all real property and residents within the municipal corporate boundaries of Michigan City, Indiana; and

WHEREAS, the LaPorte County Board of Commissioners ("County") is a unit of local government located in LaPorte County, Indiana with jurisdiction over all real property and residents with the boundaries of LaPorte County, including having control and jurisdiction of Liberty Trail Bridge; and

WHEREAS, the parties desire to enter into a Interlocal Cooperation Agreement regarding repairs and rehabilitation to Liberty Trail Bridge made in conjunction with Phase 3 of the City's Singing Sands Trail, and more specifically:

- a. County will reimburse City \$19,600.00 for engineering costs for THE repairs and rehabilitation to Liberty Trail Bridge; and
- b. County will reimburse the City for Twenty Percent (20%), which is the City's local match, for the actual construction costs for the repairs and rehabilitation to Liberty Trail Bridge, which is estimated to be \$56,250. The remaining Eighty Percent (80%) of the actual construction costs for the repairs and rehabilitation to Liberty Trail Bridge is covered by a grant with the Northwest Indiana Regional Plan Commission ("NIRPC"); and

WHEREAS, the Common Council finds it to be in the best interest of the City to now enter into the Interlocal Agreement with the County.

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

1. The aforementioned "whereas" paragraphs are hereby incorporated herein as though fully set forth in these resolving clauses.
2. The Common Council hereby approves the *Interlocal Cooperation Agreement between the City of Michigan City & the LaPorte County Board of Commissioners Regarding Repairs to Liberty Trail Bridge Performed in Conjunction with Michigan City's Singing Sands Trail Phase 3*, which is attached hereto as "**Exhibit 1.**"
3. That after the aforementioned Interlocal Agreement receives all necessary approvals and has been properly executed by both parties, the Michigan City Clerk shall record the fully executed Agreement with the LaPorte County Recorder's Office, provide copies of the recorded Agreement to each party to the Agreement as provided in the Agreement, and file a copy of said Agreement with the State Board of Accounts within sixty (60) days after the effective date of the Agreement.

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/ Bryant Dabney

/s/ Don Przybylinski

/s/ Paul Przybylinski

/s/ Michael Mack

/s/ Angie Nelson Deutch

/s/ Tracie Tillman

/s/Dalia Zygas

/s/ Gene Simmons

NOTE: EXHIBIT "1" IS ATTACHED TO RESOLUTION NO. 4875

Councilman Dabney advised that Shannon Eason Asst. Park Department Superintendent is present to answer any questions the council may have.

Shannon Eason, Asst. Park Superintendent advised this local bridge agreement came about because we are planning Phase 3 of the Singing Sands Trail where the trail terminates now at Liberty Trail and Phase 3 will pick up the trail at Liberty Trail; explaining the plans and what will be occurring regarding the repairs and rehabilitation to Liberty Trail Bridge, the financing, why we need to do this project now, and the agreement with LaPorte County.

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

President Fitzpatrick asked if there was any questions or comments from the council.

The following Council members asked to be added as sponsors to the proposed resolution; Simmons, D. Przybylinski, P. Przybylinski, Mack, Deutch, Tillman and Zygas.

Ms. Eason addressed Councilman P. Przybylinski question about what the plans are for the bridge: advising the bridge is very wide with single traffic lanes going in each direction, with trail being located on the east side of the concrete barrier between the traffic lane and the trail itself; making this a shared roadway on the bridge that two (2) lanes of traffic will remain with a safe crossing.

President Fitzpatrick stated that this project has been going on for many years; questioning the total amount of money that has been spent to date.

Ms. Eason stated that she would collect that information and share it with Council, advising this project began in 2003 and that there is eight (8) and half million dollars of trail for the Phase 3 project to construct with a big majority of the funds being paid by the State and Federal Highway funds.

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

Councilwoman Deutch made a motion to approve the proposed resolution, second by Councilman P. Przybylinski; the motion carried and the proposed resolution was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, and Mack (9) **NAYS:** Council members None (0).

Mark Yagelski, LaPorte County Commissioner advised that there is no monies that's allocated for this bridge, but he would find out what we can do about it; these are taxpayers dollars, because all of the monies from the State goes into the bridge fund, advising the money is not in our general fund, the money is allocated so much per year; stating that he will see if he can appropriate monies towards this project, but to date it's not part of a proposed county project or in the near future right now; that he is on the highway bridge committee and will see if we can get this project moved up.

President Fitzpatrick asked if there was anyone else that we missed comments by the public.

Brian Gross, 830 W. 6th Street, commented on the Sing Sands Trail at the west of town by NIPSCO that comes up to by the Amtrack tracks; asking if they are ever going to make a pedestrian walkway from the NIPSCO side to the DNR building side across the Amtrack tracks.

President Fitzpatrick advised that these questions would have to be something that would need to be researched; asking Shannon if she could look into this matter.

Clerk Neulieb advised that the next proposed resolution will be brought to the floor after the formal public hearing is done on the proposed ordinance annexing the property on W. 400 N.

ORDINANCES

The Clerk read the following proposed ordinance on first reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PUBLIC SAFETY LOCAL INCOME TAX (LIT) FUND FOR THE PURCHASE OF TOUGHBOOKS FOR MICHIGAN CITY POLICE DEPARTMENT

INTRODUCED BY: Gene Simmons

(DECREASE Public Safety LIT Fund 2240 Unappropriated balance \$300,000.00 INCREASE ACCOUNT#2240.201.445.050 \$300,000.00 Capital Outlay – Other Equipment)

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

Councilman Simmons stated the MCPD is requesting to purchase Panasonic “Toughbooks” for their department for a total cost \$300,000 which will be coming out of LIT fund; advising the Asst. Chief Corley is present to answer any questions the council may have.

Councilwoman Tillman stated that in the proposed ordinance it states that the MCPD is wanting to purchase eighty-four (84) toughbooks for the total amount of \$300,000; thanking Chief Corley for utilizing the LIT funds for other things that are needed on their department and questioning the eighty-four (84) based off the number of vehicles the department has and if this was a better deal if bought by quantity.

Asst. Chief Corley advised that we don’t have eighty-four officers to date but is our plan to reach our goal to have eighty-four (84) in the near future and is actually a savings to order as a bundle rather than purchasing them one by one.

Councilwoman Deutch questioned that when the presentation was done last year we were advised that these will be compatible with all the new technology that the MCPD is using and is one reason why we are moving to purchase these that they are also very durable as well.

Asst. Chief Corley addressed the council regarding the toughbooks being purchased, that they aren’t only durable, but efficient, they run constantly so when you take them out of the vehicle you don’t have to reboot; with the toughbooks being compatible with six (6) or seven (7) desktops inside the building due to them being compatible with the laptop cradle on our desks.

Asst. Chief Corley advised Councilwoman Tillman that the toughbooks are also compatible with the flock program as well.

Councilman P. Przybylinski asked to be added as a co-sponsor.

Councilman P. Przybylinski asked what the timeframe is on receiving these; with Asst. Chief Corley advising that once the Council approves the funds; they it will have to go to the Board of Works for their approval to move forward to order.

Councilman P. Przybylinski stated he was glad that the LIT funds were being used to purchase these items; and that maybe we should receive a monthly report from the Controller’s Office on where this LIT money is being spent and what is being purchased.

Councilman D. Przybylinski asked to be added as a co-sponsor to the proposed ordinance too.

Councilwoman Nelson Deutch also asked to be a co-sponsor.

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

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

Asst. Chief Corley advised Councilman P. Przybylinski that the MCPD new technology should all be completed and installed by early spring.

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating that the proposed ordinance will be held over on second reading until our next meeting on March 21, 2023.

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

CREATING SEC. 2-419 IN THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH CRITERIA FOR UTILIZATION OF PUBLIC SAFETY LIT FUNDS

INTRODUCED BY: Angie Nelson Deutch
Paul Przybylinski

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

Councilwoman Deutch made a motion to TABLE the proposed ordinance on second reading until the April 18, 2023 Council meeting, second by Councilman P. Przybylinski.

The motion carried and was approved to TABLE the proposed ordinance on second reading until the April 18, 2023 Council meeting by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack , and Deutch (9) **NAYS:** Council members None (0).

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

ANNEXATION OF A CERTAIN CONTIGUOUS AREA OF REAL ESTATE CONSISTING OF APPROXIMATELY 32.866 ACRES LOCATED IN UNINCORPORATED LAPORTE COUNTY, COOLSPRING TOWNSHIP, INDIANA SOUTH OF COUNTY ROAD W. 400 N.; WEST OF COUNTY ROAD N. 950 W.; NORTH OF THE EAST/WEST SECTION OF THE NORTH FRONTAGE ROAD, AND EAST OF NORTH/SOUTH SECTION OF THE NORTH FRONTAGE ROAD AND DECLARING THIS SAME AREA TO BE PART OF THE INCORPORATED JURISDICTION AND WITHIN THE CITY LIMITS OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA PURSUANT TO INDIANA CODE 36-4-3

INTRODUCED BY: Dalia Zygas
Angie Nelson Deutch

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

Councilwoman Deutch stated that there were several questions at the last council meeting and that everyone should have received a copy of a the memorandum in reference to the annexation by Great Lakes, Capitol; advising that there are representatives present and on line from GLC if the Council has any questions; that basically this is a volunteer annexation and whether this is done through this council or on its own, this is totally separate from any discussion on this being a county TIFF district, but as we learned with the last 8.5 million dollars we've had to deal with, was different; advising that particular annexation did not have a project associated when it was proposed; that the proposed annexation on the table has a very specific project, which is different and there is sewer and water already there, but this is just a formal proceeding to make sure of that for the actual annexation; that any discussion after the

annexation is a part of the city and as far as working with the county still has to happen but is not a part of the annexation process.

Tommy Kulavik, 1316 Ohio Street, commented on this property that is being proposed as a friendly annexation is part of the Hwy 421/94 LaPorte County Tiff District; that we would still have to provide city services to; stating that this city needs another interchange off of County Line Road and I-94 with an exit there to be able to go straight to the north end of our city.

President Fitzpatrick opened the formal public hearing (repeating three times) asking, "if there were anyone from the public that wished to speak at this time", there was no response and the public hearing was closed.

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

Councilwoman Deutch with this parcel being in the LaPorte County TIFF was one of the questions asked; advising that we did have an informal meeting earlier today where this was discussed; stating that there was an original LaPorte County TIFF and then there was an amendment to that TIFF, stating that the TIFF has no bearing on the annexation.

Attorney Jewel advised that Attorney Raggs was on line to answer any questions ;that he has been working on this annexation.

Councilwoman Deutch asked Attorney Raggs to elaborate on this matter; annexation process versus TIFF and how they are separate.

Attorney Raggs stated although there may be a county TIFF district located in this property the statues are very clear for an unincorporated property, especially in a super voluntary annexation; advising there is only one thing that would prevent this annexation from going forward and that is if the county owned part of the actual real property within the area to be annexed and this is not the situation; this landowner has a petitioned for this annexation; stating the fact it's in a TIFF district does not matter for the purposes of the annexation.

President Fitzpatrick asked Attorney Raggs if the city would be liable for any expenditures regarding this annexation moving forward, asking if whatever the county has vested in this TIFF area would the city be responsible for.

Attorney Raggs stated if I understand your question correctly; the county has certain infrastructure they have purchased and is in this TIFF district under with certain condition; that the city would have to reimburse the county for that infrastructure; but doesn't believe that any infrastructure that qualifies for that does exist.

Councilman P. Przybylinski addressed Attorney Raggs questioning his statement that if the city's sanitary and water departments owns the lines to this proposed annexed property, that they will be responsible to connect water/sewer to the property.

Attorney Raggs stated that if you're asking me if the city owns the infrastructure that is there, as I understand the infrastructure is connected to city sanitation and there is a petition in place, I can't say for sure, upon reflection and when looking at the memo, within that memo it was not listed that there was county infrastructure.

Councilman P. Przybylinski asked Attorney Raggs, so now you are saying that we have no liability to the district that they established if this is annexed into the city of Michigan City or is there any liability through the tax draw or through any other means on paying the county money of this development or will that go to LaPorte County TIFF district.

Attorney Raggs stated the city would not be responsible to payout anything to the county, as it relates to the annexation of this property; stating whether or not the assignment of the funds from this property if annexed would go to the city or go to

county, that is a separate question, but the city wouldn't be responsible to pay the county anything based on this annexation, and no he is not saying that it nullifies the county's TIF district, stating that the city would not be responsible for paying the county and for new taxes that are in a TIF district and the TIF district exists, as the county TIF district, this property is annexed into the city, then, if there are any bond obligations that are being funded pursuant to certain taxes that are generated within that TIF district, and are specifically called out for then the county would still receive assignments of those tax funds until the bond obligation is paid off; stating that is not a payment that the city makes to the county, advising there is a private placement bond so we don't have access to the information to date but have requested it.

Councilman P. Przybylinski asked if anyone could tell him how much we are going to gain on this development.

Attorney Harris stated that the real question as the attorneys is related to the legalities of the proposed annexation and that the TIF is a question of what municipal finance rights; and that's kind of beyond the scope of what we're doing; advising Councilman P. Przybylinski that we don't want to not give you an answer but it's the issue is entirely finance and won't know any of the particulars until we receive those documents.

Attorney Raggs advised Councilman D. Przybylinski the Bond mentioned that will mature in 2040 is for 4 million dollars and is a county bond issuance (private placement bond).

Councilman Fitzpatrick asked to clarify the TIF district in what is on the dirt, not what is above the dirt; so if we put something above the dirt and generate revenues from it, would those revenues go to satisfy the bond that is outstanding with the county before we could receive any of those revenues; with Attorney Jewel stating in theory, yes and that we would still have to provide services to the area we annexed because essentially it is in the city.

Councilman D. Przybylinski stated that his understanding is that if this property is annexed with LaPorte County and having a 4-million-dollar bond on this property, the city won't receive any taxes until this bond is paid.

Councilwoman Deutch advised Councilman D. Przybylinski that there are other benefits that she can explain directly to him, that we are on second reading and the proposed annexation there is a bond that is outstanding, and once the annexation goes through, there is a process to deal with that which is the TIF district and is a discussion that will take place with the county on this parcel, but there are other taxes that we will receive, like employment tax that goes into the LIT fund, we will receive the personal property taxes; that there are different things that we will receive off of the benefit of putting this new facility on that property and we need to understand there are more benefits.

President Fitzpatrick asked if there were any other questions or comments from the council, there was no response; stating that this ordinance will be held over on third reading at the March 21, 2023 Council meeting.

President Fitzpatrick asked the Clerk to read the following resolution; due to having to wait to have the formal public hearing regarding the proposed annexation ordinance.

The Clerk read the following proposed resolution by title only.

ADOPTION OF A WRITTEN FISCAL PLAN AND ESTABLISHMENT OF A DEFINATE POLICY FOR AN ANNEXATION ACTION PURSUANT TO INDIANA CODE 36-4-3-5.1(d) SPECIFIC TO A CERTAIN TERRITORY CONTIGUOUS TO THE CITY OF MICHIGAN CITY, AN AREA OF REAL ESTATE CONSISTING OF APPROXIMATELY 32.866 ACRES LOCATED IN UNINCORPORATED LAPORTE COUNTY, COOLSPRING TOWNSHIP, INDIANA SOUTH OF COUNTY ROAD W. 400 N.; WEST OF COUNTY ROAD N. 950 W.; NORTH OF THE EAST/WEST SECTION OF THE

NORTH FRONTAGE ROAD, AND EAST OF NORTH/SOUTH SECTION OF THE NORTH FRONTAGE ROAD

INTRODUCED BY: Dalia Zygas
Angie Nelson Deutch

Councilwoman Deutch made a motion to TABLE the proposed resolution until the next meeting on March 21, 2023, second by Councilwoman Tillman; the motion carried to TABLE it until the March 21, 2023 Council meeting by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, and D. Przybylinski (9) **NAYS:** Council members None (0).

NEW BUSINESS

President Fitzpatrick stated that Mayor Parry is requesting the advice and consent of the Michigan City Common Council regarding his appointment of Ms. Mercedes McMullen to the Michigan City Human Rights Commission, replacing Ms. Melody Haynes who recently resigned (term will begin immediately and expire 02/02/26)

Councilman P. Przybylinski made a motion to approve Mayor Parry's request for the advice and consent of his appoint of Ms. Mercedes McMullen to the Michigan City Human Rights Commission, second by Councilwoman Deutch; motion carried and was approved the Mayor's appointment of Ms. McMullen to the Michigan City Human Rights Commission by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski and Simmons (9) **NAYS:** Council members None (0).

President Fitzpatrick advised the Michigan City Common Council has one (1) appointment to the Michigan City Enrichment Corporation (term expires March 31, 2023) Incumbent: George Kazmierczak

Councilman D. Przybylinski advised that Mr. Kazmierczak will not be seeking another term due him only being able to serve for three (3) years in a row according to the by-laws.

Clerk Neulieb advised the following applicants were received: Rodney McCormick, Pastor Dennis Carroll, and Jason Kirby.

UNFINISHED BUSINESS

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 are all 1yr terms)

Incumbent: Resigned- Ministerial Assoc.
Linda Fay Conley- NAACP
Willie Milsap- Swanson Center
Dwayne Hurt- MCAS

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

Clerk Neulieb advised that the Clerk's Office received a letter from the NAACP re-appointing Ms. Linda Conley as their representative.

Councilwoman Deutch made a motion to support the NAACP recommendation for Ms. Linda Fay Conley to represent the NAACP, second by Councilwoman Zygas; the motion carried and was approved by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygas (9) **NAYS:** Council members None (0).

Clerk Neulieb advised Councilwoman Deutch that when a term is ending for a member on any board or commission, they need to let their member know a few months ahead so they can contact the entity that appointed them previously.

Councilman P. Przybylinski asked if he could be excused from his chair to distribute information to each council member; stating that he has some business that needs to be addressed at this meeting.

Councilman P. Przybylinski read the following.

After my review of the documents regarding the annexation of the 420 acres near the airport and have convinced myself that the Council was sold a bill of goods and that is a bad deal for our City and the taxpayers of our city.

“Build it and they will come” might have worked for the Field of Dreams in IOWA’s cornfields but there is nothing that says we should be throwing 7 or 8 million dollars at a property when we don’t even have a developer interested in building on this land; with this money we could do many worthwhile projects over due needed in our neighborhood.

Consequently under “Roberts Rules of Order” since this is the next ensuing meeting of the Council, and I was on the prevailing side with agreeing to appropriate five (5) million dollars for water and sewer to this annexed property with funds coming out of the Riverboat and the Rainy-Day Funds.

I hereby move to reconsider Ordinance No 4665 appropriating five(5) million Dollars toward the \$7.5 million needed to meet the city’s obligation and requesting our attorney to investigate ways to void the annexation Ordinance No. 4498 adopted in 2018. (Handing out a newspaper article that was in the paper On February 28, 2023 titled “MC plan to annex 33 acres proceeds)

Councilman P. Przybylinski made a motion to reconsider Ordinance No. 4665 appropriating five (5) million dollars toward the 7.5 million needed to meet the city’s obligation and requesting that our attorney investigate ways that this council can vote to reconsider water/sewer connection to this annexation (Ordinance No 4498 adopted in 2018), second by Councilman D. Przybylinski.

Councilman Dabney questioned why in the news paper article that was presented to each member the paragraph is highlighted commenting on what he stated at that meeting.

Discussion ensued between Councilman Dabney and Councilman P. Przybylinski addressing why it was highlighted.

Councilwoman Deutch stated that we talked about what needed to be done on this annexed property, what the obligations were when we had the ARP meetings questioning the amount if the City could go back to the owners and extend what is proposed in the fiscal plan; advising that there has been no developer that is interested in this land; questioning if the administration or controller went back and had a conversation with the owners and that we know at this time we have a legal obligation to connect water/sewer.

Attorney Harris advised that yes their has been cases that go back to the owners of the property that was annexed into the city, but couldn’t answer the particulars until he would investigate what is being proposed now and is part of the motion is for him to investigate further, to see if we can do it.

Councilwoman Deutch questioned if there has to be a motion to move forward to investigate our options; with Attorney Harris advising “yes”.

Councilwoman Deutch asked if the engineering service by the Water/Sanitation have been done and also if the materials was ordered to complete this project yet.

Councilman P. Przybylinski advised that no materials have been ordered nor has the engineering study been done to date; stating that what he is trying to do is get some breathing room and that there are different ways to finance this project, that he believes there is a developer out there that is going to be willing to work with city and come up with a plan and that he is asking to void this last ordinance we passed, so there is still money appropriated to do other things that are needed to be done in our neighborhoods.

Councilwoman Zygus commented on several reasons you can’t just void an ordinance; if we want to investigate what Councilman P. Przybylinski is wanting to do; she would support that but would not any terminology that states to void something that was adopted.

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

The motion was carried and was approved for Attorney Harris to investigate the annexation Ordinance No.4665 by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons ,Zygus and P. Przybylinski (9) **NAYS:** Council members None (0).

COMMENTS FROM THE PUBLIC

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

Faye Moore, 515 Grace Street, commented on the unfinished business regarding the re-appointments of the Social Status of African American Males Commission that haven’t been received to date; asking who was appointed to their commission representing the council for 2023; that they have had issues with getting a secretary for almost a year with no training for them, Mr. Milsap told her that the Swanson Center sent his letter for re-appointment.

Councilwoman Deutch advised Ms. Moore that she will contact the last three (3) entities to get their letters in for their appointments.

President Fitzpatrick advised that he was appointed to the their commission at the last council meeting.

Ms. Moore announced that the Michigan City’s Woman’s Commission is celebrating “Women’s International Day” tomorrow at Krueger Memorial Hall from 12 – 2 to have lunch and will be having a few women’s health presentations; asking for more support from our city council and city department heads to support ALL boards and commission events.

Ken Fly, 211 E. Fulton Street President of the Social Status of African American Males Commission advising that their commission will be at the March 21, 2023 Council meeting to do their 2022 Annual Report; advising that their commission is eight (8) months behind on their minutes explaining that there has been several changes in members the last nine (9) months but are getting things back to normal.

Ken Fly, member of the Enrichment Corporation, commented on what a good job Ron Miller, President of the Enrichment Corporation did at the last council meeting doing

their annual report; commenting on the council's appointment that will be on the agenda to this commission at the next council meeting on March 21, 2023.

Mr Fly, a member of the Housing Authority Board, commented on an email that was faxed to the Clerk's office Friday March 3, 2023 requesting that it to be stamped and forwarded to a list of people on the correspondence; stating there is a grave complex of interest going on at the Housing Authority meetings; asking how can a person off the streets walk in their office ask them to stamp and email a piece of paper with no signature; that shouldn't be happen.

Ernie Hallahan, 302 Gladys Street commented on the condition of the railroad crossings on Woodland Avenue that they are as bad as Tilden Avenue and Ohio Street before they were repaired and asking that the should consider closing that street until they are repaired.

Mr. Hallahan addressed the proposed Water Tower Park project that he lives by that park and is happy to see what is going to be happening to improve it; asking to have a speed bump placed along there to slow people down from speeding.

Brian Wright, President of Michigan City FOP Lodge 75; stating as Chief Forker pointed out all of our stats indicate that we are short staffed, we are budgeted for eighty four (84) officers and are down to sixty-nine (69) to date; commenting on how many officers have left since 2015 and why, asking to discuss the LIT tax funds and what we are going to do moving forward to attract new officers and keep the officers we have.

Tommy Kulavik, 1316 Ohio Street agreed with Officer Wrights comments; advising what some of the surrounding cities have done for the firefighters and police officer with the LIT funds and pay raises.

Mr. Kulavik stated that the railroad crossing on Woodland Ave is terrible; asking Councilman D. Przybylinski to contact our senator to get this crossing fix quickly.

Mr. Kulavik congratulated the Marquette Blazers on their sectional win.

Belinda Lee, 606 Gladys Street, stated that her son was hired as a MCPD officer addressing the council about what he and his family went through waiting almost a year to get hired and then trying to find housing and couldn't; that he finely went to another city to be an officer; that we don't address all the pieces that go along hiring police officer to our department for getting families to live and stay in our community; stating that money draws people but if there is nowhere to live that is a problem we have also.

Brian Gross, 830 W. 6th Street commented about a few people serving on boards/commission and being behind on there minutes; suggesting that maybe we could reach out to the high school, the debate clubs, and the student government at our high schools, that may want to get involved in learning about government serving on one of our boards or commissions as an intern

Mr. Gross addressed the council regarding no sidewalks on the west side by the Amtrack tracks and the same things is true in front of Blue Chip Casino stating several concerns.

President Fitzpatrick asked if there were any other comments by the public advising there is one comment per resident.

Mr Fly addressed the council about his son's mothers house being shot up; advising the experience they went through.

Ernie Hallahan, 302 Gladys Street, commented how much litter we are seeing throughout the city that it is sad to see people throwing their trash out on the public right away.

Tommy Kulavik, 1316 Ohio Street commented on the litter in Michigan City and that Chicago charges a customer 7 cents for a plastic bag when you are purchasing an item in their downtown stores so that you don't just throw it out the window on the public right of way; also addressing that our city should get rid of all tax abatements.

President Fitzpatrick asked if there are any other public comments, there was no response.

COMMENTS FROM THE COUNCIL

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

Councilwoman Zygas announced that Michigan City has received "Tree City U.S.A." for the 23rd year and that the Tree Board will be giving away a thousand trees at two events this spring and those dates will be announced soon; announcing that their commission will be at the Farmers Market monthly during the 2023 season to sign up for the larger tree planting throughout our city.

Ms. Zygas announced that the Sustainability Commission is having an Earth Day Extravaganza at Krueger Middle school on May 6th and will get more information about this event will be posted on her website.

Councilman P. Przybylinski apologized to the Council and the public for bring the issue up regarding the water/sewer connection to the annexed property on the east side of our city.

Councilman P. Przybylinski thanked the council for voting on the investigation and reconsideration of the Ordinance No. 4665; commenting on the bond that was issued fifteen (15) years ago and the city is still paying on for the Lafayette Street sewer project that was never completed and goes to nowhere; advising the finances of that bond to the Lafayette/Barker sewer project with it being stifled for the last fifteen years; also asked where the list came from of the streets that are going to be paved under the 2023 Community Crossing Grant and the original list from two years ago.

Councilman P. Przybylinski thanked the Park Department and Port Authority for cleaning up the entrance ramp in the Washington Park Basin and also cleaning up the north ramp for the public; thanking Pat Voltz and Glenn Moisan for their help on getting this cleaned up as well.

Councilman D. Przybylinski stated that this weekend we're going have basketball regionals in town at our high school and the following weekend the basketball semi-state games will be in town; commenting that he spoke to the our City Planner five (5) times regarding properties owned by the Redevelopment Commission that need to be cleaned up before these games start; that these properties are owned by an entity of our city and shouldn't be left looking the way they do now; especially when hundreds of people are coming to our town for these games

Councilman D. Przybylinski advised that he would be contacting the Mayor this week to get moving on the repairs to the railroad crossing on Woodland Avenue.

Councilwoman Deutch announced that she would be attending the Women's Commission event tomorrow celebrating "Women's International Day" at Krueger Memorial Park and is looking forward to attending; inviting everyone that it isn't too late to attend; commenting on several boards and commissions that she is actively involved with.

Council Deutch congratulated the Michigan City Highschool basketball team that they didn't make it through sectionals but did an amazing job and that we are hosting

regionals this next weekend, agreeing with Councilman D. Przybylinski that we need a clean city for all events happening in our community.

Sean Fitzpatrick thanked everyone for coming out this evening, that there were a lot of words spoken here along with a lot of insightful comments; stating that when we first put in place the safety LIT tax, one of the main things was to recruit and retain our officers and that he wants to make sure we stick to that plan as we move forward and that we need to get the discussion going again.

ADJOURNMENT

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

Gale A. Neulieb, City Clerk