

REGULAR “HYBRID/ZOOM” MEETING

April 5, 2022

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, April 5, 2022, 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 Council Vice President Don Przybylinski.

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

PRESENT: COUNCIL MEMBERS Bryant Dabney, Fitzpatrick, Michael Mack, Gene Simmons, Dalia Zygus, Don Przybylinski, and Paul Przybylinski (7).

ABSENT: COUNCIL MEMBER Tracie Tillman and Angie Nelson Deutch (2).

President D. Przybylinski advised that he spoke with Councilwoman Tillman and President Angie Nelson Deutch is unable to attend tonight’s meeting being excused.

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Jewel Harris and Gale Neulieb City Clerk.

APPROVAL OF MINUTES

Vice President D. Przybylinski inquired whether there were any deletions, additions, or corrections to the “Hybrid/Zoom” meeting held on March 15, 2022.

Councilman Fitzpatrick made a motion to approve the minutes of the Hybrid/Zoom meeting held on March 15, 2022, second was made by Councilman P. Przybylinski.

The March 15, 2022 Council meeting minutes were approved by the following vote:
AYES: Council members P. Przybylinski, Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, and Zygus (7) **NAYS:** None (0)

REPORTS of STANDING COMMITTEES

Vice President D. Przybylinski asked if there were any reports of standing committees, there was no response.

FINANCE REPORT

Councilman Fitzpatrick presented the following Finance Committee Meeting minutes held on April 1, 2022:

Call to order

Chair, Tracie Tillman called to order the regular meeting of the Michigan City Finance Committee at 11:05 a.m.. on April 1st, 2022 held in the City Council Chambers, 100 E Michigan Blvd., Michigan City, Indiana and via: Zoom.

Roll call

Tracie Tillman, Chair conducted a roll call. The following persons were present:

Tracie Tillman, Council - present

Paul Przybylinski, Council – joined meeting late arrival

Sean Fitzpatrick, Council – absent

also in present Controller Hoffmaster

Approval of minutes from last meeting

Regular Meeting Held 03/15/2022

Motion to approve: All in favor 2 Yea's 0 Nays.

Open issues

Review claims in Fund No. 2031 Boyd Development \$0.00

Review claims in Fund No. 2042 – Riverboat \$44,996.50

Riverboat EFT \$300,000.00

Riverboat Purchase Order Docket \$902,999.98

Motion to approve claims in Fund No. 2042 – Riverboat \$44,996.50 made by P. Przybylinski and second by Tillman. Motion Carries.

Motion to approve Riverboat EFT \$300,000.00; made by P. Przybylinski and second by Tillman. Motion Carries.

Minutes:

P. Przybylinski asked the question, why do the funds have to out of the Riverboat Fund? Controller Hoffmaster replied, this is where the Council approved the funds to come from. P. Przybylinski think their needs to be more concern about taking money out of the riverboat fund and believes that the Boyd development funds was not established for this. Controller Hoffmaster, replies these funds are not coming out of the Boyd Fund but from the Riverboat. P. Przybylinski thinks it should be coming out of the General Fund and maybe it should be coming out from the LOIT tax since that can be spent on just about anything that the City needs.

P. Przybylinski made a motion to pay off the Purchase Order sheet the following;

Fund 2042 – Department 108 Central Service \$30,261.13

Dept. 116 Central Service \$25,000.00

Dept. 116 Central Service \$29,288.00

Dept. 116 Central Service \$28,500.00

Dept. 506 Park Senior Center \$ 175,000.00

Dept. 511 Golf South Course \$40,000.00;

and table remaining purchase order from Department 202; to wait to see where the LIT Tax goes at the county level. No receipt or estimates coming forward on how many cars to be bought, lease agreements, how will these vehicles will be equipped. At this time the purchase order should not be approved in whole until this information has been provided to the council; for the following;

Department 202 Police Department \$415,723.12.

Department 202 Police Department \$159,227.73.

Second by Tillman. Motion Carries.

Tillman asked Controller Hoffmaster if these items on the Purchase Order been order yet or not? Controller Hoffmaster replied, this is a Purchase Order. Tillman, said she understood what a Purchase Order is but wanted clarification that this Purchase Order has not been submitted yet? These purchase

order has not been ordered and that the finance committee is not waiting on any invoices to come in yet. Controller Hoffmaster said no, they have not been ordered yet.

Discussed the Workshop that was held on March 20, 2022, held by Mayor Parry regarding Amending the Ordinance 4598 "2022 Salary Ordinance To Increase the Annual Salary for certain Salary Positions Within The City of Michigan City and to create a position for Grant Writing.

P. Przybylinski asked Controller Hoffmaster if she knew the amount of money that the Chief and the Assistant Chief received for their yearly compensation last year, through all their benefits packages, and what they are eligible to get in excess in the neighborhood of \$90,000.00. Paul asked Controller Hoffmaster if she knew this off hand? her response was no she did not. P. Przybylinski asked the Controller Hoffmaster to please provide him with this information? Because this is their base salary its not all inclusive of what they are entitled to correct? Controller Hoffmaster said that is correct it's the same as the Police Chief and Deputy Police Chief; they are entitled to the benefits in the contract. Controller Hoffmaster said she will send out the 100 R report to the council that will list everyone's compensation from last year. Przybylinski point being that the base salary is not their only salary.

P. Przybylinski made a statement and to be put into the record and to the public that when we set these and when we passed the Budget last year. That we at a council meeting were instructed to do what we thought we should, and we did just that and the council voted on the budget and it wasn't voted down the amendments was voted up and I am sticking by the budget that was passed by the majority of the council and I When we passed the budge last year at our council meeting and did what we thought what Andi don't think we're going to be talking about the budge again hopefully sooner than later that were not put in a time frame.

Comments by the public n/a

Comments by the Committee n/a

Meeting Adjourned at 11:26 a.m. Motion by Paul Przybylinski, second by Tillman. Motion Carries

CLAIMS DOCKET

Vice President D. Przybylinski read the following Riverboat/Boyd "Purchase Order" docket for April 5, 2022 that needs to be approved.

April 5, 2022

Riverboat/Boyd Development – Purchase Orders

Riverboat - \$902,999.98

Boyd – none

Vice President D. Przybylinski asked if there were any questions or comments from the Council.

Councilman P. Przybylinski stated for the record that he believes that we should not be paying for the MCPD purchase order in the amount of \$415,723.12 for new vehicles because the requisition does not specify what kind of vehicles or how many they were going to order and that there was no one representing the police department at the budget hearing and there is no one present this evening to answer any questions.

Councilman P. Przybylinski made a motion to not approve the purchase order for the Police Department fund 202445.020 and fund 202445.050 in the amount of \$574,950.85 until we have a workshop to receive more information about the vehicles they are wanting to order and the SWAT equipment, second by Councilman Fitzpatrick.

Councilwoman Zygask asked if we should have an amount in this motion.

Councilman P. Przybylinski repeated the amount that was in the motion in the amount of \$574,950.85; stating that he thought the police department would be present this evening for any questions the council might have, even about the SWAT equipment they have a purchase order for.

Attorney Harris repeated the motion that this is to not approve the police departments purchase orders in the amount of \$574,950.85 from this docket.

Vice President D. Przybylinski asked Councilman Fitzpatrick to relinquish his chair, stating the Council past the 2022 budget this last fall and with the LIT tax being voted on at the end of April by the County Commission and if it is approved, his understanding is that the City will receive approximately \$3,000,000 next year from the LIT tax; questioning if we should wait until then to move forward on the purchase of these vehicles instead of taking it out of the Riverboat funds and that he isn't saying he isn't going to approve this but thought this should be discussed; and that he wished that there was someone from the police department here this evening or had attended the finance committee held last week to explain.

Councilman Dabney stated that these purchase orders were approved in last year's budget; the SWAT team equipment and police vehicles were in the proposed budget done in September, advising the reason the Finance Committee didn't see them is that they didn't meet with every single department like what has always been done in the past; but now we're going to hold these purchase orders for another eight month and once again put this on hold for the police department; stating several concerns he has about this Council holding up the vehicles and equipment; that this department need just because the monies are being taken out of the Riverboat funds.

Councilman P. Przybylinski stated that we are talking about the budget and the LIT tax with this tax possibly passing; he understands what Councilman Dabney is talking about; but there still wasn't anyone present to ask questions at our Finance committee meeting last Friday or this evening to talk about this issue; even though it was proposed in the budget; stating that this would be a bad move to take this money out of the Riverboat fund at this time.

Councilman Dabney stated that we have about 6.1 million dollars in the Riverboat Fund as of today.

Attorney Harris advised that a vote must be taken on this motion before moving on.

Vice President D. Przybylinski stated there is also a purchase order for Central Maintenance for equipment in the amount of \$82,788.00 and a purchase order for the Park Department in the amount of \$175,000.00 for the Senior Center advising that Park Superintendent Ed Shinn is present along with Tara Miller, Senior Center Director to answer any questions the Council might have.

Ed Shinn Park Superintendent and Tara Miller Senior Center explained in detail why the floor needed to be replaced presenting several pictures showing the poor condition the floor is in; advising that they received a quote in 2015 in the amount then was \$115,000 and that didn't include moving and storing everything in the senior center (tables, chairs, etc.)

Councilman Fitzpatrick asked if they had any idea of what the projected estimated cost might be now and if they could contact the person that gave them the quote in 2015 to see what an estimated cost might be now; Ed Shinn stated that in order to get quotes for this project we need to get specs done to know what is actually needing to be replaced; advising that he has an appointment with Jerry Hem Dedorchick and Associates who is an architect firm tomorrow and he will be doing the specifications and an estimated cost for this project.

Councilwoman Zygus commented on the way this procedure has always been done and questioning why it is being changed now; that the amount of these purchase orders were approved in the 2022 budget to come out the Riverboat fund and now they have come to the Council personally and request these monies again; stating she doesn't understand.

Councilman Fitzpatrick stated that we adopted an ordinance where all purchase orders have to be approved before they can move forward by the Council last year; so this is the correct procedure.

Councilman P. Przybylinski wanted to remind the Council that he has an ending balance in the general fund for 2021 was \$3,500,000; there was \$1,800,000 in the CEDIT fund; \$1,391,000 in the Park and Recreation fund and \$4,500,000 in the Riverboat gaming fund; advising there are monies in other funds that can be used instead of always going back to the Riverboat fund; stating that if a department has a purchase order coming to the council they should be here to answer any questions the council might have.

Councilman Mack questioned that we are voting on holding off a purchase order that we already approved, in hopes that the LIT tax will be adopted and in hopes that we will be able to fund an already approved item by this Council mechanism of funding.

Councilman Fitzpatrick advised that Council P. Przybylinski alluded that these were possibilities for funding of these different purchase orders in front of us this evening and the fund we're talking about right now is not that we're not paying it or not supporting it; but that we would like more information about this purchase order.

Controller Hoffmaster agreed with Councilman Fitzpatrick that what we've already approved in the budget doesn't go away, that if we decide not to pay or not allow something to through right now, and we get an explanation before the next meeting it can be approved at our next Council meeting.

Vice President D. Przybylinski asked if there were any other comments; stating that the way he sees this, is in order to approve these purchase orders we will minus the police departments purchase order in the amount of \$574,950.85 making to final total \$428,049.13.

Attorney explained the motion that was on the floor with Vice President D. Przybylinski repeating the motion and will be approving the balance left of \$328,049.13.

Vice President D. Przybylinski asked if there were any other comments or questions from the Council.

Councilman Simmons asked if is approved then the police department is going to have to wait to order their vehicles and if so, how long will they have to wait; that he is under the impression this purchase order has been approved during the 2022 budget and Controller Hoffmaster advised us that there is \$6,100,000 in the Riverboat fund and won't approve the police department to have to wait when this has already been approved.

Councilman P. Przybylinski stated that he knows there is a rule to see an amendment has to be in writing; making a motion to remove his motion to remove the purchase order for the police departments vehicles and SWAT equipment; with Councilman Fitzpatrick removing his second motion.

Councilman P. Przybylinski asked to have a five-minute recess, with Vice President D. Przybylinski stating there will be a five-minute recess.

Vice President D. Przybylinski called the meeting back to order at 6:54 p.m.

Councilman P. Przybylinski stated that he presented an amendment to each Council member and would like to make a motion to adopt the following proposed amendment.

I would like to make an amendment to the April 5th proposed purchase orders that if the LIT tax is approved that the monies for the purchase of the MCPD Department vehicles will be reimbursed to the Riverboat fund.

Councilman Fitzpatrick second the motion to adopt Councilman P. Przybylinski 's amendment.

Vice President D. Przybylinski asked if the Council had any questions or comments.

Councilman Mack reiterated his question regarding the LIT tax with that being said is this the process you are proposing to hold this P.O. over that has already been approved in lieu of waiting for the LIT tax to be adopted and go in affect in 2023; stating that he was confused from the answer he got before and the conversation at this time and now an amendment is 100% predicated on the Council passing the LIT tax.

Vice President D. Przybylinski stated that it was a suggestion to wait and see if the LIT tax was adopted; just a suggestion in hopes to maybe use the LIT monies instead of monies from the Riverboat fund.

Vice President D. Przybylinski asked if the Council had anything more to add.

Vice President D. Przybylinski asked if there were any comments or questions from the public.

Belinda Lee, 606 Gladys Street, addressed the Council commenting on all the discussions that had taken place; stating that her understanding of all it was that the budget was already preset for the MCPD vehicles to be purchased when the 2022 budget was approved, then there was a finance committee meeting where it was discussed and there was no representation from the police department, but an itemized list could be received from the Controller's office before this was presented; but no itemized list was requested from the Park Department for the purchase order to repair the Senior Center floor; asking several questions about the process/procedures they are following to approve any purchase order.

Councilman P. Przybylinski stated that his motion was not to not to fund the purchase order but to approve this purchase order at the next meeting to receive more information on the vehicles the MCPD wanted to lease or purchase.

Discussion ensued between Ms. Lee and Councilman P. Przybylinski regarding no representation being present from the police department, LIT tax, SWAT equipment and vehicles for the police department where the funding should be taken from for the MCPD.

Mayor Parry called a "Point of Order" stating that he was on the Council with President D. Przybylinski for four (4) years and that the procedure was always that comments from the public were not responded to; that public comment is not a to go back and forth between a member of the council and a member of the public or vice versa; stating that he feels this was inappropriate.

Vice President D. Przybylinski stated "Mr. Mayor that's not true it's whatever the President of the Council sitting in the seat has the right to decide; advising if they want to have: stating give or take a council member can respond back or discuss a point that a citizen made if wish to under myself sitting here, and when he was the Council President for two (2) years, it was fine and it was appropriate; stating that we were not out of order and I appreciate your comment.

Brent Antisdell, 301 Fryer Road, addressed the Council about the LIT tax that was discussed and adopted at the last meeting; that all that these monies would be used for would be salaries and training to improve retention when it came to our social services; stating that at no time did this Council talk about the LIT tax purchasing equipment or vehicles, stating several concerns if this tax is approved and what the funds are going to be used for.

Vice President D. Przybylinski asked if there were any other comments from the public.

Mayor Parry commented on Councilman P. Przybylinski statement about “MCPD Chief Campbell not being here tonight was arrogant”; advising the Chief has stood before this council multiple times explaining his needs in detail; commenting on the procedures being taken place stating that we are well over due on purchasing these vehicles and equipment and by using the ARPA monies or Riverboat monies is legal; but to talk about waiting until the LIT tax is approved is totally wrong to wait on these key purchase we want to make.

President D. Przybylinski stated that we’re not going back and forth here this evening; we need to get down to business; advising we are voting on the following amendment Councilman P. Przybylinski proposed:

I would like to make an amendment to the April 5th proposed purchase orders that if the LIT tax is approved that the monies for the purchase of the MCPD Department vehicles will be reimbursed to the Riverboat fund.

President D. Przybylinski clarified that we’re going to vote on the proposed purchase order docket in the total amount of \$902,999.98 and if the LIT tax is adopted the City will go ahead and put the money back for the MCPD vehicles back into the Riverboat fund.

There was a motion by Councilman P. Przybylinski, second by Councilman Fitzpatrick.

Yvonne Hoffmaster City Controller stated that she wasn’t sure if the LIT tax is adopted if the City will be able to reimburse these monies from this fund back to Riverboat fund; advising that she wanted the Council to be aware of what may occur.

Councilman P. Przybylinski questioned under Controller rendering of her opinion; asking if she has seen any of the State code governing this proposed LIT tax; with Controller Hoffmaster stating that she does not know that for a fact.

President D. Przybylinski asked if there were any other comments from the Council; there was no response with the amendment being adopted by the following vote:
AYES: Council members Fitzpatrick, D. Przybylinski, Simmons, and P. Przybylinski (4)
NAYS: Council members Dabney, Mack, and Zygas (3)

Vice President D. Przybylinski advised the amendment passes and the docket passes as presented to the City Council.

Vice President D. Przybylinski asked if everyone had a chance to review the April 5, 2022 Riverboat/Boyd Claim Docket; with a motion made to approve the April 5, 2022 claims by Councilman Fitzpatrick, second by Councilman P. Przybylinski:

April 5, 2022, Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims	\$	44,996.50
EFT	\$	300,000.00
Fund #2031 – Boyd – Claims-	\$	00.00
TOTAL CLAIMS	\$	344,996.50

President D. Przybylinski asked if the Council had any questions regarding the claims docket; there was no response and the claims were adopted by the following vote:
AYES: Council members Mack, Fitzpatrick, D. Przybylinski, Simmons, Zygas, P. Przybylinski, and Dabney (7) **NAYS:** None (0)

REPORTS OF SPECIAL or SELECT COMMITTEES

Vice President D. Przybylinski asked if there were any reports of Special or Select Committees, there was no response.

REPORTS of OTHER CITY OFFICERS AND DEPARTMENTS

Vice President D. Przybylinski asked if there were any reports of Special or Select Committees.

Nancy Moldenhauer Chair of the Sustainability Commission and Andie Jahnz-Davis Vice Chair of the Sustainability did a presentation about what their commission project teams are working on; Solar Panel Installations, Electric Vehicle chargers, Waste Reduction "Garbology", Bicycling Culture along with them announcing their award they received from "Solosmart Silver".

Vice President D. Przybylinski asked if there were any other questions or comments.

Discussion ensued between Nancy Moldenhauer and Councilman P. Przybylinski regarding the installation of the electric vehicle chargers and where they will be installed at in our community and the possibility of the federal government giving out grants in the next few years.

Councilman Simmons thanked Nancy and the Sustainability Commission for all their hard work.

President D. Przybylinski also thanked Nancy and her Commission team for doing such a great job for our community.

Vice President D. Przybylinski asked if there were any further comments or questions, there was no response.

PETITIONS

Vice President asked Clerk Neulieb if there were any petitions this evening.

Clerk Neulieb stated that the Clerk's office didn't receive any petitions.

COMMUNICATIONS

Vice President D. Przybylinski asked if there was any correspondence received in the Clerk's Office

The Clerk advised that an invoice was received in the Clerk's Office from Mayor Parry with the description of work completed regarding the additional project/cost from Reith-Riley Construction Company, Inc. in the amount of \$34,162.50.

Vice President D. Przybylinski stated that he believed this was for the project that was done by the City in front of the new F.O.P. facility.

RESOLUTIONS

The clerk read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION 4839

APPROVING AND AUTHORIZING THE 2022-2024 UNION CONTRACT BETWEEN THE MICHIGAN CITY FRATERNAL ORDER OF POLICE DUNES LODGE #75 AND THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, there is a labor agreement currently in effect between the Michigan City Fraternal Order of Police Dunes Lodge #75 and the City of Michigan City; and

WHEREAS, pursuant to I.C. 36-8-3-3, the Common Council is vested with the authority of establishing the compensation for members in the Michigan City Police Department; and

WHEREAS, there have been successful negotiations between the Labor Relations Committee of the Common Council, the Board of Public Works & Safety, and the Michigan City Fraternal Order of Police Dunes Lodge #75 to formulate certain changes and modifications in wages and language to the labor relations contract all of which have been incorporated into the contract which is attached hereto as “Exhibit A;” and

WHEREAS, the Labor Relations Committee recommends that the Common Council approve and authorize the 2022-2024 contract attached hereto as “Exhibit A.”

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 as though fully set forth in these resolving clauses.

(2.) The Common Council hereby approves the financial terms of the 2022-2024 Union Contract between the Michigan City Fraternal Order of Police Dunes Lodge #75 and the City of Michigan City, Indiana, which is attached hereto as “Exhibit A.”

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

/s/ Paul Przybylinski, Member
Michigan City Common Council

/s/ Bryant Dabney, Member
Michigan City Common Council

Vice President D. Przybylinski asked if there were any comments from the sponsors, there was no response.

Councilman P. Przybylinski informed the Council that a vote was taken by F.O.P Lodge #75 to approve this contract with a vote of 69 to 4; that he believes that he and the Labor negotiating committee team did a lot of hard work, a lot of analysis and lot of research from different surrounding community regarding other police contracts; thanking everyone for getting this contract adopted; that he feels the police department can move forward with what has been proposed and that it is a competitive contract to bring new officers to our city in the near future.

Councilman P. Przybylinski made a motion to adopt the proposed resolution.

Vice President D. Przybylinski stated being the chair of the Labor Relations Committee thanked the team for all their hard work and dedication bringing this contract to our F.O.P Dunes Lodge #75 with a vote of 69-4 and that the labor relations team got our police department an excellent contract and that with the LIT tax being proposed we will keep the officers we have and bring new officer to our department.

Vice President D. Przybylinski asked if there were any comments from the public, there was no response.

Vice President D. Przybylinski asked if there were any comments from the Council, there was no response.

Vice President D. Przybylinski stated there was a motion made by Councilman P. Przybylinski to adopt the proposed resolution and was seconded by Councilman Dabney.

The resolution was adopted by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygus, P. Przybylinski, Dabney, Fitzpatrick and Mack (7) **NAYS:** None (0)

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4840

**A RESOLUTION SUPPORTING AND ENDORSING A
LETTER OF INTENT TO ENTER AN AGREEMENT FOR
PAYMENT IN LIEU OF TAXES WITH GARDEN ESTATES IN TC LLC**

WHEREAS, the Michigan City Common Council continually seeks to promote widespread development of local affordable housing options within the City of Michigan City; and

WHEREAS, the revitalization, renovation and expansion of affordable housing options for residents of the City of Michigan City is a key factor in improving their quality of life; and

WHEREAS, Larc Community Development Group, a Michigan corporation, has expressed its intention to engage in a development initiative which will ultimately result in the rehabilitation and preservation of a 174-unit Project-Based Section 8 affordable housing community, located at 909 Pinetree Court in Michigan City and known as Garden Estates West (hereinafter, the "Property,"); and

WHEREAS, said development initiative will result in an investment of approximately five million dollars (\$5,000,000.00) by Garden Estates IN TC LLC, which is the Proposed Owner of the Property, and will be funded, at least in part, through a tax-credit based investment; and

WHEREAS, in furtherance of its ability to obtain funding for this investment, Larc Community Development Group has expressed, through the Letter of Intent attached hereto as Exhibit "A," its desire for Garden Estates IN TC LLC to enter into an agreement concerning a Payment in Lieu of Taxes (hereinafter, "PILOT Agreement") with the City, relating to the current and future assessment and tax liability of the Property; and

WHEREAS, the PILOT Agreement contemplated herein is appropriate and permissible pursuant to Indiana statute (namely, Ind. Code § 36-1-8-14.3), as the Property, in accordance with its current and intended use, will be eligible for a real estate tax exemption pursuant to Ind. Code § 6-1.1-10-16.7 in conjunction with the execution of the PILOT Agreement; and

WHEREAS, the PILOT Agreement has not yet been finalized, but the terms which have been publicly formalized in the Letter of Intent call for payments to the City in the amount of eighty thousand dollars (\$80,000.00), occurring annually over a period estimated at 42 years (equivalent to the term of the first mortgage for primary financing of the Property, plus an additional construction period of 24 months); and

WHEREAS, the PILOT Agreement will further require the Proposed Owner of the Property to implement enhanced security measures including, but not limited to, conducting background checks on residents (to the extent permitted by law) and installing security cameras on-site in order to deter crime in the area; and

WHEREAS, the PILOT Agreement will thus result in a tangible and quantifiable economic benefit to the City, in the form of an estimated 42 annual cash payments of eighty thousand dollars (\$80,000.00) each, or an estimated three million, three hundred sixty thousand dollars (\$3,360,000.00) in the aggregate; and

WHEREAS, the PILOT Agreement will further result in significant intangible benefits which cannot be quantified, as the PILOT Agreement will facilitate the procurement of tax credits by Garden Estates IN TC LLC which, when combined with the primary financing of the development initiative, will facilitate an investment of approximately five million dollars (\$5,000,000.00) in rehabilitation funds in an effort to preserve sustainable long-term, safe, high-quality affordable rental housing for all residential units at the Property, and which will further position the Property for long-term stable ownership and ongoing maintenance and security; and

WHEREAS, pursuant to Ind. Code 36-1-8-14.3(f), the precise amount of the PILOT is limited, in that it cannot be greater than what the City would have received pursuant to its percentage distribution of the annual tax revenue generated by the Property; and

WHEREAS, the Property's current total annual tax liability is approximately one hundred twenty-one thousand, eight hundred sixty dollars (\$121,860.00), but the City receives, as and for its percentage distribution of tax revenue, approximately fifty-three thousand dollars (\$53,000.00) per year; and

WHEREAS, in contemplation of the likely impact of the rehabilitation and development initiatives on the assessed value of the Property, the City's percentage distribution of tax revenue generated by the Property is projected and anticipated to increase to approximately eighty thousand dollars (\$80,000.00) per year upon completion of construction; and

WHEREAS, in addition to the other tangible and intangible benefits to the City described herein, the PILOT contemplated by the PILOT Agreement will therefore result in an annual payment to the City in an amount approximately twenty-seven thousand dollars (\$27,000.00) greater than the current distribution of tax revenue generated by the Property; and

WHEREAS, while the PILOT Agreement must ultimately be finalized and ratified or adopted by future City Ordinance, the Michigan City Common Council now desires to express and state its acknowledgement and approval of the Letter of Intent and the terms and conditions for the PILOT set forth therein and will work with Garden Estates IN TC LLC towards finalizing and approving the PILOT Agreement.

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

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. The Common Council ACKNOWLEDGES and APPROVES of the Letter of Intent and the general terms and conditions for the PILOT set forth therein, and shall make efforts to support the ultimate ratification and approval of the PILOT Agreement and corresponding development initiatives with regard to the Property.

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/Angie Nelson Deutch, President
Michigan City Common Council

CO-SPONSORED BY: /s/ Sean Fitzpatrick, Member
Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

/s/ Dalia Zygas, Member
Michigan City Common Council

/s/ Paul Przybylinski, Member
Michigan City Common Council

EXHIBIT "A" IS ATTACHED TO THIS RESOLUTION IN CR-105

Vice President D. Przybylinski asked if there were any comments from any of the sponsors.

Councilman Fitzpatrick asked to be added as a Co-sponsor.

Councilman Fitzpatrick made a motion to adopt the following amendment to the second WHEREAS to read as follows:

WHEREAS, the revitalization, renovation and expansion of affordable housing options for residents of the City of Michigan City is a key factor in improving their quality of life; and

and to amend the eighth (8th) WHEREAS to read as follows:

WHEREAS the PILOT Agreement will further require the Proposed Owner of the property to implement enhanced security measures including, but not limited to, conducting background checks on residents (to the extent permitted by law) and installing security cameras on-site in order to deter crime in the area; and

Councilman P. Przybylinski made a second motion to adopt the proposed amendments.

Vice President D. Przybylinski asked to be added as a Co-sponsor.

Councilwoman Zygas also asked to be added as a Co-sponsor; questioning the location of this project and will it be connect to Larkspur Lane; and with this being at the south part of our city, are we moving forward to get sidewalks along that area to be able to walk and cross over to any business located on the east side of Franklin.

Vice President D. Przybylinski asked if there were any questions or comments from the public at this time, there was no response.

Vice President D. Przybylinski asked if there were any comments from the Council, there was no response.

The motion was approved to adopt the amendment and was adopted by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack and D. Przybylinski (7) **NAYS:** None (0)

Councilman Fitzpatrick advised what brought this forward is there has always been a need for affordable housing, and with the rising housing costs; this program would allow affordable housing properties to get much needed upgrades and newly amenities, introducing Mark Ciepiel, LARC Community Development Group - Vice President of Development to elaborate more on the proposed project.

Mark Ciepiel introduced himself and is Vice President of LARC Community Development Group; doing a presentation for the Council about exploring the potential

project to rehabilitate an affordable housing in Michigan City Community called Garden Estates West.

Mr. Ciepiel explained the PILOT proposal

- Current tax revenue to Michigan City: \$53,000 annually.
- Proposed PILOT: \$80,000 annually (increase of \$30,000 annually – 42 years)
- Term of the PILOT: Equal to the term of our long-term dept, which is estimated to be 42 years from the closing of Project Financing.
- Total estimated PILOTS to City during the PILOT Term:

Asking for the Council's support of this resolution and the letter of intent.

Discussion ensued between Mark Ciepiel and Council members Dabney, Zygas, Mack P. Przybylinski, Fitzpatrick, and Simmons, Planning Director Skyler York, Regarding if there were any projects that have been done prior in other communities, how this project is going to be executed since there are people living there, hospitality suites for residents, relocation by HUD, creative funding, upgrades, timeframe, security, internet connection, sidewalk project along Hwy 421 in the near future, affordable housing, special fund would be created for these monies received, and it being a forty-two (42) year agreement

Councilman P. Przybylinski asked to be added as a Co-Sponsor

Vice President D. Przybylinski asked if there were any other comments from the Council, there was no response.

Vice-President D. Przybylinski asked if there were any comments from the public

Tommy Kulavik, 1316 Ohio Street, asked the Council to make sure this proposed complex is on the Number two (2) bus route.

Bruce Demedici, 619 Hobart Street, commented on the cameras being proposed for the Garden Estates PILOT project; asking the council to investigate the privacy violation laws and suits being filed regarding the residents retention of privacy law.

Councilman Fitzpatrick stated the amendment to this resolution states explicitly in the PILOT agreement (EXHIBIT "A") that further requirements of the opposed owner of this property are required to implement hand security measures, including but not limited to the extent provided by law including background checks on residents.

Bruce Demedici stated several concerns regarding the legal issues of these cameras being proposed for this project.

Belinda Lee, 606 Gladys Street, commented on several items she was concerned about and was stated during Mr. Ciepiel's presentation regarding Section 8, tax credits and mixed housing rights, affordable housing, vouchers, and HUD programs; advising that she recently moved here and worked for HUD for many years.

Mark Ciepiel responded to Ms. Lee's comments regarding what project-based Section 8 means in this PILOT project.

Vice President D. Przybylinski asked if there were any other comments on the amended resolution, there was no response.

Vice President D. Przybylinski asked if there were any questions or comments from the Council.

Councilman Fitzpatrick made a motion to adopt the proposed resolution, second by Councilman P. Przybylinski

The resolution was adopted by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, D. Przybylinski and Simmons(7) **NAYS:** None (0)

The Clerk read the following proposed resolution by title only. **SUPPORTING THE SUBMISSION OF A NOTICE OF INTENT TO ESTABLISH A RAILROAD QUIET ZONE ALONG THE SOUTH SHORE LINE OWNED AND OPERATED BY THE NORTERN INDIANA COMMUTER TRANSPORTATION DISTRICT FOR ALL GRADE CROSSINGS FROM CARROL AVE. TO SHERIDAN AVE. & SUPPORTING NECESSARY FUNDING FOR GRADE CROSSING IMPROVMENTS**

Introduced by: Angie Nelson Deutch
Gene Simmons
Bryant Dabney
Tracie Tillman

Vice President D. Przybylinski asked any of the sponsors had anything to add this evening.

Councilman Simmons made a clarification that this resolution is a request from the Mayor not NICTD for the double track project.

Councilman Dabney stated that we spoke about the quiet zone when the double track was being proposed; that they are doing phase one of the double track project from Gary to Michigan Boulevard; stage two will be from Vail Street to Carroll Avenue has not been discussed to date; questioning will we be investing money to something that would be closed later during phase two of this project (possibly closing Carroll Avenue and Grace Street)

Discussion ensued between Attorney Mike Nolan, 2711 Floral Trail, representing NICTD Mayor Parry, Council members Dabney, P. Przybylinski, and D. Przybylinski, potential quiet zone from Carroll Avenue all the way through Michigan City, phase one double track project from Michigan Boulevard to Sheridan Avenue, request from the City not NICTD, Phase two project, double gates at crossing, closing of Pine Street,

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

Vice President D. Przybylinski asked if there were any questions or comments from the Council.

Attorney Harris advised Councilman P. Przybylinski that the estimated cost is not part of Exhibit "A" attached to this resolution and that this estimate not an actual cost and is why they didn't add it to Exhibit "A".

NICTD Attorney advised Exhibit "A" is actually a draft notice of intent that would be submitted to the FRA and to the interested parties with the estimated costs for the crossing improvements of Vail Street and the City would be required to fund this crossing due to it isn't part of the Phase I Double Track Project; with them coming back at the end of the year with a final cost for the Council's approval.

Discussion ensued between the NICTD attorney and Councilman P. Przybylinski regarding estimated \$840,000 doesn't include any improvements east of the Vail Street Crossing.

Councilman Simmons made a motion to approve the proposed resolution.

Vice President D. Przybylinski asked Councilman Fitzpatrick to relinquish his chair advising that there was close to sixteen intersections closed for this Phase I project leaving five (5) intersections left open for a quiet zone at an estimated cost of \$800,000; stating that during the ten years he has served on the Council he hasn't received one call about the South Shore horns being blown when going through Michigan City; making a motion to TABLE this resolution, have a workshop before voting this evening.

Councilman Fitzpatrick advised that he second Councilman Simmons motion to adopt advising that he would like to withdraw his motion to second at this time; with Councilman Simmons withdrawing his motion to adopt.

Councilman Fitzpatrick stated that Councilman D. Przybylinski made a motion to TABLE the proposed resolution and schedule a workshop, second by Councilmen P. Przybylinski.

Councilman Dabney commented on the quiet zone being proposed this evening just to Michigan Boulevard; stating that once you cross Michigan Boulevard you are in Ward 1 which is his ward and predominantly African American ward or people that live over there can't have a quiet zone on that side; stating several concerns regarding what is being proposed.

Councilman Fitzpatrick stated there was a motion to TABLE the proposed resolution, schedule a workshop and it will be brought back at the next Council meeting on April 19, 2022.

The motions to TABLE the proposed resolution until the next Council meeting on April 19th was approved by the following vote: **AYES:** Council members P. Przybylinski, Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons and Zygas (7) **NAYS:** None (0)

Vice President D. Przybylinski assigned the workshop to the Streets and Alleys Committee asking Chair P. Przybylinski to schedule that workshop.

Vice President D. Przybylinski advised Councilman Dabney that he in no means against quiet zone and that he just wants to have this workshop to openly answer several questions this Council has before deciding.

Mayor Parry commented on how this was going to be finance he has done nothing; Vice President D. Przybylinski stated "Mayor Parry, not to cut you off or not to be impolite but we have taken the vote to TABLE this resolution and we need to move on" Chair P. Przybylinski will schedule the workshop where he can discuss this resolution.

Clerk Neulieb read the following proposed ordinance on first reading. **AMENDING ORDINANCE, NO 4614 TO ESTABLISHING SALARIES FOR THE MICHIGAN CITY POLICE DEPARTMENT FOR THE CALENDAR YEAR 2022**

Introduced by: Don Przybylinski
Paul Przybylinski
Bryant Dabney

Vice President D. Przybylinski asked if the sponsors had anything to add.

Councilman P. Przybylinski asked to suspend the rules to have second reading this evening.

Councilman P. Przybylinski made a motion to suspend the rules and have second reading this evening, second by Councilman Fitzpatrick.

The motion carried to have second reading this evening by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygas and P. Przybylinski (7) **NAYS:** None (0)

Vice President D. Przybylinski asked if there was anyone from the public that wished to speak at this time on the proposed ordinance, there was no response.

City Clerk Neulieb read the following ordinance on second reading by title only, **AMENDING ORDINANCE, NO 4614 TO ESTABLISHING SALARIES FOR THE MICHIGAN CITY POLICE DEPARTMENT FOR THE CALENDAR YEAR 2022**

Introduced by: Don Przybylinski
Paul Przybylinski
Bryant Dabney

Vice President D. Przybylinski asked if the sponsors had anything to add at this time, there was no response.

Vice President D. Przybylinski asked if there were any comments from the public, there was no response.

Vice President D. Przybylinski asked if there were any comments from the Council at this time; stating that this will be held over on third reading at the April 19, 2022 Council meeting.

Clerk Neulieb read the following ordinance on first reading by title only, **AMENDING ORDINANCE NO 4598 COMMONLY KNOWN AS THE "2022 SALARY ORDINANCE" TO INCREASE THE ANNUAL SALARIED POSITIONS WITHIN THE CITY OF MICHIGAN CITY & TO CREATE THE POSITION OF GRANT WRITER**

Introduced by: Bryant Dabney
Dalia Zygas

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

Councilwoman Zygas stated that this is basically to use the salary study that was performed by a professional organization to give all our department heads a salary that determined by the study to be an equitable salary with an addition of a grant writer that is crucial part of a city functioning city; stating several reasons why our city needs a grant writer.

Councilman Mack asked to be added as a Co-sponsor.

Councilman Dabney stated that this ordinance came about due to the adopted 2022 salaries that our salaried employees received throughout the last budget; advising that we had a salary study in front of this council which is was 3 or 4 years old and with administration trying to bring salaried people up to these suggestions; commenting on what was done during the finance committee budget hearings when addressing the 2022 budget and that he didn't feel this was fair or equitable.

Vice President D. Przybylinski asked if there was anyone from the public that wished to speak on this ordinance, there was no response.

Vice President D. Przybylinski asked if the Council had any questions or comments, there was no response, stating that the proposed ordinance will be held over on second reading at the April 19, 2022 Council meeting.

The Clerk read the following proposed ordinance on second reading by title only.
ANNEXING REAL ESTATE (approximately 147.2 acres) SITUATED BETWEEN PAHS ROAD, JOHNSON ROAD, AND U.S. HIGHWAY 20, LAPORTE COUNTY, INDIANA AND DECLARING SAME TO BE PART OF THE CITY OF MICHIGAN CITY, INDIANA

Introduced by: Angie Nelson Deutch
Sean Fitzpatrick
Bryant Dabney
Dalia Zygas
Gene Simmons

Vice President D. Przybylinski asked if any of the sponsors had any questions or comments at this time.

Councilman Fitzpatrick made a motion to suspend the rules and have third reading this evening, second by Councilman Simmons.

The motion to have third reading this evening was approved by the following vote:

AYES: Council members Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygas, P. Przybylinski and Dabney (7) **NAYS:** None (0)

Vice President D. Przybylinski stated that there will be a formal public hearing this evening; repeating three times "Is there anyone from the public that wished to speak at this time"

Tommy Kulavik, 1316 Ohio Street commented on the condition of Pahs Road; with Vice President D. Przybylinski advising Mr. Kulavik that at this time we are discussing the proposed ordinance on the floor and that he can address this matter under public comment at the end of this meeting.

Dale Harding, 497 N. Johnson Road stated this hearing is more or less a fact-finding kind of thing for himself, due to he was unaware of what was going on and why the city wants to annex this property; advising the only way he found out about this was he read it in the Northwest Indiana Times; asking several questions about what is being proposed since this property is in his front yard.

Attorney Adamsky representing the petitioners advised these are all good questions and good concerns that will be addressed; advising that at this time you don't have the authority to really address any of his questions that this property needs to be annexed into the City before he can address Mr. Harding's questions; advising there will be zoning issues when the public will be able to address any questions they may have and that there was a fiscal plan passed by a Council Resolution at the Council's last meeting held on March 15, 2022.

Attorney Adamsky addressed Councilman P. Przybylinski regarding if there was water and sewer going to be accommodated to the site through the city and that it would be a minimal cost to the City with the details having to be addressed once this annexation is approved and the developer moves forward.

Eric Blowen, Ambrose Property Group Development Manager addressed the Council regarding to extend water and sewers at a minimal cost to the city through the developer.

Discussion ensued between Mr. Blowen and Council P. Przybylinski regarding the cost of City water/sewer to this property.

Vice President D. Przybylinski asked if there were any other comments from the public, there was no response; with the formal public hearing being closed.

The Clerk read the following proposed ordinance on third reading.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO: _____

**ANNEXING REAL ESTATE (approximately 147.2 acres) SITUATED
BETWEEN PAHS ROAD, JOHNSON ROAD, AND US HIGHWAY 20, IN
LAPORTE COUNTY, INDIANA, AND DECLARING SAME TO BE PART
OF THE CITY OF MICHIGAN CITY, INDIANA**

WHEREAS, on the 15th day of March, 2022, PRITZ FAMILY, LLC, TRENNIS BRADFORD, INDIVIDUALLY, AND AS TRUSTEE OF THE TRENNIS BRADFORD REVOCABLE LIVING TRUST DATED APRIL 17, 2007, AND HYER, WISNIESKI INDIANA FARM, LLC, filed their Voluntary Petition for Annexation with the COMMON COUNCIL OF THE CITY OF MICHIGAN CITY pursuant to Indiana Code 36-4-3-5.1; and

WHEREAS, the Common Council of the City of Michigan City, Indiana has determined it to be in the best interests of the City of Michigan City to annex the real property owned by PRITZ FAMILY, LLC, TRENNIS BRADFORD, INDIVIDUALLY, AND AS TRUSTEE OF THE TRENNIS BRADFORD REVOCABLE LIVING TRUST DATED APRIL 17, 2007, AND HYER, WISNIESKI INDIANA FARM, LLC (approximately 147.2 acres) situated between PAHS ROAD, JOHNSON ROAD, and US HIGHWAY 20, in LaPorte County, Indiana into the corporate limits of the City of Michigan City, Indiana (hereinafter referred to as “City”); and

WHEREAS, this annexation shall also include the contiguous areas of public highways and their rights of way as required by Indiana Code 36-4-3-2.5; shall be included in the 4th Councilmanic ward; and shall retain the current zoning classification as found in the Laporte County Zoning Ordinance; and

WHEREAS, said real estate, as described more fully herein, is contiguous (as defined in Indiana Code 36-4-3-1.5) to the boundary of the City; and

WHEREAS, upon notice having been duly published, a public hearing was held on the petition before the Common Council of the City of Michigan City, Indiana on the 5th day of April, 2022; and

WHEREAS, on the 15th day of March, 2022, the Common Council of Michigan City passed Resolution No.4835, which was subsequently approved by the Mayor on the 16th, day of March, 2022, adopting a written fiscal plan and establishing a policy for the provision of services to the area proposed to be annexed.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, THAT:

Section 1: The foregoing recitals are incorporated herein by reference.

Section 2: The following described real estate contiguous to Michigan City, Indiana is hereby annexed into and declared to be a part of the City of Michigan City, Indiana; to-wit:

(See Legal Description Attached hereto as Exhibit “A”)

Section 3: The annexed real estate shall include all contiguous areas of the public highways and their rights of way as required by Indiana Code 36-4-3-2.5; shall be included in the 4th councilmanic

ward; and shall retain the current zoning classification as found in the LaPorte County Zoning Ordinance but shall henceforth be governed by the Comprehensive Zoning Ordinance of the City of Michigan City, known as Ordinance No. 2114, together with all amendments and supplements thereto.

Section 4: That this Ordinance, after its passage and approval by the Mayor of Michigan City, Indiana, shall be published once in the LaPorte County Herald-Dispatch, a daily newspaper of general circulation, and shall become effective after the final publication thereof, in the absence of an appeal, as provided at IC 36-4-3-5.1 and IC 36-4-3-15.5, and upon the filing and recording thereof as required by IC 36-4-3-22(a).

Passed by the Common Council of Michigan City, Indiana, the ___ day of _____, 2022 by a vote of ___ Ayes and ___ Nays.

- Introduced by: _____
Angie Nelson Deutch, Member
Michigan City Common Council
- _____
- Sean Fitzpatrick, Member
Michigan City Common Council
- _____
- Bryant Dabney, Member
Michigan City Common Council
- _____
- Dalia Zygas, Member
Michigan City Common Council
- _____
- Gene Simmons, Member
Michigan City Common Council
- _____
- Don Przybylinski, member
Michigan City Common Council

NOTE: EXHIBIT "A" will be attached to the adopted ordinance at the final reading on April 19, 2022

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

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

Vice President D. Przybylinski asked if there were any comments from the Council.

Councilman Dabney made a motion to adopt the proposed ordinance, second by Councilman Fitzpatrick.

The motions to adopt the proposed ordinance was approved by the following vote: **AYES:** Council members Mack, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney and Fitzpatrick (7) **NAYS:** None (0).

NOTE: Attorney Harris advised that according to IC 36-4-3-5.f(f) the council has to wait fourteen days to do the final reading (the final reading will be on April 19, 2022).

The Clerk read the following proposed ordinance on second reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE COMMON COUNCIL IN THE GENERAL FUND FOR ADDITIONAL FUNDING FOR THE COMMON COUNCIL'S 2022 LEGAL SERVICE CONTRACT

Introduced by: Angie Nelson Deutch
Tracie Tillman

(DECREASE General Fund #1001 Unappropriated balance \$25,000.00 INCREASE ACCOUNT#1001 105 431.010 \$25,000.00 Professional Services – Legal)

Vice President D. Przybylinski advised neither of the sponsors are present this evening.

Vice President D. Przybylinski stated there will be a formal public hearing this evening; repeating three (3) times “Is there anyone from the public that wished to speak on the proposed ordinance”, there was no response with the formal public hearing closed.

Vice President D. Przybylinski asked if there were any questions or comments from the Council.

Councilman P. Przybylinski made a motion to suspend the rules to have third reading this evening as well, second by Councilman Fitzpatrick.

The motions to have third reading this evening was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick and Mack (7) **NAYS:** None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4621

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE COMMON COUNCIL IN THE GENERAL FUND FOR ADDITIONAL FUNDING FOR THE COMMON COUNCIL’S 2022 LEGAL SERVICES CONTRACT

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 2022 Annual Budget for funding for the Common Council’s legal services from Harris Law Firm, P.C. per Council Resolution #4832; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the General Fund #1001 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 General Fund #1001 Unappropriated balance	\$25,000.00	
INCREASE ACCOUNT#1001 105 431.010 Professional Services - Legal		\$25,000.00
TOTAL FOR FUND	\$25,000.00	

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

/s/ Tracie Tillman, Member
Michigan City Common Council

Vice President D. Przybylinski asked if there were any comments from the public, there was no response.

Vice President D. Przybylinski asked if anyone from the Council had any questions or comments.

Councilman P. Przybylinski made a motion to adopt the proposed ordinance, second by Councilman Dabney.

The motions to adopt the proposed ordinance was approved by the following vote:

AYES: Council members Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack D. Przybylinski (7) **NAYS:** None (0).

The Clerk read the following proposed ordinance on second reading by title only
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX (LIT) FUND FOR THE 2022 LANDSCAPING CONTRACT

Introduced by: Don Przybylinski

(DECREASE LIT Fund 2224 Unappropriated balance \$100,000.00 INCREASE ACCOUNT#2224 116 436.050 \$100,000.00 Repair & Maintenance – Other)

Vice President D. Przybylinski made a motion to have second and third reading this evening, second by Councilwoman Zygas.

The motion to have second and third reading this evening was approved by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, D. Przybylinski and Simmons (7) **NAYS:** None (0).

Vice President D. Przybylinski stated that the 2022 contract will take care of the lawncare/grass cutting on Franklin Square to 11th Street, from 11th Street south to Coolspring and Wabash at Hwy 12 to 11th Street; advising that Terry Putnam from Serviscape LLC is present to answer any questions the Council might have.

Discussion ensued between Mr. Putnam and Council members Zygas, and P. Przybylinski regarding the rain gardens on Wabash Street that slow down infiltration of storm water to help clean, using technicians that will use state/federal approved products, instruction manual to take care of the native plants being planted, the growth of milkweed plants that draw monarch butterflies, and the status of our irrigation system.

Vice President D. Przybylinski advised that Street Director Shong Smith is going to be the individual from the City administration that will be watching over the work that will be being done; stating that he had a meeting with Mayor Parry and that he advised him that he would have the Water Department fix the broken water line going under Michigan Boulevard and is the main connection to the irrigation line in the spring.

Vice President D. Przybylinski advised there will be a formal public hearing this evening; repeating three (3) times "Is there anyone from the public that wished to speak on this proposed ordinance" there was no response, and the public hearing was closed.

Vice President D. Przybylinski asked if there were any comments from the Council, there was no response.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4622

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX (LIT) FUND FOR THE 2022 LANDSCAPING CONTRACT

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 2022 Annual Budget for the 2022 Landscaping Contract, and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Local Income Tax (LIT) Fund #2224 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 LIT Fund 2224 Unappropriated balance	\$100,000.00	
INCREASE ACCOUNT#2224 116 436.050 Repair & Maintenance - Other		\$100,000.00
TOTAL FOR FUND	\$100,000.00	

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/ Donald Przybylinski, Member
Michigan City Common Council

Vice President D. Przybylinski advised that there would be a formal public hearing this evening; asking “if there was anyone from the public that wish to speak on the proposed ordinance” (repeating three times”) there was no response with the public hearing being closed.

Vice President D. Przybylinski asked if there were any comments or questions from the Council.

Councilman P. Przybylinski made a motion to adopt the proposed ordinance, second by Councilwoman Zygas.

The proposed ordinance was adopted by the following vote: **AYES:** Council members P. Przybylinski, Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, and Zygas (7) **NAYS:** None (0).

The Clerk read the following proposed ordinance on second reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX (LIT) FUND TO PROVIDE FUNDING FOR PROFESSIONAL SERVICES

TO PREPARE A FISCAL PLAN FOR A VOLUNTARY ANNEXATION PETITION FILED BY PRITZ FAMILY, LLC, ET AL.

Introduced by: Bryant Dabney

(DECREASE LIT Fund #2224 Unappropriated balance \$16,700.00 INCREASE ACCOUNT #2224 000 431.050 \$16,700.00 Professional Services – Other)

Vice President D. Przybylinski asked if the author had anything to add this evening; Councilman Dabney stated that he didn't at this time.

Vice President D. Przybylinski advised that there would be a formal public hearing this evening regarding the proposed ordinance (repeating three times) "Are there anyone from the public that wished to speak at this time", there was no response, and the public hearing was closed.

Vice President D. Przybylinski asked if anyone from the Council had any questions or comments.

Councilman Dabney made a motion to suspend the rules and have third reading this evening, second by Councilman Dabney.

The motion to have third reading was approved by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygus, P. Przybylinski (7) **NAYS:** None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4623

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX (LIT) FUND TO PROVIDE FUNDING FOR PROFESSIONAL SERVICES TO PREPARE A FISCAL PLAN FOR A VOLUNTARY ANNEXATION PETITION FILED BY PRITZ FAMILY, LLC, ET AL.

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 2022 Annual Budget to provide funding for professional services to prepare the fiscal plan for a voluntary annexation petition filed by Pritz Family, LLC, et al. of certain land located between Pabs Road, Johnson Road, and U.S. Hwy 20; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Local Income Tax (LIT) Fund #2224 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 LIT Fund #2224 Unappropriated balance	\$16,700.00	
INCREASE ACCOUNT#2224 000 431.050		\$16,700.00

Professional Services – Other

TOTAL FOR FUND

\$16,700.00

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/ Bryant Dabney, Member
Michigan City Common Council

Vice President D. Przybylinski stated that there will be a formal public hearing this evening (repeating three times) “Is there anyone from the public that wished to speak on the proposed ordinance”

Mrs. Woodard, U.S. Hwy. 20 commented on the annexation that is being proposed on Hwy 20 by the airport advising that she received a letter and attended one “Zoom” meeting but haven’t heard anything more about what the status was.

Vice President D. Przybylinski advised Mrs. Woodard that the Council is addressing the property on U.S. Hwy 20, Johnson Road and Pahs Road and not the property by the airport at this time.

Vice President D. Przybylinski (repeating three times) “are there anyone from the public that wished to speak on the proposed ordinance at this time, there was no response, and the hearing was closed.

Councilman Dabney made a motion to adopt the proposed ordinance, second by Councilman Simmons.

Councilman P. Przybylinski asked why the City was paying the fiscal plan that is being proposed as a friendly annexation; with Councilman Dabney advising at the beginning of the proposed annexation it was an agreement that the fiscal plan would paid by the City.

Attorney Harris stated this is typically it works and he believes the logic behind it is, the city stands to gain the process through increased tax revenue.

The proposed additional appropriation was adopted by the following. **AYES:** Council members Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygus, and Dabney(6) **NAYS:** Council member P. Przybylinski (1).

NEW BUSINESS

FYI: Vice President D. Przybylinski advised that the mayor is requesting the advice and consent of the members of the Michigan City Common Council regarding his appointment of Ms. Belinda Lee as a member of the Michigan City Social Status of African American Males and will replacing the late Lester Norvell and finishing his term; with the term beginning immediately and will expire on 03-01-23.

Belinda Lee, 606 Gladys, addressed the Council stating several reasons why she wants to be appointed to this board and would like to get more involved in our community and is looking forward to serving on other boards/commissions as well since she born and raised her and moved back recently.

Vice President D. Przybylinski advised that the vote for Ms. Belinda Lee will take place at the April 19, 2022 Council meeting.

FYI: Vice President D. Przybylinski advised that the mayor is requesting the advice and consent of the members of the Michigan City Common Council regarding his re-appointment of Mr. John Haynes as a member of the Michigan City Port Authority with his appointment continuing and will expire 04-12 2026

Vice President D. Przybylinski advised that the vote will also take place for Mr. Haynes at the April 19, 2022 Council meeting.

UNFINISHED BUSINESS

NOMINATIONS: Vice President D. Przybylinski advised the Council has one (1) appointment to the Michigan City Sustainability Commission expiring May 1, 2022. Incumbent: Nancy Moldenauer

Vice President D. Przybylinski opened nominations to the Sustainability Commission (repeating three times) "Is there any nomination to the Sustainability Commission this evening", Councilman Fitzpatrick nominated Kim Williams, second by Councilman P. Przybylinski; Councilwoman Zygus questioned if Ms. Moldenauer turned in her application to be re-appointed; with Clerk Neulieb advising that she received her application this evening 4/5/2022; with Nancy Moldenauer asking to speak.

Nancy Moldenauer advised that she missed the deadline to get her application into the Clerk's Office on this past Wednesday due to not being able to open/print the application on the City's website successfully and that it is her intention to continue serving the Sustainability Commission as chair.

Councilman P. Przybylinski stated that due to nominee Nancy Moldenauer and her exceptional service on the Sustainability Commission and the council can make an exception since she did try to download the form with no success he feels; if there is no objection we can suspend the rules.

Councilman Fitzpatrick asked Councilman Fitzpatrick if he was making a motion to suspend the rules to allow Ms. Moldenauer application to be accepted.

Councilman P. Przybylinski made a motion to suspend the rules to accept Nancy Moldenauer application to serve on the Sustainability Commission, second by Councilman Fitzpatrick.

The motion to accept Ms. Moldenauer's application was approved by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygus, and P. Przybylinski (7) **NAYS:** Council member none (0).

Vice President D. Przybylinski opened nomination back up (repeating three times) "Is there any other nominations at this time", Councilwoman Zygus nominated Nancy Moldenauer, second by Councilman Simmons.

Vice President D. Przybylinski asked (repeating three times) "if there were any other nominations at this time", there was no response and nominations were closed.

NOMINATIONS: Vice President D. Przybylinski advised the Council has the following appointments to the Commission of the Social Status of African American Males (term expired 2/15/22)

Incumbents:

Ms. Albertine Allen – Minority Health Partners of LaPorte County
(resigned)

Dr. Wendall McCollum- MCAS

(no letters were received at this time)

COMMENTS FROM THE PUBLIC

Vice President D. Przybylinski asked if there were any comments from the public.

Tommy Kulivak, 1316 Ohio Street, announced that Councilwoman Deutch received the Paul Jalinski Excellence Award from the Michigan City Rotary Club; congratulating her.

Brenda Stellema, representing LaPorte County Family Advocates advised this is an agency that works with at-risk youth and abused and neglected children, presenting A blue bow representing child abuse and awareness month in April; and that anyone can purchase a bow for a \$20.00 donation thanking the Michigan City Street Department for hanging them on poles on Franklin Square and are hoping that the citizens and businesses throughout Michigan City and paint our City blue during the month of April for the awareness of child abuse in our community.

Nancy Moldenauer, 107 Key Lane, stated she forgot to thank a key player in the Sustainability Commission receiving the So Smart Silver Designation and that was Sue Downs from the Inspection Department; that she went out of her way to help our commission.

Asst. Chief Jillian Ashley MCPD thanked the Council for doing first and second reading on the MCPD Salary Ordinance and the FOP Contract that we they have for a two-year period; commenting on why none of chief's were present at this meeting to address the appropriation that was being brought to the Council for police vehicles advising that if anyone on the Council have any questions regarding the police department please feel free to contact any of the chief's that we need to keep open communication between us.

Attorney Harris advised the annexation ordinance that approved this evening; that their state requirements under the annexation code that you have wait fourteen (14) days following when the public hearing is for the ordinance to take effect; so we will bring this ordinance back at the April 19, 2022 Council meeting for the FINAL approval.

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

COMMENTS FROM THE COUNCIL

President Deutch asked if there were any further comments from the council.

Councilwoman Zygus announced that Lake Michigan and Trail Creek Conversation is having an event scheduled by the Just Transition Northwest Indiana and will be held on Saturday, April 16, 2022 at 1:00 p.m. at the Michigan City Library; that they will be talking about how to protect our water with the coal ash and what we can do.

Councilman P. Przybylinski reiterated the fact we have a lot of money in the budget and will be trying to get more information about what we receive annually; stating that maybe this council should contact our state legislatures about the Riverboat funds that they took away from us in 90's and that maybe we could get back a million dollars to use for surplus items.

Councilman P. Przybylinski stated that he has never taken a vote in this Council Chamber on concerns/matters of which neighborhood in our city ward we are addressing; that the entire City is important to him.

Councilman P. Przybylinski commented on what Poland is doing during this devastating time with Russia and how the Polish people are taking in Ukraine residents in helping get thru what is happening to them, God Bless Poland.

Councilman Dabney commented on what was being proposed on the matter of the placement of the Quiet Zone and it not going to going any further than Michigan Boulevard and that he feels that everyone along the tracks going east should be offered the quiet zone.

Councilman D. Przybylinski commented on what great job was done on the Naomi Anderson project and the event that they put on of unveiling the art at Westcott Park and after party at the Labeznik Cent of the Art.

ADJOURNMENT

A motion by Councilman Fitzpatrick second by Councilman P. Przybylinski and there being no further business to transact, President Deutch declared the meeting **ADJOURNED** (approximately 10:25 p.m.)

Gale A. Neulieb