

REGULAR “HYBRID/ZOOM” MEETING

August 2, 2022

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, August 2, 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 President Deutch.

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

PRESENT: COUNCIL MEMBERS Bryant Dabney, Sean Fitzpatrick, Michael Mack (Zoom), 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 Harris, Gale Neulieb City Clerk and Stacy Dudley Asst. Deputy Clerk.

APPROVAL OF MINUTES

President Deutch stated that we will be approving the Executive Session Minutes that was held on July 12, 2022; and asked if there were any deletions, additions, or corrections to the “Hybrid Zoom” Regular meeting held on July 19, 2022, there was no response.

Councilman D. Przybylinski made a motion to approve the Executive Minutes held on July 12, 2022 and the “Hybrid/Zoom”, Regular meeting held on July 19, 2022, a motion to second was made by Councilman Fitzpatrick.

President Deutch asked if there were any comments, there was no response

The Executive Session Minutes held on July 12, 2022 and the Regular Hybrid/Zoom Council meeting minutes held on July 19, 2022 were approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, and Dabney (9) **NAYS:** Council member None (0).

REPORTS of STANDING COMMITTEES

President Deutch asked if there were any reports of standing committees.

Councilman P. Przybylinski reported on the Streets and Alley Committee meeting held on July 27th at 6:30 P.M. in the Council Chamber with Council members Tillman, D. Przybylinski, Simmons, Fitzpatrick, Zygas (zoom), along with Mayor Parry and City Controller Hoffmaster (Zoom).

Discussion ensued regarding the additional appropriation in the amount of \$150,000 for engineering services, there was no Memorandum of Understanding with John Doyle and Associates for the work completed for the Community Crossing Grant, 2022 sidewalk projects, why the city is spending money to overlook the Double Track Project, and more transparency with this administration.

President Deutch asked if there were any other reports of standing committees, there was no response.

FINANCE REPORT

Councilwoman Tillman advised the Michigan City Finance Committee meeting was held today August 2, 2022 with Councilman P. Przybylinski, Fitzpatrick and herself were in attendance; stating that funds from the Fund #2042 Riverboat in the amount of \$480.00 with the total claims being \$480.00. Vote to approve was 3 – 0.

Councilwoman Tillman commented on the LIT funds stating that she reached out the LaPorte County Auditor who forwarded her questions to Fred Van Dorp of the DLGF reading the following questions and answers she received.

1. Is this a tax that will come out of the people’s paycheck and when and how does that get dispersed to the other town.
Answer: Yes, the local tax LIT is generated from the payroll withholding the money is collected by the Department of Revenue but then it’s distributed monthly from the state to the county, then from the county to local government, for the public safety distribution. The money will be distributed to the county, cities and towns in LaPorte based on each unit
2. When is this supposed to start.
Answer: Both the payroll with holdings and the monthly distributions are based on when the county adapts to change if the LIT change is adopted between January 1st and August 31st, the withholding rate means the rate that the taxpayers will see will change on October 1st, if the LIT tax change is adopted between September 1st and October 30th, then the rate will change on January 1st, the distribution follows a similar path, if the rate is adopted between January 1st and October 31st, then the county, cities and towns will start seeing a monthly distribution on January 1st.; if the rate change is adopted after November 1st, then the distributions won’t start until January 1st
3. Does the rate need to be changed in our payroll program so that it is reflected in the payroll checks
Answer: The DOR releases guidance to the employers about withholding rates: the DOR memo number 01 is released twice a year to correspond with the rate changes meaning that the memo is released on October 1st and January 1st

Also in attendance was Controller Hoffmaster to address the LIT tax and Planning Director Skyler York to answer any questions regarding his transfer to purchase/lease vehicles.

CLAIMS DOCKET

President Deutch stated the August 2, 2022 claims for the Riverboat Claim Docket Fund #2042 was in the amount of \$480.00, no claims for Riverboat EFT and no claims from the Boyd fund #2031

Councilman D. Przybylinski made a motion to approve the August 2, 2022, Riverboat/Boyd Claim Docket in the total amount of \$480.00, second by Councilman Dabney.

August 2, 2022		
Riverboat/Boyd Claim Docket		
Fund #2042 – Riverboat – Claims	\$	480.00
EFT	\$	00.00
Fund #2031 – Boyd – Claims-	\$	00.00
TOTAL CLAIMS	\$	480.00

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

The August 2, 2022, Riverboat/Boyd Claim docket in the amount of \$480.00 was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, and Fitzpatrick, (9) **NAYS:** Council member None (0)

Councilwoman Tillman responded to Councilman D. Przybylinski regarding if she or anyone of the Finance Committee members received the balance in the Riverboat fund or Boyd Development fund and that a document was left at each council members seat this evening; stating that the current grand total ending balance in the Riverboat Fund is \$1,771,848,21 both statement of cash position fiscal to date August 2, 2022.

REPORTS OF SPECIAL or SELECT COMMITTEES

President Deutch 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

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

Councilman P. Przybylinski advised that he received a text from Mr. Mrozinski, Laporte County Commissioner was unable to make it this evening and that he would have to reschedule.

Michigan City Fire Chief Doug Legault reported that the MCFD has had a total of 2,395 call to date this year 2022, which is 7% increase from last year and that time last year for the month of July alone they had 318 calls, 8 fire calls that need extinguishment, 238 EMS rescue calls, 12 hazard condition calls, with no fire involved in that 9 service calls 36 good intent calls and 4 false alarm and 1 special incident.

Chief Legault thanked the Council for the support to the increase in his Deputy Chief's salary.

Chief Legault addressed President Deutch's question regarding how many actual fires that have been distinguished to date and if the number of distinguished fires has raised within the last year; stating that the number has raised especially in the month of July and that includes all fires that need extinguishment.

Discussion ensued between Councilman D. Przybylinski and Chief Legault regarding the statistics of overdoses in Michigan City.

PETITIONS

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

Clerk Neulieb stated the following petitions were received in the Clerk's office on July 26, 2022

Petition of Northern Indiana Public Service Company (NIPSCO) to vacate a portion of a public street in the City of Michigan City located north of the intersection of Superior Avenue and Nippersink Avenue

Petition of Northern Indiana Public Service Company (NIPSCO) to vacate a portion of a public street in the city of Michigan City located south and east of the improved terminus of Edgewood Avenue and West and North of the West terminus of Westchester Court

COMMUNICATIONS

President Deutch asked if there was any correspondence received in the Clerk’s Office for the Council.

Clerk Neulieb stated that there was no correspondence received since the July19, 2022 Council meeting.

RESOLUTIONS

The Clerk read the following proposed resolution by title only.

OPPOSING PROPOSED NIPSCO RATE HIKE

Introduced by: Angie Nelson Deutch
Don Przybylinski
Dalia Zygas
Tracie Tillman
Paul Przybylinski
Bryant Dabney
Sean Fitzpatrick
Michael Mack
Gene Simmons

Councilman D. Przybylinski read the proposed ordinance in its entirety.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4851

OPPOSING PROPOSED NIPSCO RATE HIKE

WHEREAS, Northern Indiana Public Service Company (NIPSCO) in Cause Number 45700 is requesting IURC approval to close five ash ponds at its Michigan City generating station and recover the closure and remediation cost of \$40 million through rates.

WHEREAS, the Indiana Utility Regulatory Commission is currently seeking public comments regarding the proposed rate hike; and

WHEREAS, NIPSCO wants residential customers to pay more than their fair share of these costs compared to big commercial and industrial customers; and

WHEREAS, the Common Council passed Resolutions 4781 and 4812 setting forth recommendations and seeking a full environmental cleanup.

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

1. That the City of Michigan City, Indiana opposes the proposed increase to NIPSCO rates due to the adverse impact it would have on families struggling to pay existing utility bills.
2. That NIPSCO should revise their proposed closure plan to include the full removal of all 2 million cubic yards of historic fill containing coal ash along the lakefront at their Michigan City Generating Station.

3. The City Clerk is directed to forward a copy of this Resolution to Public Comments of the Indiana Office of Utility Consumer Counselor via email uccinfo@oucc.IN.gov or by mail at Consumer Services Staff, Indiana Office of Utility Consumer Counselor, 115 W. Washington St, suite 1500 South, Indianapolis, IN 46204.

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

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

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

CO-SPONSOR: /s/ Tracie Tillman, Member
Michigan City Common Council

CO-SPONSOR: /s/ Paul Przybylinski, Member
Michigan City Common Council

CO-SPONSOR: /s/ Bryant Dabney, Member
Michigan City Common Council

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

CO-SPONSOR: /s/ Michael Mack, Member
Michigan City Common Council

CO-SPONSOR: /s/ Gene Simmons, Member
Michigan City Common Council

President Deutch asked if any of the sponsors had anything to add this evening.

Councilman P. Przybylinski commented on several concerns on how NIPSCO can ask their users/customers to pay 40 million dollars to clean up the coal-ash on their property; that they have always come to the customers with rate increases knowing for years that this coal-ash has been an environmental hazard and that we need to move forward with the process and do whatever we have to do with the Utility Regulatory Commission to make things right.

Councilman D. Przybylinski thanked all the people that showed up last evening at the rally protesting the NIPSCO rate increase and the people who stayed for the meeting with the URC; stating several concerns that this rate increase isn't going to just affect the residents but also our city government; that NIPSCO made the mess and NIPSCO should clean the mess up.

President Deutch asked if the public had any questions or comments.

Tommy Kulavik, 1316 Ohio Street, commented on the hazardous coal ash that is on the NIPSCO's property and how many people in the Pines getting cancer from drinking the well water that has been contaminated from the coal ash and that the Westville community also has contaminated well water from the former oil refinery that was located there years ago and no closed.

Rodney McCormick 617 Union Street, shamed NIPSCO stating that we have to clean it up; stating that like himself and like most people in our community what recourse do we have that some people use this as a political stunt and that attorney's always get paid but our residents don't get any relief; asking when they do start this cleanup we act like a big brother and make sure they do it right the first time and no more people get sick. Daniel Kohn 816 Madison Street addressed the Council questioning if 200 tons of coal ash went into Lake Michigan and water likes to move items in the water from one

location to another; asking that couldn't this coal ash spread to other states and countries to the current of the water moving it.

President Deutch advised Mr. Kohn that there is a barrier between the NIPSCO plant and Lake Michigan, technically it could reach out and is what Councilman D. Przybylinski stated that it could leak into the water and spread to who knows where.

Mr. Kohn advised Councilman P. Przybylinski that he was a Boy Scout and that is working on his "Communication Badge"

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

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

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

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4852

APPROVING SUBMISSION OF APPLICATION FOR A GRANT FOR THE CITY OF MICHIGAN CITY FROM THE INDIANA DEPARTMENT OF TRANSPORTATION FOR THE 2022 COMMUNITY CROSSING MATCHING GRANT PROGRAM & SUPPORTING THE LOCAL MATCH FOR SAID GRANT

WHEREAS, pursuant to Sec. 2-236 of the Michigan City Municipal Code, the Michigan City Common Council must pre-approve all grant applications requiring a local match; and

WHEREAS, the City of Michigan City, Indiana intends to submit a grant application seeking funding through the Indiana Department of Transportation for the Community Crossings Matching Grant Program; and

WHEREAS, the City of Michigan City will be requesting up to \$1,000,000 in grant funds for various street paving projects that will require a dollar for dollar match; and

WHEREAS, pursuant to Sec. 2-236, the City Controller has provided the following information pertaining to the Grant:

1. **Name of grantor and grant title:** Indiana Department of Transportation – Community Crossings Matching Grant Program.
2. **Why it is beneficial to the City to apply for this grant:** This grant will allow the City to double the budget for street paving.
3. **The purpose of the grant and the proposed use of grant funds:** This grant will be used to pave streets in the worst condition as determined by the Engineer assisting the City based on the PASER report.
4. **The person who will be responsible for managing the grant for the City:** Mary-Lynn Wall, Assistant City Controller.

5. **All relevant time frames and schedule, including any deadlines for submitting the application and closing out the grant:**
 - a. The application process opens at 8:00 a.m. (ET), Monday, July 1, 2022.
 - b. The deadline to submit the application is 5:00 p.m. (ET), Wednesday, August 31, 2022.
6. **The amount of any required or proposed City monetary match or voluntary contribution and the proposed source for the matching funds and contributions:**
 - c. Cities with a population of greater than 10,000 will receive funds using a 50/50% match.
 - d. The max amount eligible to receive is \$1,000,000.
 - e. The matching funds are budgeted in the 2022 MVH Restricted budget.
7. **The description of the types and sources of any in-kind match or contribution:** NA
8. **Whether the Controller wishes to have a new, separate fund created for the grant:**
No, the Controller does not wish to have a new, separate fund created for the Grant. A separate grant fund has previously been established and this Grant will run through that existing fund.

WHEREAS, all relevant information required by Sec. 2-236 is attached hereto and incorporated herein as **Exhibit A**-Notice of Application for Grant and **Exhibit B**-Grant Set-Up Form.

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 Michigan City Common Council approves the submission of the 2022 Community Crossings Matching Grant Application and supports and commits to funding the local match for said Grant from the 2022 MVH Restricted funds in an amount not to exceed \$1,000,000.

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-SPONSOR: /s/ Don Przybylinski, Member
Michigan City Common Council

NOTE: EXHIBIT A & B ARE ATTACHED TO RESOLUTION NO. 4852

President Deutch stated that this resolution was TABLED at the July 19, 2022, Council meeting until a Streets & Alley Committee was held and would be brought back at the August 2, 2022 Council meeting (the Streets and Alleys Committee was held on July 27, 2022)

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

Councilman D. Przybylinski advised that he had a question, and it was answered at the workshop by the Mayor; that his concern was if Doyle and Associates who did the initial engineering work for the Community Crossing project without a signed contract with the city; advising that the Mayor stated that there was no contract and that Mr. Doyle was looking over the paper work that was left by the last engineer to make sure everything was properly done and Mr. Doyle would not be sending the city a bill.

President Deutch added this was her concern as well, that Controller Hoffmaster shared that she also was inputting information for the grant.

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

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

Councilwoman Tillman advised at the Finance Committee meeting asked Controller Hoffmaster to provide a model of the contract they previously had with him to each council member before the next meeting on August 16, 2022, and also the language that they will be proposing regarding what Doyle and Associates will be working on.

President Deutch stated that she feels that some of this is being brought up is a little bit of an overreach and is uncertain why we're trying to dictate the Community Crossing Grant that we have been doing this for a few years.

President Deutch asked if there were any additional comments from the Council.

Councilman D. Przybylinski commented on the list that the council received and then going out and looking at the streets that could be black topped; according to the pacer system that is used and required by the state to be able to receive these grant monies, to him the pacer system needs to be reinspected in Michigan City, that there are worse streets that need to be repaired first before the streets on this list.

Councilman P. Przybylinski appreciated the comments from Councilman D. Przybylinski bringing up that we are not trying to dictate anything but asking for a MOU with the descriptions to take to the council members to make sure they have no questions about what Doyle and Associates will be doing, since the city doesn't have an engineer at this time.

Councilman P. Przybylinski stated all he is looking for is transparency and cooperation with the administration; stating several concerns he has with the city not crack-sealing the roads that help maintain them, so they don't have to be repaved so quickly.

President Deutch stated she agrees that Wabash Street is coming apart and will be glad when the city gets their own engineer, so that we can move forward and get sidewalks and streets repaired.

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

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

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4853

FOURTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR VARIOUS MATTERS, INCLUDING BUT NOT LIMITED TO COMMUNITY GRANT FUNDING FOR SMALL BUSINESS AND NONPROFITS, CITY PROJECTS, AND EQUIPMENT/IMPROVEMENTS FOR CERTAIN CITY DEPARTMENTS

WHEREAS, on September 21, 2021, the Michigan City Common Council enacted and on September 22, 2021 the Mayor signed Resolution #4813 entitled "*Stating the Initial Plan for Uses of a Portion of the First Tranche of the City of Michigan City's Allotment of Local Fiscal Recovery Funds Through the American Rescue Plan Act;*" and

WHEREAS, since September 21, 2021, the following Resolutions have been adopted, which either amend or add to the City's initial plan for use of ARPA funds:

- a. On December 21, 2021, the Michigan City Common Council adopted and on December 22, 2021 the Mayor signed Resolution #4820 entitled "*Amending Resolution #4813 to Comply with the State Board of Accounts Directive 2021-3 Regarding "Premium Pay" Under the American Rescue Plan Act (ARPA),*" which amended Resolution #4813 to comply with State Board of Accounts Directive 2021-3 regarding "premium pay" under the American Rescue Plan Act (ARP);
- b. On May 4, 2022, the Michigan City Common Council adopted and on May 13, 2022 the Mayor signed Resolution #4842 entitled "*Adding to the Initial Plan for Use of Portion of the City's Allotment of Local Fiscal Recovery Funds Through the American Rescue Plan Act to Pay for Upgrades to the City's Security and Necessary Equipment for the City's Emergency Management Volunteers Through the Michigan City Police Department;*"
- c. On June 7, 2022, the Michigan City Common Council adopted and on June 16, 2022 the Mayor signed Resolution #4845 entitled "*Adding to the Initial Plan for the Use of a Portion of the City's Allotment of Local Fiscal Recovery Funds Through the American Rescue Plan Act to Pay for the Grade Crossing Improvements at Various Crossing Intersections in Michigan City, Specifically in the Northern Indiana Commuter Transportation District, to Establish Quiet Zones;*" and

WHEREAS, the ARPA committee created by the Mayor recently met and recommends the following additions to the City's plan for using ARPA monies:

- a. Negative Economic Impact/Services to Disproportionately Impacted Communities:
 - Community Grant Fund-Small Business \$1,000,000
 - Community Grant Fund- Nonprofits \$1,000,000
- b. Negative Economic Impacts:
 - Bus Shelter Project (matching funds from Redevelopment) \$ 200,000
- c. Services to Disproportionately Impacted Communities:
 - Project Safe Neighborhood \$ 15,000
 - Flock System \$ 398,000
 - Raven System \$ 125,000
- d. Infrastructure:
 - Water pipe for water extension to annexed property \$2,500,000
- e. Revenue Replacement:
 - Engineering for Destination Playground \$ 250,000
 - Body & Car Cameras (year 1) \$ 600,000

• Animal Control vehicle	\$ 65,000
• Expansion of Animal Control kennels	\$ 135,000
• Fire truck (replace Engine 2)	\$ 750,000
f. <u>Administrative:</u>	
• Community grant funds supplies	\$ 5,000
• Grant Proposal Platform	\$ 10,000
Total:	\$7,053,000

WHEREAS, the Common Council wishes to adopt the recommendations of the ARPA committee and believes said recommendations are in the best interest of the City and the residents herein.

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. **Expenditures of Funds.** The Council expresses its intent to expend ARP funds as follows:

a. <u>Negative Economic Impact/Services to Disproportionately Impacted Communities:</u>	
• Community Grant Fund-Small Business	\$1,000,000
• Community Grant Fund- Nonprofits	\$1,000,000
b. <u>Negative Economic Impacts:</u>	
• Bus Shelter Project (matching funds from Redevelopment)	\$ 200,000
c. <u>Services to Disproportionately Impacted Communities:</u>	
• Project Safe Neighborhood	\$ 15,000
• Flock System	\$ 398,000
• Raven System	\$ 125,000
d. <u>Infrastructure:</u>	
• Water pipe for water extension to annexed property	\$2,500,000
e. <u>Revenue Replacement:</u>	
• Engineering for Destination Playground	\$ 250,000
• Body & Car Cameras (year 1)	\$ 600,000
• Animal Control vehicle	\$ 65,000
• Expansion of Animal Control kennels	\$ 135,000
• Fire truck (replace Engine 2)	\$ 750,000
f. <u>Administrative:</u>	
• Community grant funds supplies	\$ 5,000
• Grant Proposal Platform	\$ 10,000
Total:	\$7,053,000

3. **Compliance with the American Rescue Plan Act.** The City Administration will ensure compliance with prevailing Federal Guidelines at the time the funds are committed for expenditure.

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

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

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

President Deutch asked if any of the sponsors had anything to add at this time.

President Deutch advised that this came from the Mayor's ARPA committee's recommendation, stating that to move forward and adjust this plan it must be put in a resolution before this appropriation is approved, with a proposed resolution amending the initial plan for the use of the different buckets (where the money is being proposed).

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

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

Councilman P. Przybylinski stated when reviewing the proposed resolution he didn't see any funds allocated for the removal of the lead goose necks that are in over 1,500 homes in our community or any monies set aside for a sewer project in the second ward that should be taken place but there is money in this resolution for 2.5 million dollars to put water/sewer to an annexed property the city just received (Putz Property); making a motion to TABLE this to have an additional workshop before our next council meeting on August 16, 2022, second by Councilwoman Tillman.

The motion to TABLE the proposed resolution failed by the following vote: **AYES:** Council members P. Przybylinski and D. Przybylinski (2) **NAYS:** Council members Simmons, Zygas, Dabney, Fitzpatrick, Mack and Deutch (7).

President Deutch asked if there were any additional comments from the general public or council.

President Deutch stated that there is a lot in this proposed resolution advising that this plan can be updated at every meeting; it will need a resolution, but it can be changed; if there are other items the administration will put forward, we are on first reading on the proposed additional appropriation, another plan can be brought forward.

President Deutch advised that there is a workshop called for August 11, 2022 to discuss and review what is being proposed in this resolution and the additional appropriation.

Councilwoman Tillman stated that in regards to her supporting this proposed resolution to be tabled; that there are items that are not listed that she wholeheartedly is in support of and there is also some additional things that is now listed and would like to discuss at our next workshop.

Councilwoman Zygas added that we are not spending the entire amount of the ARPA money, there is money that can be allocated for other projects.

Councilman P. Przybylinski stated with that being said he can't understand that there is tunnel to nowhere under Lafayette Street that the ARPA money was supposed to be used for; and that we all know that the city is paying on the bonds to date from this sewer project that was never completed; stating several concerns he has when the Sanitary District is engineering projects for Long Beach and new annexations rather than addressing residents inside our city limits.

Councilman Dabney made a motion to adopt the proposed resolution, second by Councilwoman Zygus with the proposed resolution approved by the following vote: **AYES:** Council members Zygus, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (7) **NAYS:** Council members P. Przybylinski and Tillman (2)

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION 4854

A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE PLANNING AND INSPECTION DEPARTMENT OF THE GENERAL FUND #1001 FOR THE YEAR 2022 IN MICHIGAN CITY, INDIANA

WHEREAS, there exists certain circumstances within the budget of the Planning & Inspection Department of the General Fund #1001 of Michigan City which require increasing and decreasing appropriations for certain line items in that Fund for the year 2022.

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

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

PLANNING DEPARTMENT OF THE GENERAL FUND #1001

DECREASE:	A/C #1001 107 411.013	
	Salaries & Wages Regular	\$43,400.00

INCREASE:	A/C #1001 107 439.090	
	Other Services & Charges Contractual Services	\$43,400.00

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

INTRODUCED BY: /s/ Angie Nelson-Deutch, President
Michigan City Common Council

President Deutch stated that Mr. York, Planning/Inspection Director is present to address the council regarding his request for the proposed transfer.

Skyler York, Planning Director addressed the Council advising this a simple transfer taking money from one line item and moving it to another within our existing budget to purchase/lease vehicles for his department and trade in vehicles that his department received from the Police Department, that since the police department is going to leasing vehicles there are no hand me downs to the Planning and Inspection Department with this being the perfect time to start leasing vehicles as well.

Discussion ensued between Mr. York and Council members D. Przybylinski and P. Przybylinski questioning if Mr. Harris has been involved in this matter, how many miles are on the vehicles, if they could fix any of them so the City could wait until the end of

2022, how far the inspection employees drive in the confines of the city and if these vehicles could be four (4) cylinder rather than 6.

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

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

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

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

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX-ECONOMIC DEVELOPMENT (FORMERLY KNOWN AS CEDIT) FUND FOR ON-CALL ENGINEERING SERVICES WITH JOHN A. DOYLE & ASSOCIATES AND PRIMERA ENGINEERING

Introduced by: Dalia Zygas

(DECREASE Local Income Tax (LIT-ED) Fund 2224 Unappropriated balance \$150,000.00. INCREASE ACCOUNT#2224 114.431.020 - \$150,000.00 Other Services and Charges – Engineering Services)

President Deutch stated the proposed ordinance was TABLED at the July 19, 2022 Council meeting on first reading and was referred to the Finance Committee for review and recommendation and will be brought back at the August 2, 2022, Council meeting; advising that this was discussed at the July 27, 2022, workshop and that it was advertised in the Herald Dispatch in hopes to have the formal public hearing this evening.

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

Councilwoman Zygas stated that until the City gets an engineer, we are going to have to contract outside engineers to do their jobs to keep things moving.

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

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

Councilman D. Przybylinski stated that he doesn't want to keep having appropriations coming in front of the council and have to keep paying out more and more money every three (3) months, every quarter; asking that if we have had anyone apply or even interested

Mayor Parry advised that the problem with getting a city engineer and always has been the job description states it is part-time at \$70,000 and the city has been lucky in the past that we've gotten in local engineer that owned their own engineering firms in Michigan City wanting to retire but still work like Bill Phelps; advising that the city has advertised for this position and reached out to Purdue campus in May.

President Deutch added that engineers that are graduating are expecting well over \$100,000 especially if they pass the exam.

Councilman D. Przybylinski stated we are now appropriating another \$150,000 and adding what we have appropriated prior to this amount we are close to a quarter of a

million dollars; that we could be offering an engineer \$120,000 to start and be ahead, that we should investigate this more before adopting this.

Mayor Parry stated that right now we're retaining two (2) professional engineers to handle any enormous scope of work; commenting on the double track and community crossing projects and the engineering services needed within our city.

Discussion ensued between Councilman Dabney, President Deutch and Mayor Parry regarding the reasons we have a construction/inspection (PE) engineer on the Double Track Project; he is there to solve any problems that arise and addresses them immediately.

Councilman P. Przybylinski stated that he appreciated Councilman Dabney's and D. Przybylinski observation commenting on how much money the city has spent on engineers to date; questioning why the city is spending all this money for issues the South Shore are causing themselves on this project.

Discussion ensued between Mayor Parry and Councilman P. Przybylinski regarding an engineer if contracted by the city can act on behalf of our City Engineer according to Indiana state statute and how this large of project effects our community.

Councilwoman Tillman conveyed also that she questioned in their finance committee meeting this evening directly to Controller Hoffmaster if the proposed \$150,000 be enough for the rest of the year or will they have to come back for any additional appropriation; advising that Controller Hoffmaster assured them that this was a one-time only appropriation for 2022.

Councilman Fitzpatrick stated historically prior administrations were paying almost a half a million for engineers to multiple engineering firms, in addition to having the city engineers position staffed (which is a part time position); making a motion to have second reading this evening, second by Councilwoman Tillman.

The motion carried to have second reading this evening by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, and Zygas (8) **NAYS:** Council members P. Przybylinski (1)

The Clerk read the following proposed ordinance on second reading by title only,
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX-ECONOMIC DEVELOPMENT (FORMERLY KNOWN AS CEDIT) FUND FOR ON-CALL ENGINEERING SERVICES WITH JOHN A. DOYLE & ASSOCIATES AND PRIMERA ENGINEERING

Introduced by: Dalia Zygas

(DECREASE Local Income Tax (LIT-ED) Fund 2224 Unappropriated balance \$150,000.00.
INCREASE ACCOUNT#2224 114.431.020 - \$150,000.00 Other Services and Charges – Engineering Services)

President Deutch asked if there were any comments from the sponsor, there was no response.

President Deutch advised that the formal public hearing was advertised in the Herald Dispatch on July 20, 2022 and that the formal public hearing will be held this evening; repeating three times, "Is there anyone from the public that wish to speak on the proposed ordinance" there were no responses and the public hearing was closed.

President Deutch asked if there were any comments from the Council, there was no response; stating that the proposed ordinance will be held over on third reading at the August 16, 2022 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE FOURTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR VARIOUS MATTERS, INCLUDING BUT NOT LIMITED TO COMMUNITY GRANT FUNDING FOR SMALL BUSINESS AND NONPROFITS, CITY PROJECTS, AND EQUIPMENT/IMPROVEMENTS FOR CERTAIN CITY DEPARTMENTS

Introduced by: Angie Nelson Deutch
 Bryant Dabney
 Dalia Zygas

(DECREASE ARP Coronavirus Local Fiscal Recovery Fund 0176 Unappropriated Balance \$7,053,000.00. INCREASE ACCOUNT #0176 000 421.050 \$5,000.00 Supplies – Other Office Supplies. INCREASE ACCOUNT #0176 000 431.050 \$260,000.00 Professional Services – Other Professional Services INCREASE ACCOUNT #0176 000 439.050 \$2,000,000.00 Other Services & Charges – Grants and Subsidies. INCREASE ACCOUNT #0176 000 442.010 \$2,500,000.00 Infrastructure – Water Extension INCREASE ACCOUNT #0176 000 443.050 \$135,000.00 Capital Outlay – Buildings – Other. INCREASE ACCOUNT #0176 000 444.050 \$200,000.00 Capital Outlay – Improvements Other Than Buildings – Other INCREASE ACCOUNT #0176 000 445.020 \$815,000.00 Capital Outlay – Motor Equipment. INCREASE ACCOUNT #0176 000 445.050 \$1,138,000.00 Capital Outlay – Other Machinery & Equipment)

President Deutch asked if any of the sponsors had anything to add this evening.

Councilman Dabney stated that we're appropriating and spending some of the ARPA funds stating some of the larger items; flock system for the MCPD along with the RAVEN system for the cameras of gunshots spotters, the water extension for the Lafayette project that Councilman P. Przybylinski mentioned, bus shelters project, funds for the Community Grant funds for nonprofits and small businesses, fire truck, expansion for Animal Control Vehicle body car cameras, Community Grant supplies and some engineering for the playground of which Councilman D. Przybylinski will be giving; stating that he feels there are some good items and would like to call them investments to our city and is looking forward to moving forward.

President Deutch advised that there is a workshop scheduled (hybrid) on August 11, 2022 with the time being changed from what it is scheduled for now with a notice going out tomorrow with the correct time.

Councilwoman Zygas chimed in with Councilman Dabney's comments about what he stated is being proposed to be spent and it was not a frivolous decision; advising they spent a really long-time discussing/debating proposed items received to make these final decisions.

President Deutch asked if there were any comments from the public at this time, there was no response.

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

Councilman Fitzpatrick stated the proposed appropriation is for \$7,053,000 questioning what the balance will be left in the ARPA account; with President Deutch advising that there will be a little over 4.3 million.

Councilman P. Przybylinski requested to be added as a Co-sponsor.

President Deutch 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 at our August 16, 2022 Council meeting.

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

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX – ECONOMIC DEVELOPMENT (FORMERLY KNOWN AS CEDIT) FUND FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE MICHIGAN CITY HOUSING AUTHORITY HEARINGS

Introduced by: Angie Nelson Deutch
Sean Fitzpatrick

(DECREASE Local Income Tax (LIT-ED) Fund 2224 Unappropriated balance \$30,000.00.
INCREASE ACCOUNT#2224 114.431.050 \$30,000.00 Other Services and Charges – Other Professional Services)

President Deutch asked if the sponsors had anything to add.

Councilman Fitzpatrick advised that this was for the attorney the Council hired regarding hearing that was held at the Housing Authority.

President Deutch asked if there were any comments from the public at this time, there was no response.

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

Councilman Mack advised that he will be voting “no” on this proposed ordinance and is in opposition to it; that many of you know that it was publicly known that he was totally against the four members of the “Housing Authority” being terminated from that board.

President Deutch asked Controller Hoffmaster if she could let the Council know before the next meeting on August 16, 2022 where the funds could be paid from other than the CEDIT fund if the Council doesn’t pass this.

President Deutch asked if there were any additional comments from the Council, there was no response; stating the proposed ordinance will be on second reading at our August 16, 2022 Council meeting.

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

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET IN THE CITY OF MICHIGAN CITY LOCATED NORTH OF THE INTERSECTION OF SUPERIOR AVENUE AND NIPPERSINK AVENUE

Introduced by: Dalia Zygas

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

Councilwoman Deutch stated her understanding of this ordinance and the following proposed ordinance is an electric substation where there is an easement that belongs to the city, with NIPSCO asking us to vacate this easement to them to be able to secure these substations and put fences around them; advising that Attorney Jeremy McManama is present to answer any questions the council may have.

President Deutch stated that he could speak under public comments.

President Deutch asked if there were any comments from the public at this time.

Attorney. McManama thanked the Council and the City Clerk for making time and being flexible to allow us to bring this matter here tonight; addressing the council advising they want to secure the perimeter of the site and that they found a title issue with respect to an unimproved platted alleyway or plotted roadway, with their request is that the city would be kind enough to vacate this portion so they could essentially place a fence around the substation.

President Deutch asked if there were any additional comments from the public.

Belinda Lee, 606 Glady Street stated that she doesn't think we shouldn't do any favors for NIPSCO, that we should sell them the land since they need it; stating that NIPSCO wants us to do so much for them, but they don't want to do anything for us or our community.

Tommy Kulavik, 1316 Ohio Street, advised that by statute it is Mayor's duty to sign off on all property deeds owned by the city.

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

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

Councilwoman Zygas stated that this is a benefit to the citizens in this area that by putting a fence around the substation it would prevent vandalism that may cause an outage in this area.

Discussion ensued between NIPSCO'S Attorney McManama, Councilman P. Przybylinski, D. Przybylinski, and President Deutch regarding what NIPSCO is proposing regarding what part of this property they would be fencing in, was there any history of vandalism, interruption of service from a person and why does this substation have to be fenced, homeland security laws, and requested a sight plan by the next meeting.

President Deutch asked if there were any additional comments, there was no response; stating the proposed ordinance will be held over on second reading at our August 16, 2022 Council meeting.

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

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET IN THE CITY OF MICHIGAN CITY LOCATED SOUTH AND EAST OF THE IMPROVED TEMINUS OF EDGEWOOD AVENUE AND WEST AND NORTH OF THE WEST TEMINUS OF WESTCHESTER COURT

Introduced by: Dalia Zygas

President Deutch asked if the sponsor had anything to add at this time, there was no response.

Tommy Kulavik, 1316 Ohio Street, stated that he believes that any purchase of city property goes to the Board of Public Works and Safety for their approval, not the council.

Attorney McManama advised Mayor Parry that NIPSCO has no interest in enlarging these substations at this time.

Mr. McManama addressed Daniel Kohn, 116 Madison Street regarding what NIPSCO's plan was just place the fence around each substation for security purposes.

President Deutch asked if there were any comments or questions from the Council, there was no response; stating that the proposed ordinance will be held over on second reading at our August 16, 2022 Council meeting.

The Clerk read the following ordinance on first reading by title only. **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE AVIATION FUEL FUND FOR THE PURCHASE OF AVIATION FUEL DUE TO THE DRASTIC INCREASE IN FUEL PRICES**

Introduced by: Gene Simmons
Angie Nelson Deutch

(DECREASE Aviation Fuel Fund #2568 Unappropriated balance \$250,000.00 INCREASE ACCOUNT#2568 000.422.015 \$250,000.00 Operating Supplies – Aviation Fuel)

President Deutch asked of the sponsors had anything to add at this time.

Councilman Simmons advised that due to the rise in gas prices is why we are here asking for this appropriation and that Aviation Director Jessica Ward was unable to attend the meeting this evening but will be here at our next meeting to address any questions the council may have.

President Deutch asked if the public had any comments this evening, there was no response.

President Deutch asked if the Council had any comments or questions regarding the additional appropriation, there was no response; stating that the proposed ordinance will be held over on second reading at our August 16, 2022 Council meeting.

NEW BUSINESS

President Deutch stated the Mayor is asking for the advise and consent of the members of the Michigan City Common Council regarding his re-appointment of Mr. Tim Werner as a member of the Michigan City Tree Board (term will begin immediately and expire 08-01-2025)

Councilman D. Przybylinski made a motion that the Council move forward and vote on the mayor's request to re-appoint Mr. Werner to the Tree Board, second by Councilwoman Zygus.

President Deutch asked if Mr. Werner was present this evening to address the Council, there was no response.

The Council approved the advice and consent regarding the mayor's re-appointment of Mr. Tim Werner as a member of the Michigan City Tree Board by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, and Tillman (9) **NAYS:** Council members None (0).

UNFINISHED BUSINESS

NOMINATIONS: President Deutch 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

President Deutch advised that we are still working on the amendments to the Social Status of African American Males appointments that are vacant.

Councilwoman Tillman advised that the final amended ordinance has been finalized and needs to be approved by the committee; advising after it is approved it will be brought to the Council for approval.

COMMENTS FROM THE PUBLIC

President Deutch asked if there were any comments from the public at this time.

Tommy Kulavik, 1316 Ohio Street read I.C. 36-7-9-4.5 regarding vacant structures/demolitions in our community that Attorney John Espar read at a Council meeting when he was City Attorney; stating that there hasn't been one single order to demolish come before the Board of Public Works and Safety since the present administration took over and this council came into office.

President Deutch 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 comments from the council.

Councilwoman Zygus invited everyone to join the Michigan City Women's Commission Gala for their ten-year celebration on Friday, August 26, 2022 from 6 – 10 p.m. at the Orak Temple; stating that all the information regarding this event is on her webpage.

Councilman P. Przybylinski stated that he appreciated Mr. Kulavik's comments advising he needs to direct these comments to this administration because he assigns the people who head the departments in our city that would address vacant property and demolitions; stating several concerns he has regarding the Board of Works not addressing citizens questions and requests.

Councilman P. Przybylinski advised that he has worked with several administrations and when working with them he never had a disagreement that they couldn't sit down and solve the problem that was at hand; stating that this administration does not want to reconcile any issue to move forward.

Councilman D. Przybylinski commented on people/drivers not making complete stops at stops signs or stop lights but just drive right through like they never saw the stop sign or that the light was red; stating that this has happened to him twice this last week and that he is telling people/citizens to "beware" look all ways before moving forward at an intersection.

Councilman D. Przybylinski stated he spoke with his colleagues about the condition of Westcott Park advising that he did attend the Board of Works meeting yesterday addressing his displeasure on how bad the landscaping/upkeep was at Westcott Park, the lights are burned out and not working on the planter, you can't see the name "Wescott" on the planter, dead trees along the back of the property; this is a park that represents Charles Westcott and Harborside Homes and it is a disgrace, and this is the gateway to our city.

Councilman D. Przybylinski stated that when it comes to budget time and buying equipment for the city, he wants him to be at any Council or Board of Public Works and

Safety meeting to address and answer any questions regarding replacing and/or purchasing equipment and vehicles for any department.

Councilman D. Przybylinski also thanked the Street Department for a great job cleaning up the corner of Case and Walker Street that this corner was deplorable; advising the owner of this property lives in Chesterton and will be charged for the city cleaning his lot.

Councilman Mack commented on the ARPA funding that he feels that this will get the ball rolling on the community center/field house that is being proposed and that we should set our expectations extremely high and maximize the impact that this facility is going to be on our community.

Councilman Simmons also commented on the Charlie Westcott Park that this man was very close to his heart and this area looks horrible now and it has in past, there are not only the items Councilman D. Przybylinski stated but trees that are dead on the back side of the park; stating that this is one of our main thoroughfares to our city and it is a disgrace to see this park in the condition it is in; that if we can take of the flowers down Michigan Boulevard we certainly should be able to take care of this park, no excuses.

President Deutch commented on the condition of our city parks and the ARPA monies that maybe we can create neighborhood leadership academies asking on local companies who are focusing on health to help adopt some of these playground and parks within our city and offer some incentives for residents to support the parks and make it become a part of their own parks for revitalization; stating that this is the responsibility of the city but if there is way to support neighborhoods to step in and beautify their parks and give them the resources to help make our parks look the way they should and give the neighbors a sense of belonging.

President Deutch stated that school starts back on August 10th asking the public to please slow down; we're going to have children walking and catching buses, so please slow down to make our children safe.

President Deutch also spoke about how our nation has been having more shooting on cars at each other and also is happening here in our community, that these are not people from out of town doing this in our city but people that were born and raised here, so we have a lot of work to do, nothing is perfect and people will always have the opportunity to voice their opinion but our community doesn't feel safe coming outside.

President Deutch stated that everyone should have received from Mr. Hulce in reference to Michigan City being one of three (3) small cities that have been recommended to be part of a twelve (12) months study by LIC (Local Initiative Support Corporation; advising LIT is an organization that usually works with large cities and is a twelve (12) month study in small cities and rural regions mobilizing Indiana communities for regional economic development; and why it is so important is our city has a lot of development happening and their learning lab will assist local organizations in three (3) small Indiana cities, to create immunity center, economic inclusion and agenda aimed at closing geographic and racial gaps and economic opportunity and positioning them to maximize state resources from the Indiana program to benefit from growing sectors of their regional economy. Stating basically, they will come in and look at workforce development, early childhood education and will help create this plan at no cost to the city and they will be looking to involve the community and create cohorts with citizens, with local government with businesses.

Councilman D. Przybylinski asked the mayor if he would ask the Street Department since school is starting to make sure every crosswalk at every school the lines are painted for crossing the streets for the safety of our children going and coming.

Councilman P. Przybylinski questioned about an officer is supposed to be at each of council meetings and there hasn't been one in attendance, asking the mayor to also check on that as well.

ADJOURNMENT

A motion by Councilman D. Przybylinski, second by Councilman Fitzpatrick and there being no further business to transact, President Deutch declared the meeting **ADJOURNED** (approximately 8:48 p.m.)

Gale A. Neulieb