

REGULAR “HYBRID/ZOOM” MEETING September 5, 2023

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, September 5, 2023, at the hour of 6:30 p.m., Hosted by “Hybrid/Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by President Fitzpatrick. Roll call was authorized, and the following were noted present and/or absent.

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

ABSENT: COUNCIL MEMBER Dalia Zygas (1).

President Fitzpatrick advised that Councilwoman Zygas did advise him of her absent and that she is excused.

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Nick Snow, Gale Neulieb Clerk and Stacy Dudley, Deputy Clerk

APPROVAL OF MINUTES

President Fitzpatrick asked if there were any corrections, deletions, or additions to the Regular “Hybrid/Zoom” Council meeting minutes that were held on August 1, 2023 and August 15, 2023

Councilman D. Przybylinski made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting that was held on August 1, 2023 and August 15, 2023; second by Councilman Dabney.

The motion carried and the minutes were approved for the August 1, 2023 and August 15, 2023 Regular Council meeting; by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, Deutch, Przybylinski, Simmons, and P. Przybylinski (8) **NAYS:** Council member None (0)

REPORTS of STANDING COMMITTEES

President Fitzpatrick asked if there were any standing committee reports.

Councilman D. Przybylinski stated that he attended the last Sanitary District meeting and there has been no movement yet on the lawsuit between the Sanitary District and the Town of Long Beach.

FINANCE REPORT

President Sean Fitzpatrick asked if there were any reports from the Finance Committee.

Councilwoman Tillman advised that the Finance Committee meeting met this evening September 5, 2023 at 5:38 p.m. and there was a quorum; The Michigan City River Boat Fund #2235 claims were \$98,907.88, River Boat EFT # 2235 fund claim were zero, Boyd Development EFT#2504 claims were zero; claims were for Kenney Machinery, LLC in the amount of \$75,575.92, Kiesler Police Supply Inc. in the amount of \$16,896.96 and LaPorte Chrysler Inc. in the amount of \$6,435.00, totaling \$95,907.88 with a motion made to approve the claims by Councilman Fitzpatrick and second by Councilwoman Tillman; the motion carried (2 - 1) and the claims were approved by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, Przybylinski, Simmons, P. Przybylinski and Tillman (8) **NAYS:** Council member None (0)

Councilwoman Tillman advised the Michigan City Riverboat cash position fiscal year to date on September 1, 2023, ending balance was \$6,245,845.04; and that she dispersed to all city council members, summary of the city of Michigan City committee, 2024 workshop budget hearings that were held August 20th through the 25th; reading the following recommendations of the 2024 Budget from the Finance Committee meeting

- August 28th 2024 City Workshop Budget Wrap Up Recommendation held.

Recommendations: All of the City of Michigan City Department Budgets for the year 2024 the recommendations by the City Finance Committee to the City Council to accept each department budgets as proposed for the 2024 City Annual Budget; except the following salaries and positions:

Motion made by Tillman and second by Paul Przybylinski. Motion passed.

- Recommendations: A recommendation of the City of Michigan City Salary for Police – Chief, Salary for 2023 is currently \$88,151.00. The proposed budgeted salary for 2024 is \$100,440.08. The recommendation is to reduce the 13% to 6%; this would be an increase of \$5,289.06. The 2024 salary would be \$93,440.06.

Motion made by Tillman and second by Paul Przybylinski. Motion passed.

- Recommendations: A recommendation of the City of Michigan City Salary for Police-Deputy Chief. Salary for 2023 is currently \$79,828.00. Proposed budgeted salary for 2024 is \$91,617.76. The recommendation is to reduce the 13% to 6%; this would be an increase of \$4,789.68. The 2024 salary would be \$84,617.68.

Motion made by Tillman and second by Paul Przybylinski. Motion passed.

- Recommendations: A recommendation of the City of Michigan City Salary for Fire - Chief. Salary for 2023 is currently \$87,651.00. Proposed budgeted salary for 2024 is \$99,409.96. The recommendation is to reduce the 12% to 6%; this would be an increase of \$5,259.06. The 2024 salary would be \$92,910.06.

Motion made by Tillman and second Paul Przybylinski. Motion passed.

- Recommendations: A recommendation of the City of Michigan City Salary for Fire-Deputy Chief for 2023 is currently \$79,358.00. Proposed budgeted salary for 2024 is \$90,587.64. The recommendation is to reduce the 12% to 6%; this would be an increase of \$4,761.48. The 2024 salary would be \$84,119.48.

Motion made by Tillman and second by Paul Przybylinski. Motion passed.

- Recommendations: A recommendation of the City of Michigan City Clerk Department that the Assistant Deputy Clerk position be added back into the 2024 budget with a salary of \$47,590.00 and all entitled benefits.

Motion made by Tillman and second by Paul Przybylinski. Motion passed.

CLAIMS DOCKET

President Fitzpatrick read the following Riverboat/Boyd Development Claims Fund for August 15, 2023

September 5, 2023

Fund #2235 – Riverboat – Claims -	\$	98,907.88
EFT	\$	00.00
Fund #2504 – Boyd Development -	\$	00.00
EFT	\$	00.00
TOTAL CLAIMS	\$	98,907.88

President Fitzpatrick asked if there was a motion to approve the claims for September 5, 2023 in the total amount of \$98,907.88.

Councilman Dabney made a motion to approve the Riverboat/Boyd Claim Docket for September 5, 2023 in the total amount of \$98,907.88; second by Councilman Mack; the motion carried and was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, P. Przybylinski, Tillman, and Dabney (8) **NAYS:** Council member None (0)

REPORTS FROM BOARDS AND COMMISSION

President Fitzpatrick asked if there were any reports from any boards or commissions, there was no response.

Tommy Kulavik, 1316 Ohio Street, Fire Merit Commission advised that they had their written examination Saturday August 26th; there were 49 applicants, 37 were there to take the test with the final total moving forward being 23 applicants and that the physical agility test will take place on September 16th.

President Fitzpatrick asked if there were any other reports from any boards or commissions, there was no response.

REPORTS OF SPECIAL or SELECT COMMITTEES

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

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

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

MCPD Chief Forker reported on the departments 2022 Crime Report (a copy of his presentation is on file for review in the Clerk's Office)

Discussion ensued between Chief Forker, President Fitzpatrick and Council members D. Przybylinski, P. Przybylinski, Dabney, and Tillman regarding his 2022 Crime Stats presentation report.

President Fitzpatrick asked if there were any other reports from the mayor or other city officers and departments, there was no response.

PETITIONS

President Fitzpatrick asked the Clerk if there were any petitions.

Clerk Neulieb read the following petition that was received in the Clerk's Office.

A Petition of Singh-Gurgley LLC to the Common Council to Vacate a Public Way (Referred to as 2002 E. Michigan Blvd.)

COMMUNICATIONS

President Fitzpatrick asked the Clerk if there were any communications.

Clerk Neulieb read the following correspondence received in the Clerk's Office.

Correspondence was received in the Clerk's Office on August 16, 2023, from Controller Hoffmaster advising the Council the amount that has been spent through June 20, 2023 for an on call engineering services

Correspondence was received from Mr. Rodney McCormick regarding communication issues between the city officials and the citizens of Michigan City

IC36-4-11-4 and IC36-4-7-3(d) were sent to the Common Council by Clerk Neulieb on August 24, 2023 that was requested by the Finance Committee during the Clerk's August 22nd budget hearing

A Tort Claim was received on August 28, 2023 from Banks & Brower, LLC, Indianapolis, Indiana regarding an incident that took place on a Michigan City Bus on March 8, 2023

In accordance with Ordinance 4538 the Clerk's Office received an accident report on August 30, 2023 regarding a Michigan City vehicle that occurred on July 24, 2023

RESOLUTIONS

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4897

AMENDING SECTION 3(E) OF RESOLUTION #4813 TO REMOVE THE 1-TON DUMP TRUCK WITH PLOW FROM THE LIST OF ESSENTIAL EQUIPMENT FOR THE CEMETERY DEPARTMENT AND ADD TWO (2) UTV'S TO THE LIST OF ESSENTIAL EQUIPMENT FOR THE CEMETERY DEPARTMENT

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;”*
- d. On August 2, 2022, the Michigan City Common Council adopted and on August 4, 2022 the Mayor signed Resolution #4853 entitled *“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;”*
- e. On November 1, 2022, the Michigan City Common Council adopted and on November 9, 2022, the Mayor signed Resolution #4859 entitled, *“Fifth 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 Capital Equipment For The Street Department And Refuse Department;”*
- f. On January 17, 2023, the Michigan City Common Council adopted and on January 19, 2023, the Mayor signed Resolution #4868 entitled, *“Sixth Addition to The Initial Plan For Use Of A Portion Of The City’s Allotment Of Local Fiscal Recovery Funds Through The American Rescue Plan Act To Allocate Monies For Park Improvements;”*
- g. On January 17, 2023, the Michigan City Common Council adopted and on January 19, 2023, the Mayor signed Resolution #4867 entitled, *“Sixth Addition to The Initial Plan For Use Of A Portion Of The City’s Allotment Of Local Fiscal Recovery Funds Through The American Rescue Plan Act To Allocate Monies For Infrastructure For the City’s Eastside Annexed Property;”*
- h. On January 17, 2023, the Michigan City Common Council adopted and on January 19, 2023, the Mayor signed Resolution #4866 entitled, *“Amending Section 3(c) of Resolution #4813 to Add a Service Truck to List of Essential Equipment to be Purchased for the Central Maintenance Department with ARPA monies;”*
- i. On June 6, 2023, the Michigan City Common Council adopted and on June 8, 2023, the Mayor signed Resolution #4888 entitled, *“Seventh 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 to Assist with the Funding of a Designated Playground in Fedder’s Alley for the Park Department;” and*

WHEREAS, the ARPA committee recently met and recommends an amendment to Section 3(E) of Resolution #4813 enacted by the Common Council on September 22, 2021, which currently reads as follows:

“Section 3. Expenditure of Lost Revenue on Governmental Services. It is the intent of the Administration that funds from the first tranche of the American Rescue Plan Act be prioritized and expended for governmental services as follows:

...

E. Essential equipment needs for the Cemetery, to include two (2) riding mowers and a 1 ton dump truck with plow, for a total of \$86,500.00...” and

WHEREAS, the Cemetery reasonably believes it to be in the best interest of their Department to amend the plan to remove the 1-ton dump truck with plow and add two (2) utility task vehicles (UTV); and

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. Resolution #4813 is hereby amended to remove the 1-ton dump truck with plow and add two (w) utility task vehicles for the Cemetery Department and Section 3(E) shall now read as follows:

“Section 3. Expenditure of Lost Revenue on Governmental Services. It is the intent of the Administration that funds from the first tranche of the American Rescue Plan Act be prioritized and expended for governmental services as follows:

...

E. Essential equipment needs for the Cemetery, to include two (2) riding mowers and two (2) utility task vehicles, for a total of \$86,500.00...”

3. All other terms and conditions of Resolution #4813, including all amendments made to Resolution #4813, not in conflict herein shall remain in full force and effect.

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

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

(NOTE: The proposed resolution was TABLED at the August 15, 2023 Council meeting until the next meeting on September 5, 2023)

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

Councilman Dabney stated that the Cemetery Department is getting rid of the one-ton dump truck, replacing that with two (2) UTV Vehicles; advising that this resolution was TABLED at our last council meeting due to having questions about the purchase; advising that Mark Tomschek Cemetery Superintendent is present to answer any questions the council may have.

Mark Tomschek, Cemetery Superintendent advised when they were offered the ARP funds; their first thought was to purchase a truck due to possibly needing an extra plow; stating that the truck they have is over twenty (20) years old and that the two (2) UTV's are practical with one (1) will be at Swan Lake and the other at Greenwood, stating several reasons why they wanted to purchase them instead of a truck.

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

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION

4898**APPROVING AND AUTHORIZING THE INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY AND THE LAPORTE COUNTY BOARD OF COMMISSIONERS
REGARDING PAVING ON PAHS ROAD BETWEEN CLEVELAND AVENUE AND CLOVER
LANE**

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

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

WHEREAS, the LaPorte County Board of Commissioners (“County”) is a unit of local government located in LaPorte County, Indiana with jurisdiction over all real property and residents with the boundaries of LaPorte County, Indiana; and

WHEREAS, Pahs Road, between Cleveland Avenue and Clover Lane, is a road wherein segments of the road are within the City’s jurisdiction and other segments are within the County’s jurisdiction; and

WHEREAS, the City’s acting engineer has estimated that approximate 63% of Pahs Road, between Cleveland Avenue and Clover Lane, is within the City’s jurisdiction and 37% of this road is within the County’s jurisdiction; and

WHEREAS, the parties desire to enter into a Interlocal Cooperation Agreement regarding paving and pavement markings on Pahs Road between Cleveland Avenue and Clover Lane, and more specifically:

- a. County will be the lead for the paving project because County has already competitively procured a paving contract with Reith & Riley;
- b. Costs for the paving are anticipated to be \$600,000.00, and the County will pay \$125,000.00 and the City will pay \$475,000.00;
- c. City will be responsible for costs associated with pavement marking and traffic control for the Project, which is estimated to be approximately \$50,000.00; and

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

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

1. The aforementioned “whereas” paragraphs are hereby incorporated herein as though fully set forth in these resolving clauses.
2. The Common Council hereby approves the *Interlocal Cooperation Agreement between LaPorte County, Indiana and the City of Michigan City, Indiana for Paving Pahs Road between Cleveland Avenue and Clover Lane*, which is attached hereto as “**Exhibit A.**”
3. That after the aforementioned Interlocal Agreement receives all necessary approvals and has been properly executed by both parties, the Michigan City Clerk shall record the fully executed Agreement with the LaPorte County Recorder’s Office, provide copies of the recorded Agreement to each party to the Agreement as provided in the Agreement, and file a copy of said Agreement with the State Board of Accounts within sixty (60) days after the effective date of the Agreement.

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

INTRODUCED BY: /s/ Michael Mack, Member
Michigan City Common Council

/s/ Angie Nelson Deutch, Member
Michigan City Common Council

/s/ Bryant Dabney, Member
Michigan City Common Council

/s/ Sean Fitzpatrick, Member
Michigan City Common Council

/s/ Tracie Tillman, Member
Michigan City Common Council

/s/ Paul Przybylinski, Member
Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

NOTE: Exhibit "A" is attached to Resolution No. 4898 in file CR-108 and has been recorded

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

Councilman Mack stated this is a long overdue project that needs to be done, the repaving Pabs Road which is in front of our Michigan City High School building; advising this is to approve and authorize a interlocal cooperation agreement between the city and LaPorte County Board of Commissioners.

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

Tommy Kulavik, 1316 Ohio Street, thanked Councilman Mack for bringing this project to the council that it is long overdue to be paved.

Brad Minnick, City Engineer (Haas & Associates) asked if anyone had any questions or comments from him.

Councilwoman Deutch asked Mr. Minnick to explain what this project is that it isn't just paving and explain that the agreement that is really getting our city a discount on the asphalt.

Mr. Minnick advised there is discount for the asphalt along with the treatment being a structural rehabilitation; that what has been done with the CCMG projects, the one inch mill and overlay that usually done; stating that this project is going to be a six-inch overlay and will be more extensive; and that by doing this project with the county we will saving approximately \$400,000.

Councilwoman Deutch asked to be added as a sponsor.

The following council members asked to be added as sponsors, Bryant Dabney, Don Przybylinski, Tracie Tillman, and Sean Fitzpatrick

Discussion ensued between Mr. Minnick, Councilmen P. Przybylinski, D. Przybylinski and Mack regarding what is being planned to be paved, the six inches being milled, the rebuilding of the road surface, and if any boring was done, and what sidewalks will be installed next spring in a joint interlocal agreement.

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

The Clerk read the following proposed resolution by title only.

RESOLUTION 4899

APPROVING AND AUTHORIZING THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MICHIGAN CITY AND NORTHWEST INDIANA REGIONAL PLANNING COMMISSION (NIRPC) FOR THE CONSTRUCTION OF THE MARQUETTE GREENWAY TRAIL

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

WHEREAS, the City of Michigan City, Indiana (“CITY”) and the Northwestern Indiana Regional Planning Commission (“NIRPC”) are Indiana political subdivisions authorized by the Interlocal Cooperation Act to enter into an interlocal cooperation agreement; and

WHEREAS, NIRPC has been awarded a federal RAISE grant for the construction of the Marquette Greenway Trail through Gary, Portage, Michigan City (“CITY”) in Indiana, and New Buffalo Township in Michigan (all four (4) municipalities shall hereinafter collectively referred to as “participating entities”), and each participating entity will be required to submit a local match for their respective portion of the trail extending through their jurisdiction; and

WHEREAS, the CITY and NIRPC now desire to enter into an interlocal agreement for the construction services for the Marquette Greenway Trail (“the Project”) through the CITY as well as define the nature and extent of the CITY’s local match for the Project; and

WHEREAS, NIRPC anticipates entering into substantial similar interlocal cooperation agreements with Gary, Portage, and New Buffalo Township for the Project; and

WHEREAS, on December 20, 2022, the Michigan City Common Council adopted and on December 21, 2022 the Mayor executed Resolution #4863 entitled “*Approving the Commitment of the City’s Local Match for NIRPC Raise Grant to Construct the Marquette Greenway Trail,*” wherein the City committed to funding \$1,870,336.00 over two (2) years, namely 2023 and 2024, for the City’s local match for the Project; and

WHEREAS, the Common Council finds it to be in the best interest of the City to now enter into the Interlocal Agreement with NIRPC for the construction of the Marquette Greenway Trail.

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

4. The aforementioned “whereas” paragraphs are hereby incorporated herein as though fully set forth in these resolving clauses.
5. The Common Council hereby approves the *Interlocal Cooperation Agreement between the City of Michigan City and Northwest Indiana Regional Planning Commission for the construction of the Marquette Greenway Trail*, which is attached hereto as “**Exhibit A.**”
6. That after the aforementioned Interlocal Agreement receives all necessary approvals and has been properly executed by both parties, the Michigan City Clerk shall record the fully executed Agreement with the LaPorte County Recorder’s Office, provide copies of the recorded Agreement to each party to the Agreement as provided in the Agreement, and file a copy of said Agreement with the State Board of Accounts within sixty (60) days after the effective date of the Agreement.

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

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

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

(NOTE: EXHIBIT “A” IS ATTACHED TO RESOLUTION NO. 4899 IN FILE CR-108 and has been recorded.)

President Fitzpatrick asked if any of the authors had anything to add at this time.

Councilwoman Deutch advised that this is to finish our portion of the Marquette Greenway Trail and that this project has been going on for years were there were some matching dollars.

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

Shannon Eason, Asst. Superintendent of the Park, commented on the dollar amount; advising that this project will complete Phase III of the Sing Sands Project which is a part of this Marquette Greenway Trail; with NIRPC was successful in getting a federal raise grant for the project so they will be committing 7.5 million dollars to complete the last segment of this trail with the city only having to put in 17%.

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

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

Ms. Eason advised Councilman D. Przybylinski that this project should be done in 2024.

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

ORDINANCES

The Clerk read the following proposed resolution by title only.

AN ORDINANCE VACATING A PUBLIC WAY WITHIN THE CITY OF MICHIGAN CITY (2002 Michigan Blvd)

Introduced by: Don Przybylinski

President Fitzpatrick asked if the author had anything to add this evening.

Councilman D. Przybylinski advised that the proposed request to vacate this alley was plat/recorded in 1903 which was over one-hundred years ago and has never been an alley there; explaining that it is a green space where they would like to build and can't due to this alley belonging to the city and support this 100%.

Councilwoman Tillman questioned what this development might be.

Singh-Gurley, 2002 E. Michigan Boulevard, advised that they plan to develop two (2) multi-unit residential/luxury apartments that getting this vacated is step one in what they want to do and that they are thinking a commercial business downstairs with part of it being their company with the apartments upstairs.

Councilwoman Tillman introduced herself advising that she is the councilwoman for the fifth ward and that if she needs anything please let her know.

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

Attorney Anthony Novak advised that he was present to answer any questions the council may have that his client has great plans for their property moving forward and will be working with Planning and Development with respect to anything they would need to be done with re-zoning, etc.

President Fitzpatrick asked if there were any comments from the council, there was no response; stating that the proposed ordinance will be held over on second reading at our September 19, 2023 Council meeting.

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

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR IMPROVEMENTS TO PAHS ROAD BETWEEN CLEVELAND AVENUE AND CLOVER LANE PER AN INTERLOCAL GOVERNMENT AGREEMENT WITH LAPORTE COUNTY, INDIANA, AND THE CITY OF MICHIGAN CITY, INDIANA

Introduced by: Michael Mack

(DECREASE Riverboat Fund 2235 Unappropriated balance \$525,000.00. INCREASE ACCOUNT#2235 000.443.030 \$525,000.00 Capital Outlay – Streets)

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

The following Council members requested to be added as sponsors: Bryant Dabney, Sean Fitzpatrick, Angie Nelson Deutch, Don Przybylinski, Gene Simmons, Paul Przybylinski, and Tracie Tillman.

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

Tommy Kulavik, 1316 Ohio Street, thanked all the council members adding their names to the proposed ordinance, that Pahs Road needs these repairs badly, not only for the Michigan City High School students, but for all the events scheduled for the rest of this year and in 2024.

Brad Minnick, City Engineer (Haas & Associates) asked if we could do all three (3) readings this evening advising them to recognize the construction season for paving.

Councilwoman Deutch also questioned why we didn't move forward last year to pave Pahs Road when we could of planned the paving during the summer when they were on summer break; questioning what his thoughts were about the school system of us interfering with construction since school has started and we have students driving school buses traveling in and out of the high school and why are we in such a hurry to get this done now.

Mr. Minnick advised that the students have fall break and that he is encouraging the county and construction to do the to put the surface lift and final lift of asphalt on during this time period; stating that since we have to wait and for this council to have second and third reading at the September 19, 2023 council meeting and the county commissioners will approve there resolution early October (or the county may approve their resolution at their meeting tomorrow September 6, 2023).

Councilman D. Przybylinski commented on the scheduling of the Pahs Road Project questioning if it can be completed in four (4) weeks when the students go on fall break; with Mr. Minnick's advising Councilman D. Przybylinski the contractor's timeframe to mill, pave and complete this project.

Controller Hoffmaster looked up the County Commissioners Agenda for tomorrow and the resolution to approve the Interlocal Agreement is on their agenda.

Mr. Minnick advised Councilman P. Przybylinski that they have looked at the current pipes along Pahs Road and they are in good shape but they have not contacted Sanitation regarding the drainage in this area to improve any culverts due to the clay layer located in the area of Cleveland and Woodland Avenue; stating that he is satisfied with the drainage.

Mr. Minnick advised Councilwoman Deutch that he would be attending the commissioners meeting tomorrow evening.

Mr. Minnick advised Councilman P. Przybylinski that the county has a larger program and budget that is approximately 5 or 6 million dollars for paving alone, in addition to supporting services for their asphalt.

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating that the proposed ordinance will be held over on second reading at the September 19, 2023 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO FUND THE SEWER LATERAL REPAIR – PUBLIC PROPERTY FUND IN ACCORDANCE WITH ORDINANCE NO. 4689 CODIFIED IN SECTION 98-252 OF THE MICHIGAN CITY MUNICIPAL CODE

Introduced by: Angie Nelson Deutch
Don Przybylinski

(DECREASE Riverboat Fund 2235 Unappropriated balance \$150,000.00. INCREASE ACCOUNT#2235 000.452.000 \$150,000.00 Other Financing Uses – Interfund Operating Transfer)

President Fitzpatrick asked if either of the authors had anything to add.

Councilwoman Deutch stated that we have had several workshops previously and have adopted Ordinance No. 4689 regarding paying for sewer repairs on private property with this proposed ordinance establishing the fund that will pay for those lateral repairs that residents had to pay; and that she doesn't believe there is a process in place yet.

Controller Hoffmaster stated that what she would like to see happen is that the Sanitary District send an official letter to the residents we owe the refund to, where the property owner will sign off and the paperwork sent to the Controller's for the distribution of their checks.

Councilman D. Przybylinski stated that this was brought up at the last Sanitary District meeting and that it sounded like the Sanitary District was going to take charge of the process regarding the refunds.

Councilman D. Przybylinski commented on why he was sponsoring this appropriation; thanking Councilman P. Przybylinski for his hard work getting this money reimbursed to residents that had to pay thousands of dollars when having to have repairs done to the sewer lines going to their homes.

Councilman Dabney explained the history of how the Sanitary District did repairs on sewers back in the day, questioning why it was changed that the residents had to pay for repairs and why the Sanitary policy couldn't of just went back to what it was years ago.

Discussion ensued between Councilman Dabney and Council members Deutch, D. Przybylinski, P. Przybylinski regarding the Sanitary District policy repairing sewers years ago, the ordinance that was adopted to make that a resident doesn't have to pay to have their sewer repaired to their home, and the proposed additional appropriation for \$150,000 to reimburse the residents that had to pay for repairs.

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

Ernie Hallahan, 302 Gladys Street, commented that thirty years ago when he hooked into the city sewer from having a septic he was charged a fee for the connection.

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

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

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

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading until the September 19, 2023 council meeting.

The Clerk read the following proposed ordinance on first reading by title only.
ORDINANCE OR RESOLUTION FOR APPROPRIATION AND TAX RATES

Introduced by: Sean Fitzpatrick

President Fitzpatrick advised this is proposed ordinance is basically what we do for our 2024 proposed city budget to be approved and that if anyone has any questions please direct them to the Controller's office.

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

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

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

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading at our September 19, 2023 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only.
AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2024

Introduced by: Sean Fitzpatrick

President Fitzpatrick advised this ordinance is in regard also to our proposed 2024 budget.

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

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

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

Councilman Dabney questioned if the council needed to vote on what Councilwoman Tillman read, regarding the Council's Finance Committee's recommendation to the proposed 2024 budget.

President Fitzpatrick stated that Councilwoman Tillman reported on the Finance Committee's recommendation; that they aren't in an amendment form yet.

Controller Hoffmaster stated that when they are submitted as amendments, the council will vote on the amendments at that time.

Councilwoman Tillman advised that those amendments will be forthcoming.

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading at our September 19, 2023 Council meeting.

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

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR

Introduced by: Sean Fitzpatrick

President Fitzpatrick stated that this proposed ordinance is referring to the annual salary for the mayor for 2024.

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

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

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

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading at our September 19, 2023 Council meeting.

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

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK

Introduced by: Sean Fitzpatrick

President Fitzpatrick stated that this proposed ordinance is also referring to the City Clerk's 2024 proposed annual salary.

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

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

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

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading at our September 19, 2023 Council meeting.

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

AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2024

Introduced by: Sean Fitzpatrick

President Fitzpatrick stated that this proposed ordinance is also referring to the Michigan City Fire Department's 2024 proposed annual salary.

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

MCPD Chief Forker stated that he believes Councilwoman Tillman indicated that there was an amendment to this proposed ordinance; advising that the fire department

doesn't have representation here this evening; commenting on the raise in their fire contract was unique and obviously recommend they keep that in mind.

Councilwoman Deutch commented on the ranks that even as the deputy or assistant police chief or assistant fire chief it still is a significant amount over the highest rank of least almost \$10,000 over the Captain's position; so we did look at it and that you get benefits from holding a salaried position.

MCPD Chief Forker commented on the raises amongst the different ranks and what the gap would be looking at the raises being proposed long term.

Tommy Kulavik, 1316 Ohio Street, commented that the firefighters' salaries are established and negotiated by their union and that the contract they are working under at the present time expires January 30, 2024.

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

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

Councilwoman Deutch commented on the new contract that was negotiated, questioning how much of that are we will be using from the LIT fund in 2024 year, that because of receiving the LIT Fund was how they could negotiate what they are going to receive.

Controller Hoffmaster anticipated the revenue in the LIT fund next year, covering the raises in the contract we will have approximately \$150,000 left at the end of 2024.

Councilwoman Deutch wanted the public to hear that amount; advising that there will not be much money left in that LIT fund to do anything that might be needed.

Councilman Dabney added that out of 4.32 million dollars the LIT money is bringing into our city only \$150,000 will be left at the end of 2024.

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

Councilman P. Przybylinski stated that when they were in the budget hearings, he asked Controller Hoffmaster what would be left after the contracts and raises were paid; advising them at that time it should be approximately three (3) to four (4) hundred thousand dollars; asking what has changed from then and now.

Discussion ensued about the LIT Fund projections between Councilman P. Przybylinski, Councilman Fitzpatrick and Controller Hoffmaster.

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading at our September 19, 2023 Council meeting.

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

ESTABLISHING THE SALARIES FOR THE MICHIGAN CITY POLICE DEPARTMENT FOR THE CALENDAR YEAR 2024

Introduced by: Sean Fitzpatrick

President Fitzpatrick stated that this proposed ordinance is also referring to the Michigan City Police Department's 2024 proposed annual salary.

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

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

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

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading at our September 19, 2023 Council meeting.

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

AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE COMMON COUNCIL MEMBERS

Introduced by: Sean Fitzpatrick

President Fitzpatrick stated that this proposed ordinance is also referring to the 2024 proposed Common Council's annual salary.

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

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

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

Councilwoman Deutch advised that there is a six (6) percent raise across the board for the council members budget and didn't want a raise proposed until this year; stating that Michigan City is behind in salaries that are paid to the council members compared to surrounding communities and that we had stated that we wanted to bring this into alignment this year and that again the council can't increase anything in this budget and would like to see it raised to at least \$17,000.00 for the next council coming in.

President Fitzpatrick agreed with Councilwoman Deutch's comments and that who ever is president of the council should have an additional stipend and also the Finance Chair due to there is so much behind the scenes\ work that has to be done.

President Fitzpatrick asked if there were any other comments or questions from the council, there was no response; stating that the proposed ordinance will be held over to second reading at the September 19, 2023 Council meeting.

NEW BUSINESS

President Fitzpatrick advised that there was no new business.

UNFINISHED BUSINESS

VOTE: President Fitzpatrick stated that the Council has one appointment to the Michigan City Police Commission, expiring September 7, 2023. the Incumbent: Lela Simmons (this a two-year term)

President Fitzpatrick stated that Ms. Lela Simmons was the only nomination at the September 5, 2023 Council meeting and was appointed to the Police Commission by the following vote for Lela Simmons: Council members Council members D Przybylinski, Simmons, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack and Deutch (8) **NAYS:** Council member None (0)

President Fitzpatrick congratulated Ms. Simmons on her appointment.

NOMINATIONS: The Council has the following appointment to the Michigan City Social Status of African American Males (Term expired February 15, 2023 and are one (1) year terms) **Incumbent:** vacant - Ministerial Assoc.)

Councilwoman Deutch advised that she will be moving forward and amending this ordinance to remove the Ministerial Association appointment and also make these appointments to be two (2) year terms as well and will propose this at the council meeting on September 19, 2023.

COMMENTS FROM THE PUBLIC

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

Ernie Hallahan, 302 Gladly Street questioned why they are wanting to pave Pahs Road now when it was proposed over a year ago to get it done; that school is in session, buses and traffic going in and out of the high school, why now.

COMMENTS FROM THE COUNCIL

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

Councilwoman Tillman added to what Mr. Kavilak just stated advising that you can go the Michigan City Court House a list of all properties that are going to be on the tax sale as well as being posted on the first floor at the LaPorte County Court House in LaPorte.

Councilman Dabney wished a speedy recovery to his cell mate Councilwoman Dalia Zygas.

Councilman Dabney also commented on the October Fest that took place last weekend; that Terry Greetham, the Park Department, all the volunteers that help put on this event turned out amazing and that next year will for sure be bigger and better and that the park was cleaned up and in tiptop shape and back to normal this morning.

Councilman P. Przybylinski commented on the article in the Laporte County "Life in the Spot" article about our Assistant Deputy Clerk Amanda Pickens having a positive kindhearted soul and how she enjoys working in the Clerk's Office helping people in our community and spreading a smile and happiness with people she comes in contact with during the day.

Councilman P. Przybylinski commented on the ordinance that was passed/adopted on the 21st day of June 2024 - Ordinance No. 4689 reading Section 6. The Michigan City Sanitary District shall within 60 days of this adoption of this ordinance produce records of all repairs which have taken place since August 12, 2019 in which the residents would have been entitled to payment of the subsidy had disorders been in effect at that time. Said records shall be reviewed by the City Controller and if deemed sufficient the subsidies shall be paid to qualify residents retroactive and shall be prioritized on the basis of date of the repairs with the repairs most distance in time received the highest stating the language is already in the ordinance and they're not in compliance.

Councilman P. Przybylinski commented that September 11th is next week and hopes that everyone takes a moment next Monday to remember what happened that day and say a prayer for all the victims lost in this tragedy ; thanking all our emergency responders for all they do for is in our community daily.

Councilwoman Deutch stated that at the last Finance Committee Wrap Up Session addressing Controller Hoffmaster; asking her that we need one of the questions that was asked at the meeting was specifically about the reason of the cut in the Clerk's Office; and that the Mayor shared that it was a personnel matter, then asking since it

was a person and a personnel matter; that in the statute of the Clerk they do all the hiring and firing in their department; him saying that specifically was the reason for the cut because the Clerk's Office had issues with inputting into Gateway and technology inefficiencies; questioning if this was documented somewhere or any audits findings from the State Board of Accounts, inconsistency against the Clerk's Office (like we had with the Water Department) had inconsistency and they were corrected and addressed); he stated again that it was a personnel matter and that it couldn't be discussed; asking Controller Hoffmaster to please forward that information he advised she copies of to Council President Fitzpatrick; that the Clerk works for the City Council and by removing someone from the Clerk's Office it directly impacts the Council and would be greatly appreciated if she would forward these documents.

Councilman D. Przybylinski thanked Pat Harris even though she doesn't work for the city but does a great part with the children and a great job coordinating the annual "Back to School Rrally" each year.

Councilman D. Przybylinski wanted to remind everyone that tomorrow October 13, 2023 is a workshop scheduled at 5:00 p.m. in the EOC Room and are going to discuss and review the following two (2) proposed ordinances:

- **CREATING SEC. 22-70 AND SEC. 50-151 IN THE MICHIGAN CITY MUNICIPAL CODE TO REQUIRE A SOLID WASTE DISPOSAL PLAN FOR EACH APPLICATION TO THE MICHIGAN CITY PLANNING & INSPECTION DEPARTMENT FOR A BUILDING, ELECTRICAL, HVAC AND/OR PLUMBING PERMIT & CREATING SEC. 22-82(C) IN THE MICHIGAN CITY MUNICIPAL CODE TO REQUIRE THAT A BUILDING SITE BE CLEANED AND ALL CONSTRUCTION DEBRIS BE REMOVED BEFORE A CERTIFICATE OF OCCUPANCY IS ISSUED**

- **AMENDING SEC. 58-60 OF CHAPTER 58 OF THE MICHIGAN CITY MUNICIPAL CODE & AMENDING VARIOUS SECTIONS WITHIN CHAPTER 98 OF THE MICHIGAN CITY MUNICIPAL CODE PERTAINING TO GARBAGE, TRASH, AND RUBBISH**

Councilman D. Przybylinski commented that the Michigan City Art Committee had a mural painted on the cement wall at Center Street Park ; that they did a fantastic job and looks amazing.

Councilman D. Przybylinski advised that Mayor Parry cut the Recreational Director from the 2024 Park budget; stating the City's doesn't have any recreation program like have in the past, that with the double track being finished, people moving here from Chicago and surrounding areas he feels that a recreation director should not be cut so that the city can start creating programs, runs, walks, things to do within our city for our all ages for families to have physical fitness, activities, and programs; also commenting on the 6% raise that was proposed.

Councilwoman Deutch asked everyone to save the date on Thursday September 28, 2023 advising that she is working with the President of the Northwest Indiana/LaPorte County Building Trades Union on doing a workshop regarding PLA's and RBO's; that we spent a lot of time at our last council meeting talking about city contracts, agreements, and developments; so when an agreement is proposed to our council we won't be off guard again.

Councilman P. Przybylinski thanked Councilman D. Przybylinski for bringing up not cutting the Recreational Director and what the quality of life in our community should be by bringing everyone together in our neighborhoods.

Councilman P. Przybylinski commented on the Board of Works meeting that was held this morning; explaining that the BOW approved the route for the contractor that is building the parking garage on 11th Street 50' X 20' concrete precast slabs routing them from the old St. Anthony's Hospital lot down Wabash Street to 10th to the construction site; stating several reasons why he is concerned since Wabash Street is one out three

of the main thoroughfares through the city and how this is going to disrupt schools, businesses, and traffic.

ADJOURNMENT

A motion was made by Councilman Dabney second by Councilwoman Deutch and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 7:25 p.m.)

Gale A. Neulieb, City Clerk