

FILED

MAR 17 2017

GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY



A G E N D A
COMMON COUNCIL - REGULAR MEETING
Tuesday, March 21, 2017

Meeting to be held at **6:30 p.m.**, local time,
in the Common Council Chambers, City Hall Building
100 East Michigan Boulevard, Michigan City, Indiana

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Meeting March 7, 2017

REPORTS of STANDING COMMITTEES

REPORTS of SPECIAL or SELECT COMMITTEES

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Clarence Hulse, Director, Economic Development Corporation Michigan City – Annual Economic Development update for 2016

CLAIMS DOCKET

**Fund #9000 – Riverboat – Claims - \$ 23,501.86
Fund #0417 – Boyd Development – \$ 599.26**

PETITIONS

A petition was received in the Clerk’s Office on March 2, 2017 regarding the Rezoning Owned by the Northern Indiana Commuter Transportation District and Moore Associates of Michigan City, LLC

COMMUNICATIONS

A correspondence was received in the City Clerk’s Office on March 8, 2017 from the Indiana Fraternal Order of Police Michigan City Dunes Lodge #75

A correspondence was received in the City Clerk’s Office on March 9, 2017 from the Northwestern Indiana Minister’s Conference

RESOLUTIONS

SUPPORTING THE CITY OF MICHIGAN CITY ENTERING INTO A CONTRACT WITH ZAGSTER, INC. FOR A BIKE-SHARE PROGRAM

Introduced by: Tim Bietry

(Note: This was Tabled at the March 7, 2017 Council meeting)

ADOPTING THE LAPORTE COUNTY “MULTI-HAZARD MITIGATION PLAN UPDATE” FOR MICHIGAN CITY, INDIANA

**Introduced by: Chris Schwanke
Don Przybylinski
Pat Boy
Tim Bietry**

**AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A
\$1.5 MILLION GRANT FROM THE U.S. DEPARTMENT OF
HOUSING & URBAN DEVELOPMENT TO USE FOR LEAD
ABATEMENT IN MICHIGAN CITY**

Introduced by: Don Przybylinski
Chris Schwanke

ORDINANCES

**ORDINANCE
1st Reading**

**AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN
CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY
OWNED BY THE NORTHERN INDIANA COMMUTER
TRANSPORTATION DISTRICT AND MOORE ASSOCIATES OF
MICHIGAN CITY, LLC FROM R1-C TO M1**

Introduced by: Tim Bietry
Co-sponsored by: Sharon Carnes

**48 hr. Notice to
Media
March 17, 2017
IC 36-7-4-608(f)(1)**

News-Dispatch
February 9 & 16, 2017

**Formal Public
Hearing was held
February 28, 2017**

**ORDINANCE
2nd Reading**

**AMENDING SECTION 62-31 OF THE MICHIGAN CITY
MUNICIPAL CODE REGARDING MEMBERSHIP ON THE
HISTORIC PRESERVATION COMMISSION**

Introduced by: Chris Schwanke
Ron Hamilton

**UNFINISHED
BUSINESS**

NOMINATIONS: The Council has one (1) appointment to the Urban Enterprise Association due to Ms. Tina Mahone resigning.
(term would start immediately and expire 12-31-2020)

(Note: this item has been carried over from the March 7, 2017 meeting)

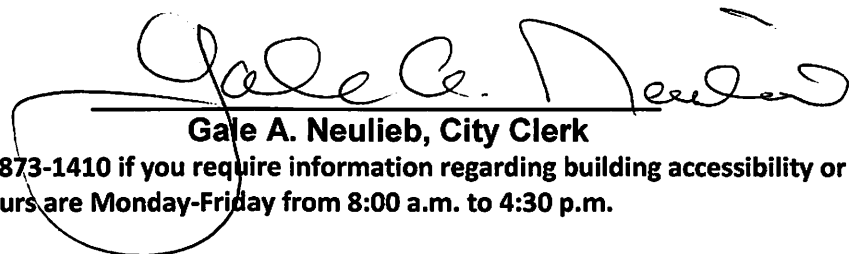
NEW BUSINESS

FYI: The Council has one (1) appointment to the Commission on the Social Status of African American Males due to the resignation of Ms. Albertine Allen (Minority Health Coalition). Mr. Mario Rosa has been selected by the Minority Health Coalition to replace former member Ms. Albertine Allen. (term will begin immediately and expire February 15, 2018)

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE COUNCIL

ADJOURNMENT



Gale A. Neulieb, City Clerk

Please contact the Clerk's Office at 219-873-1410 if you require information regarding building accessibility or reasonable accommodations. Office hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

SUPPORTING THE CITY OF MICHIGAN CITY ENTERING INTO A CONTRACT WITH ZAGSTER, INC. FOR A BIKE-SHARE PROGRAM

WHEREAS, the Common Council finds that it is in the best interest of the City of Michigan City and its citizens to provide and promote bicycles as an alternative method of transportation and an additional option for recreation in and about the City; and

WHEREAS, a bike-share program would provide an affordable, effective, convenient, and efficient means for providing the opportunity to residents and visitors to use bicycles to move around the City to the various locations they may want to visit in the City; and

WHEREAS, Zagster, Inc. is in the business of providing the equipment and facilities necessary for a bike-share program and has offered to enter into an agreement with the City to provide up to 25 bicycles, including ADA accessible bicycles, with appropriate locking technology; appropriate docking facilities; complete maintenance, repairs, and replacement of the bicycles and docking facilities; program marketing; user-friendly Apps and software for program membership, reservations, and administrative reporting; marketing of the program; operation assistance; and appropriate indemnity terms and insurance; and

WHEREAS, Zagster, Inc. will allow the City to determine the rates to be charged for use of the bicycles and the City will be allowed to at least retain ninety (90%) of the revenues from the bike-share program; and

WHEREAS, Zagster, Inc. has offered to enter into a three (3) year contract to provide twenty-five (25) bicycles and the related equipment, materials, and services listed above for \$45,000 per year plus \$1,650 per each ADA accessible bicycle the City wishes, at its sole discretion, to include in the program; and;

WHEREAS, due to its positive impact on businesses in the City's North TIF District, the Common Council believes the City's Redevelopment Commission should fund the cost of the first year of the program and one of the other City Funds to fund remaining two (2) years of the program.

NOW, THEREFORE, BE IT RESOLVED by the Michigan City Common Council that:

1. It supports the City of Michigan City entering into a three (3) year contract with Zagster, Inc. for the purpose of implementing a bike-share program as described above in the City of Michigan City on the condition that the condition that the Michigan City Redevelopment Commission (Commission) funds the first year of the program; and
2. If the Commission agrees to fund the first year of the program, the Common Council commits to approve funding for the second and third year of the program; and
3. All revenues of the program are to be used to off-set the cost of the program; and

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

Introduced by:

Tim Bietry, Member
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana this 7th day of March, 2017.

Chris Schwanke, President
Michigan City Common Council

Approved by me this _____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale Neulieb, City Clerk

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

ADOPTING THE LAPORTE COUNTY “MULTI-HAZARD MITIGATION PLAN UPDATE” FOR MICHIGAN CITY, INDIANA

WHEREAS, the Federal Disaster Mitigation Act of 2000, requires the City to adopt a Multi-Hazard Mitigation Plan (hereinafter referred to as “MHMP”), and the purpose of said Plan is to prevent or reduce the effects of disasters; and

WHEREAS, a FEMA-approved MHMP is required in order to apply for and/or receive project grants under the following programs: Hazard Mitigation Grant Program, Pre-Disaster Mitigation, Flood Mitigation Assistance, and Severe Repetitive Loss; and

WHEREAS, In addition, in order for National Flood Insurance Program communities to be eligible for future mitigation funds, they must adopt either their own MHMP or participate in the development of a multi-jurisdictional MHMP; and

WHEREAS, the City of Michigan City, along with LaPorte County, Michigan City, Kingsford Heights, LaPorte, Long Beach, and Michiana Shores with the assistance of Christopher B. Burke Engineering, LLC, participated in a multi-jurisdictional MHMP Committee for LaPorte County; and

WHEREAS, the MHMP Committee prepared the LaPorte County MHMP Update, a copy which is attached hereto and incorporated by reference herein; and

WHEREAS, the MHMP Update recommends many activities that will protect the people and property of LaPorte County, including Michigan City, which is a participant in the National Flood Insurance Program.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Michigan City, Indiana, that the Multi-Hazard Mitigation Plan Update, dated April 2016, prepared for LaPorte County, Michigan City, Kingsford Heights, LaPorte, Long Beach, and Michiana Shores is hereby adopted as an official plan of the City of Michigan City, Indiana.

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

Introduced By: _____

Chris Schwanke, President
Michigan City Common Council

Don Przybylinski, Member
Michigan City Common Council

Pat Boy, Member
Michigan City Common Council

Tim Bietry, Member
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of _____ this _____ day of _____, 2017.

Chris Schwanke, President
Michigan City Common Council

Approved by me this _____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale Neulieb, City Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A \$1.5 MILLION GRANT FROM THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT TO USE FOR LEAD ABATEMENT IN MICHIGAN CITY

WHEREAS, the City is eligible to apply for a \$1.5 Million Lead-Based Paint Hazard Control Grant (Grant) from the U.S Department of Housing and Urban Development to be used for lead abatement in the City of Michigan City; and

WHEREAS, the Council and the Mayor believe that protecting the children of Michigan City from lead poisoning is of the highest priority for the City; and

WHEREAS, the grant requires a local cash match in the amount of 10% of the awarded grant and said match must be provided by the City spread over the three (3) year Grant cycle.

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

Section 1. The aforementioned “whereas clauses” are hereby incorporated in full as if set forth herein.

Section 2. That the Michigan City Common Council and the Mayor support and authorize the submission of an application for a U.S. Housing and Urban Development Lead-Based Paint Hazard Control Grant in the amount of \$1.5 Million for lead abatement efforts in Michigan City.

Section 3. That the Common Council and the Mayor commit to providing the local cash match of 10% of the amount of the Grant that is awarded.

Section 4. That the Controller of the City of Michigan City, Indiana is authorized to create a fund to receive and distribute the Grant funds upon approval of the Grant.

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

Introduced By: _____
Don Przybylinski, Member
Michigan City Common Council

Chris Schwanke, Member
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana this 21st day of March, 2017.

Chris Schwanke, President
Michigan City Common Council

Approved by me this _____ day of _____, 2017.

Ron Meer, Mayor
The City of Michigan City, Indiana

ATTEST:

Gale Neulieb, City Clerk

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

**AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY,
LAPORTE COUNTY, INDIANA TO REZONE PROPERTY OWNED BY
THE NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT
AND MOORE ASSOCIATES OF MICHIGAN CITY, LLC FROM R1-C TO M1**

WHEREAS, the Northern Indiana Commuter Transportation District (“NICTD”) and Moore Associates of Michigan City, LLC (“Moore”), collectively the Petitioners, filed a Petition with the Michigan City Plan Commission (“Commission”) asking that certain properties within the boundaries of Michigan City, Indiana be re-zoned from R-1C to M1. The commonly known address for these properties is 1811 Springland Avenue and 701 N. Roeske Avenue, Michigan City, Indiana. The legal description of both properties is contained in Exhibit “A”, which is attached hereto; and

WHEREAS, following the filing of the Petition, the Commission scheduled a public hearing on the Petition for February 28, 2017; and

WHEREAS, the Commission found that the Petitioners properly gave the necessary notice of the filing of the Petition and of the date and time of the public hearing thereon by publication in the manner described by I.C. 5-3-1-1, et. seq.; and

WHEREAS, the Commission found that the Petitioners properly gave the necessary notice to the persons who own property that abuts the properties which the Petitioners have requested to be re-zoned and who needed to be given notice of the filing of the Petition and of the date and time of the hearing thereon; and

WHEREAS, the Commission conducted the public hearing on the Petition to re-zone as advertised and noticed on February 28, 2017 and following said hearing determined that the properties described in Exhibit “A” should be re-zoned from R-1C to M1, all as permitted by the Joint Zoning Ordinance and Indiana law, and on February 28, 2017, certified the Commission’s findings and determinations, including those required by I.C. 36-7-4-603, and this proposed Ordinance to the Common Council with a favorable recommendation for passage; and

WHEREAS, the City Clerk, on behalf of the Common Council, provided the necessary notice of the Council’s intention to consider the proposed change in the zoning map as required by I.C. 5-14-1.5-5; and

WHEREAS, the Council has paid reasonable regard, consideration and attention to the recommendation of the Commission, to the documentation and other evidence presented to the Council regarding the proposed zoning change, and to the legal requirements applicable to the Council’s decision, including, as required by I.C. 36-7-4-603, the City’s comprehensive plan; the current conditions and the character of current structures and uses

in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council, pursuant to applicable laws, including I.C. 36-7-4-608, that:

1. The Council finds, based on all of the evidence before it, that:
 - A. The requested change in zoning for the properties described in Exhibit "A" from R1-C to M1 is compatible with the City's comprehensive plan, the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth; and
 - B. The requested change in zoning will provide the most reasonable use for which the affected properties are adapted and the proposed land use will not have an adverse effect on surrounding land; and
 - C. The requested change in zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the City; and
 - D. The requested change in zoning will promote orderly and responsible community growth and development and will not adversely affect the community; and
 - E. The topography, soil conditions, and other physical features of the land involved is suitable for the proposed uses and zoning change; and
 - F. The change in zoning is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and
 - G. The change in zoning will not disrupt or destroy any neighborhood plan.
2. The Council finds that it is in the best interests of the City of Michigan City and its citizens that the Council accept and approve the recommendation of the Plan Commission that the requested change in the City's zoning may be approved by the Council.
3. The zoning for the properties located in the City of Michigan City, LaPorte County, State of Indiana, as described in Exhibit "A" and commonly known as 1811 Springland Avenue and 701 N. Roeske Avenue, Michigan City, be changed from R-1C to M1; and the zoning map of Michigan City, Indiana shall be amended to reflect these changes,

and the amended map be made available in the office of the Plan Commission and the City Clerk for review and copying by the public.

4. The Clerk of the Michigan City Common Council shall furnish a certified copy of this Ordinance to the LaPorte County Recorder in order that same may be placed or record in the records of the Recorder's Office.

Introduced by:

Tim Bietry, Member
Michigan City Common Council

Co-sponsored by:

Sharon Carnes
Michigan City Common Council

ADOPTED by a majority vote of the members of the Common Council this ____ day of _____, 2017.

Chris Schwanke, President
Michigan City Common Council

Approved by me, this ____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, City Clerk
City of Michigan City, Indiana

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTIES

NICTD Parcel:

The West One-Half of the North 500 feet of the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 4 West, situated in LaPorte County, Indiana.

EXCEPT a parcel of land situated in the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 4 West, in LaPorte County, Indiana, which is more particularly described as follows: Beginning at a point on the East and West center line of Section 27, Township 38 North, Range 4 West, which is 303.18 feet East of the center of said Section 27, continuing thence along the East and West center line of said Section 27 a distance of 174.30 feet; running thence in a southerly direction along a line parallel to the North and South center line of said Section 27 a distance of 500 feet; running thence in a Westerly direction along a line parallel to the East and West center line of said Section 27 a distance of 174.30 feet; running thence in Northerly direction along a line parallel to the North and South center line of said Section 27, a distance of 500 feet to the place of beginning, containing 2 acres.

ALSO EXCEPT, a 3.48 acre tract of land more particularly described as follows: Beginning at the center of Section 27, Township 38 North, Range 4 West, said point being the place of beginning for the following description; thence East along the East and West center line of said Section 27, a distance of 303.18 feet; thence South and parallel with the North and South center line of said Section 27, a distance of 500 feet; thence West and parallel with the East and West center line of said Section 27, a distance of 303.18 feet to the North and South center line of said Section 27; thence North along the North and South center line of Section 27, a distance of 500 feet to the place of beginning.

Subject to all taxes, easements, restrictions, rights-of-way, ditches and drains, conditions and covenants of record. Tax Parcel No. 46-01-27-400-004.000-022

Moore Parcels:

Parcel 1: Part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Township 38 North, Range 4 West of the 2nd Principal Meridian, LaPorte County, Indiana, being more particularly described as follows: Commencing at the center of said Section 27, for the place of beginning; thence East along the East and West centerline of said Section 27, a distance of 303.18 feet; thence South and parallel with the North and South center line of said Section 27, a distance of 136 feet; thence West and parallel with the East and West center line of said Section 27, a distance of 303.18 feet to the North and South center line of said Section 27; thence North along the North and South centerline of said Section 27, a distance of 136 feet to the place of beginning.

Parcel II: Part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Township 38 North, Range 4 West of the 2nd Principal Meridian, LaPorte County, Indiana, being more particularly described as follows: Commencing at the center of said Section 27; thence South on the center line of said section 27, a distance of 136 feet for the place of beginning; thence East on a line parallel with the center line of said Section 27, a distance of 303.18 feet; thence South parallel with the center line of said Section 27, a distance of 364 feet, more or less, to a point on the North line of Chicago, South Shore and South Bend Railroad property; thence West on the North line of said railroad property, a distance of 303.18 feet to a point on the center line of said Section 27; thence North on the center line of said Section 27, a distance of 364 feet to the place of beginning.

Parcel III: Part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Township 38 North, Range 4 West of the 2nd Principal Meridian, LaPorte County, Indiana, being more particularly described as follows: Commencing at a point on the East and West center line of said Section 27, which is 303.18 feet East of the center line of said Section 27 for the place of beginning; thence East along the East and West center line of said Section 27, a distance of 174.30 feet; thence in a southerly direction along a line parallel to the North and South center line of said Section 27, a distance of 500 feet; thence in a westerly direction along a line parallel to the East and West center line of said Section 27, a distance of 174.30 feet; thence in a northerly direction along a line parallel to the North and South center line of said Section 27, a distance of 500.00 feet to the place of beginning.

Subject to all taxes, easements, restrictions, rights-of-way, ditches and drains, conditions and covenants of record. Tax Parcel No. 46-01-27-400-002.000-022

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING SECTION 62-31 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING MEMBERSHIP ON THE HISTORIC PRESERVATION COMMISSION

WHEREAS, the Common Council desires to make amendments to that part of the Michigan City Municipal Code regarding eligibility for membership on the City's Historic Preservation Commission to remove any appearance of undue influence or conflict of interest due a member's official association with City government;

WHEREAS, the Common Council reasonable believes these amendments are in the best interest of the City.

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

SECTION 1. Sec. 66-31(a) and (b) of the Michigan City Municipal Code is amended to read as follows:

Sec. 66-31. Established; membership; term of members; vacanices

(a) There is established the city Historic Preservation Commission. The Commission shall consist of nine (9) voting member. The voting members shall be appointed by the Mayor subject to the approval of the Common Council. Of the members appointed, at least one (1) shall be an architect with a state architectural certification, at least one (1) shall own or lease property in a designated historic district, at least one shall be a City registered contractor who is not an employee of the City, at least one (1) shall be a member of the City's Redevelopment Commission, and one shall be a member of the City Plan Commission. All members shall have an interest in the preservation and development of historic buildings and areas. Voting members shall serve a term of three (3) years. A vacancy shall be filled for the remainder of the term of the member who is being replaced. Voting members shall be residents of the City who are interested in the research, restoration, rehabilitation, conservation, and development of historic areas. No member of the Commission shall be an employee or contractor or subcontractor for the City or other City board or commission except as, and only to the extent, otherwise specified above as a qualification for membership.

(b) DELETE THIAS SUBSECTION.

INTRODUCED BY: _____

Chris Schwanke, Member
Michigan City Common Council

Ron Hamilton, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2014 by a vote of _____ to _____.

Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2015.

Ron Meer, Mayor
City of Michigan City

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City

Prepared by City Attorney's Office Upon Request