



A G E N D A
COMMON COUNCIL - REGULAR MEETING
Tuesday, September 4, 2018

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

FILED

AUG 31 2018

GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Meeting August 21, 2018

REPORTS of STANDING COMMITTEES

REPORTS of SPECIAL or SELECT COMMITTEES

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Jack Arnette, Laporte County Visitors Bureau – 2018 Great Lakes Grand Prix

CLAIMS DOCKET

Fund #2042 – Riverboat – Claims - \$ 55,854.43

Fund #2031 – Boyd Development - \$ 59,488.42

PETITIONS

COMMUNICATIONS

RESOLUTIONS

DESIGNATING SEPTEMBER 16, 2018 IN MICHIGAN CITY, INDIANA AS A DAY OF CELEBRATION, RECOGNITION AND RESPECT OF THE ACHIEVEMENTS AND HERITAGE OF ALL CITIZENS OF THE MICHIGAN CITY OF POLISH NATIONALITY THROUGH COMMEMORATION AT THE 7TH ANNUAL POLISH HERITAGE FESTIVAL ON SEPTEMBER 16TH AT THE INTERNATIONAL FRIENDSHIP GARDENS FOR THE PURPOSE OF ENJOYING AND CELEBRATING THE CULTURE AND HISTORY OF THE PEOPLE OF POLAND

Introduced by: Don Przybylinski

APPROVING IMPLEMENTATION OF THE GUARANTEED ENERGY SAVINGS PERFORMANCE PROJECT AND NEGOTIATION OF A GUARANTEED ENERGY SAVINGS CONTRACT WITH ENERGY SYSTEMS GROUP, LLC

Introduced by: Don Przybylinski

ORDINANCES

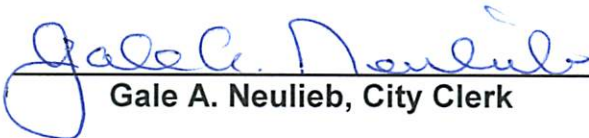
UNFINISHED BUSINESS

NEW BUSINESS

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. _____

APPROVING IMPLEMENTATION OF THE GUARANTEED ENERGY SAVINGS PERFORMANCE PROJECT AND NEGOTIATION OF A GUARANTEED ENERGY SAVINGS CONTRACT WITH ENERGY SYSTEMS GROUP, LLC

WHEREAS, Indiana Code § 36-1-12.5, as amended (the “Act”) authorizes the Common Council (“Council”) of the City of Michigan City, Indiana (“City”), as a governing body, to enter into guaranteed savings contracts (a “GSC”) with qualified providers in order to reduce the City’s costs with respect to energy and water consumption as well as operational and related capital expenditures; and

WHEREAS, the City, by and through its political subdivision, the Michigan City Sanitary District, previously advertisement of a Request for Proposals for a Comprehensive Guaranteed Energy Performance Contract, to which Energy Systems Group, LLC (“ESG”) responded and, thereafter, was selected to provide performance contracting work and services described particularly within a July 26, 2017 Guaranteed Energy Savings Performance Contract between ESG and the MCSD (the “MCSD Agreement”); and

WHEREAS, the City reserved its right within the MCSD Agreement to evaluate, select and enter into a GSC with ESG for the performance of the same or similar guaranteed energy performance services that ESG proposed in response to the RFP for and on behalf of another department, district, or other political subdivision of the City; and

WHEREAS, during a regular City Council meeting held on May 1, 2018, the City adopted Resolution No. 4709 authorizing ESG to perform certain professional project evaluation and development services for the purpose of evaluating a prospective GSC; and as a result, on May 4, 2018, the City entered into a Performance Based Guaranteed Savings Contract Project Development Agreement (the “PDA”) with ESG; and

WHEREAS, on August 20, 2018, ESG presented to the Council its initial findings, suggestions and conceptual proposal resulting from the Detailed Engineering Evaluation services it performed pursuant to the PDA; and

WHEREAS, based upon ESG’s August 20, 2018 presentation, the Council desires to implement a project on behalf of the City consistent therewith as stated in Exhibit A attached hereto, subject to the procedural requirements for approving the GSC and any prospective financing agreements related thereto; and

WHEREAS, in addition to authorizing the City to enter into a GSC, the Act further authorizes the City to enter into an installment payment contract (an “IPC”) for the purpose of funding the cost of a GSC with ESG; and

WHEREAS, the Council is in the process of evaluating separate proposals with respect to a potential IPC from different financial institutions (the “Funding Institution”); and

WHEREAS, following selection of a Funding Institution, negotiation of the terms of a potential IPC, and subject to the requirements of this Resolution, including final approval and execution of the GSC, if the Council, being duly advised, finds it is in the best interests of the City and its citizens, for the purpose of financing all or any portion of the GSC to enter into an IPC and coordinate escrow agreement, if applicable, in order to better serve the residents of the City, the Council will execute and deliver such IPC, together with all exhibits, schedules and attachments thereto, to be dated as of the date of its execution and delivery, by and between the City, as lessee and/or borrower, and the Funding Institution of its choosing, or its affiliate or designee, in the aggregate principal amount not to exceed \$3,750,000, the proceeds of which will be used to pay for the costs of the GSC and executing and delivering the IPC, the GSC and other documents and costs related thereto (all such costs to be considered “Expenditures”); and

WHEREAS, this Resolution shall be considered the City’s official intent to reimburse the Expenditures pursuant to 26 C.F.R. § 1.150-2(e)(1) and IC § 5-1-14-6; and

WHEREAS, the City expects to pay for certain Expenditures before the execution and delivery of the GSC, and to reimburse the Expenditures with proceeds received by the City upon execution and delivery of a potential IPC and related escrow agreement, if applicable; and

WHEREAS, the Council now desires to, subject to conditions listed below, (i) authorize ESG to provide final proposed reports and GSC contract documents associated with its PDA services, (ii) approve the execution and delivery of the IPC and related escrow agreement, if any, and (iii) authorize all actions in connection herewith.

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

1. The aforementioned “Whereas” sections are incorporated as if fully set forth herein.
2. The City hereby declares its intent to enter into a GSC with ESG, subject to the following conditions:
 - 2.1 Council’s receipt of a report from ESG detailing content required by IC § 36-1-12.5-6 (the “Report”);
 - 2.2 Council’s receipt and approval of a GSC, the terms and conditions of which meet with the satisfaction of Council and its attorney; and
 - 2.3 Council’s determination, consistent with IC § 36-1-12.5-5, that the amount it would spend on the conservation measures detailed within the GSC and Report, including Expenditures associated with the IPC, are not likely to exceed the amount to be saved in energy consumption costs and other operating costs over twenty (20) years from the date of installation of the measures included within the GSC.
3. The Council President, Mayor, and Clerk are authorized to sign the GSC, subject to the requirements herein, on behalf of the City.
4. The City hereby declares its intent that all or a portion of the GSC will be financed from an IPC, which will provide for periodic payments from money on deposit in the City’s General Fund or any other legally available funds of the City, subject in all respects to annual appropriation by Council. The IPC shall have a term not to exceed twenty (20) years commencing from the date the City begins to make payments thereunder to the Funding Institution.
5. The City hereby declares its intent to execute an IPC, the terms and conditions of which meet with the satisfaction of Council and its attorney and financial advisor, if any, and which will not exceed an original aggregate principal amount of approximately \$3,750,000.
6. The City hereby declares its intent to reimburse the Expenditures from proceeds received by the City from the execution and delivery of the IPC and related escrow agreement, if any.
7. The Council President, Mayor, and Clerk are authorized to sign the IPC, including related and ancillary documents, schedules, exhibits and agreements, subject to the requirements herein, on behalf of the City.
8. Neither this Resolution nor the prospective IPC shall be considered as a pecuniary liability or charge upon the general credit of the City or against its taxing power, nor shall the breach of any agreement contained within the IPC or the escrow agreement, if any, impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power.

- 9. If any term of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such term shall not affect any of the remaining provisions of this Resolution.
- 10. This Resolution shall be effectively immediately upon its adoption and approval by the Mayor.

ADOPTED by the Common Council of the City of Michigan City, Indiana, this 4th day of September, 2018.

INTRODUCED BY: _____
Donald Przybylinski, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____, day of _____, 2018

Don Przybylinski, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2018

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

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

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

DESIGNATING SEPTEMBER 16, 2018 IN MICHIGAN CITY, INDIANA AS A DAY OF CELEBRATION, RECOGNITION AND RESPECT OF THE ACHIEVEMENTS AND HERITAGE OF ALL CITIZENS OF MICHIGAN CITY OF POLISH NATIONALITY THROUGH COMMEMORATION AT THE 7th ANNUAL POLISH HERITAGE FESTIVAL ON SEPTEMBER 16th AT INTERNATIONAL FRIENDSHIP GARDENS FOR THE PURPOSE OF ENJOYING AND CELEBRATING THE CULTURE AND HISTORY OF THE PEOPLE OF POLAND.

WHEREAS, the men and women of the Polish Community of Michigan City have been an integral part of the growth and advancement of Michigan City since it was settled in 1830, stepping forward to serve the City in positions of responsibility in the areas of community, government, and church and providing exemplary service above and beyond the norm; and

WHEREAS, the American Polish Consulate has recognized and supports the Polish Heritage Festival as a quality and vital effort to preserve and pass on to future generations of Polish Americans knowledge of their ancestry, history, and the culture of their homeland.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Michigan City salutes all people, worldwide, of Polish nationality, expressing special respect and appreciation to the people of Polish ancestry who have chosen to make Michigan City their home, thereby contributing to the quality of life in our community. The City of Michigan City hereby declares, by adoption of this Resolution and its approval by the Mayor, that September 16, 2018 to be Polish Heritage Day in Michigan City and that it shall be a day of celebration of Polish history and culture and the contribution of people of Polish ancestry to Michigan City throughout its' history.

INTRODUCED BY: _____
Don Przybylinski, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2018.

Don Przybylinski, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2018.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

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