



**A G E N D A**  
**COMMON COUNCIL - REGULAR MEETING**

**Tuesday, October 6, 2020**

Meeting to be held at **6:30 p.m.**, local time,  
at **Krueger Memorial Park, 801 Liberty Trail**  
Michigan City, Indiana

**FILED**  
**OCT 01 2020**  
C.E.A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

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**CALL TO ORDER BY COUNCIL PRESIDENT**

**PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER**

**ROLL CALL**

**APPROVAL OF MINUTES**

Regular Meeting September 15, 2020

**REPORTS of STANDING COMMITTEES**

**FINANCE COMMITTEE REPORT**

**CLAIMS DOCKET**

October 6, 2020 Riverboat/Boyd Claim Docket  
Fund #2042 – Riverboat – Claims- \$  
EFT \$  
Fund #2031 – Boyd – Claims- \$ 11,710.00  
TOTAL CLAIMS \$ 11,710.00

**REPORTS of SPECIAL or SELECT COMMITTEES**

**REPORTS of OTHER CITY OFFICERS and DEPARTMENTS**

Clarence Hulse, Economic Development Corporation – 2020 CF-1 Forms

**PETITIONS**

**COMMUNICATIONS**

**RESOLUTION**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING AQUAGENICS TECHNOLOGIES, INC. AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR DEPRECIABLE PERSONAL PROPERTY, PURSUANT TO INDIANA CODE 6-1.1-12.1**

Introduced by: Tracie Tillman  
Dalia Zygas

**RESOLUTION**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING AQUAGENICS TECHNOLOGIES, INC. AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR REAL PROPERTY, PURSUANT TO INDIANA CODE 6-1.1-12.1**

**Introduced by: Tracie Tillman  
Dalia Zygas**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING AQUAGENICS TECHNOLOGIES, INC. AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR A VACANT BUILDING DEDUCTION PURSUANT TO INDIANA CODE 6-1.1-12.1**

**Introduced by: Tracie Tillman  
Dalia Zygas**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING SHADY CREEK VINEYARD LLC AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR REAL PROPERTY, PURSUANT TO INDIANA CODE 6-1.1-12.1**

**Introduced by: Angie Nelson Deutch  
Eugene Simmons**

**ORDINANCE**

**ORDINANCE  
1<sup>st</sup> Reading**

**AMENDING ORDINANCE NO 4546 TO ESTABLISH TIME PERIOD  
FOR IMPLEMENTATION OF RULES ESTABLISHED THEREIN**

**Introduced by: Paul Przybylinski**

**ORDINANCE  
1<sup>st</sup> Reading**

**REPEALING ORDINANCE NO 4546 ENTITLED "ESTABLISHING  
RULES FOR ATTENDANCE AT AND THE USE OF WASHINGTON  
PARK AND PENALTIES FOR VIOLATING SAME FOR VIOLATING  
PARK DEPARTMENT RULES CONCERNING THE USE OF  
WASHINGTON PARK AND THE ZOO"**

**Introduced by: Bryant Dabney  
Dalia Zygus**

**ORDINANCE  
1<sup>st</sup> Reading**

**AMENDING MUNICIPAL CODE SECTION 2-457 COMMISSION ON THE  
SOCIAL STATUS OF AFRICAN-AMERICAN MALES**

**Introduced by: Tracie Tillman**

**ORDINANCE**  
**2<sup>nd</sup> Reading**

**AMENDING SECTION 70-101 IN DIVISION 3 OF CHAPTER 70  
OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE  
POLICE MERIT COMMISSION**

**Introduced by: Paul A. Przybylinski**

**ORDINANCE**  
**2<sup>nd</sup> Reading**

**APPROVING REDUCTION OF APPROPRIATIONS IN THE  
CITY'S 2020 ANNUAL BUDGET**

**Introduced by: Bryant Dabney**

***News Dispatch***  
**September 16, 2020**

**Formal Public**  
**Hearing will be held**  
**October 6, 2020**

**ORDINANCE**  
**2<sup>nd</sup> Reading**

**ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND  
TAX RATES**

**Introduced by: Bryant Dabney**

**Formal Public**  
**Hearing will be held**  
**October 6, 2020**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE SETTING SALARIES AND WAGES FOR  
APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF  
MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2021**

**Introduced by: Bryant Dabney**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE  
MAYOR**

**Introduced by: Bryant Dabney**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE  
COMMON COUNCIL MEMBERS**

**Introduced by: Bryant Dabney**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE  
CITY CLERK**

**Introduced by: Bryant Dabney**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE  
DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE  
CALENDAR YEAR 2021**

**Introduced by: Bryant Dabney**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE  
DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE  
CALENDAR YEAR 2021**

**Introduced by: Bryant Dabney**

**ORDINANCE  
2<sup>nd</sup> Reading**

**ADOPTING POLICY TO ALLOW 5% OF RIVERBOAT FUNDS TO  
BE USED TO FUND THE CITY'S OPERATING EXPENDITURES  
FROM THE GENERAL FUND  
AND  
DEDICATING 50% OF RIVERBOAT REVENUES TO INCREASE  
THE RAINY DAY FUND BALANCE UP TO A MINIMUM OF  
\$6 MILLION DOLLARS**

**Introduced by: Sean Fitzpatrick**

**NOTE: THIS WAS TABLED ON SECOND READING AT THE  
SEPTEMBER 15, 2020 REGULAR COUNCIL MEETING AND WAS  
REFERRED TO THE FINANCE COMMITTEE FOR THEIR REVIEW AND  
RECOMMENDATION**

## **UNFINISHED BUSINESS**

**NOMINATIONS:** The Council has one (1) appointment to the Revolving Loan Fund Committee; term expires on 10/18/20: Incumbent: Jay Niec

**NOMINATIONS:** The Council has one (1) appointment to the Youth Leadership Commission; term expired **06/01/2020**. Incumbent Nathan Patrick

**NOMINATIONS:** The Common Council has one (1) appointment to the Police Civil Service Commission due to the resignation of Mike Buda

## **NEW BUSINESS**

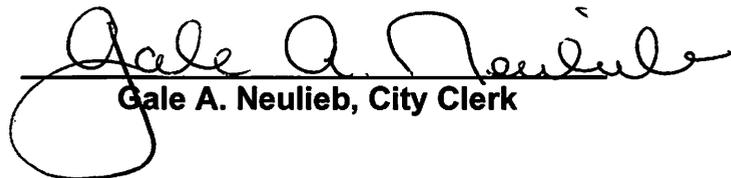
Declaration of Fiscal Body/Michigan City Public Library

## **COMMENTS FROM THE PUBLIC**

## **COMMENTS FROM THE MAYOR**

**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. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING AQUAGENICS TECHNOLOGIES, INC. AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR DEPRECIABLE PERSONAL PROPERTY, PURSUANT TO INDIANA CODE 6-1.1-12.1**

**WHEREAS**, a Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 6-1.1-12.1 *et seq.* (the "Act") in the form of deductions of assessed value for: (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8 of the Act, each as a result of new development, redevelopment and/or rehabilitation; and

**WHEREAS**, Resolution No. 4733 (the "ERA Resolution") of the Common Council of the City of Michigan City, Indiana (the "Common Council"), as approved and adopted on November 20, 2018, designated and established a certain area located within the City of Michigan City, Indiana (the "City"), being the entire corporate municipal jurisdiction of the City, as the Economic Revitalization Area (the "ERA"); and

**WHEREAS**, The ERA Resolution remains in full force and effect as adopted and approved, such that the designation of the ERA and the effectiveness of the ERA Resolution expires on December 31, 2022; and

**WHEREAS**, **Aquagenics Technologies, Inc.** (the "Company"), pursuant to Section 4.5(a) of the Act has filed with the Common Council a **Statements of Benefits Personal Property (FORM SB-1/PP)** (the "Statement of Benefits") dated September 25, 2020, **EXHIBIT A** attached hereto, which proposes the relocation of existing equipment and the purchase of depreciable personal property machinery and equipment ("PPME") for installation (the "Project") on real property located at 921 Woodland Avenue in the City (real property tax numbers: 46-01-33-427-001.000-022 and 46-01-33-476-004.000-022) with a personal property tax number to be determined by the Office of the LaPorte County, Indiana Assessor upon filing of the Company's initial FORM 103-Long and FORM 104 filings, and

**WHEREAS**, the Company, upon approval of economic development incentive(s) by the City, intends to relocate existing equipment from other states' operations and purchase new PPME as part of a capital investment plan during the period from October 1, 2020 through December 31, 2022 in a total amount anticipated to be **\$10,000,000** for the Project, to be placed into service over a three-year investment period and assessed annually each January 1 through 2023 (the "Assessment Dates").

**WHEREAS**, The Economic Development Corporation, Michigan City, Indiana ("EDCMC") submitted to the Common Council, as the designating body pursuant to Section 4.5(a) of the Act, the following documents related to the Company's request for an assessed valuation deduction of qualified depreciable personal property within the ERA: (i) the Statement of Benefits ("FORM SB-1/PP") as completed and (ii) other supplemental information related to said request for an ERA assessed valuation deduction; and

**WHEREAS,** The Common Council has confirmed that the Company's facility located at 921 Woodland Avenue is within the boundaries of the ERA, and therefore the Common Council may make a determination pursuant to Section 4.5 of the Act, based upon the evidence, as to whether Company shall be allowed an assessed valuation deduction of qualified depreciable personal property investments made within the ERA.

**NOW, THEREFORE, BE IT RESOLVED** that the actions of the Common Council of the City of Michigan City, Indiana pursuant to Section 4.5(b) of the Act are based upon the evidence as presented by the Company after review of the Statement of Benefits as well as other pertinent information provided by the EDCMC and upon the following findings in the affirmative also pursuant to Section 4.5(b) of the Act, that:

1. The Project is reasonable for a project of its nature;
2. The estimated number of individuals, who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project and the installation of depreciable personal property;
3. The estimated annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project and the installation of depreciable personal property; and
4. The totality of the benefits is sufficient to justify an assessed valuation deduction as a result of the Project and the installation of depreciable personal property.

**BE IT FURTHER RESOLVED** that pursuant to Section 2(k) of the Act, the Common Council acknowledges that the Project is not located within a designated allocation area of the Redevelopment Commission of Michigan City, Indiana under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26.

**BE IT FURTHER RESOLVED** that the Common Council hereby grants the Company an assessed valuation deduction (Tax Abatement) from qualified depreciable personal property investments – machinery and equipment (“PPME”) as relocated to the State of Indiana and as newly purchased **limited to a cost of \$10,000,000 to be installed and placed into service by the Company between October 1, 2020 and December 31, 2022, which is to be fully assessed on the Assessment Dates, from January 1, 2021 through 2023** to be stated and identified on the Company’s FORM 103-Long and FORM 104 filings for a tax identification number to be determined the Office of the LaPorte County, Indiana Assessor upon initial filing of said form, all in accordance with the Act as it relates to the Project and as identified on the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the final determination of the amount of assessed valuation deduction of the Project for investments in qualified depreciable personal property shall be made by the appropriate Michigan Township, Indiana Assessor, LaPorte County, Indiana Assessor, other LaPorte County, Indiana agency, review board, or State of Indiana agency.

**BE IT FURTHER RESOLVED** that pursuant to Sections 4.5(c) and 17 of the Act, the Common Council, based upon its affirmation of criteria pursuant to Section 4.5(b) of the Act as stated previously, hereby grants the Company an assessed valuation deduction period of **five (5) years** from the first assessment date of which PPME is assessed on a FORM 103-Long and FORM 104 filings, including all required deduction form required by the Act and the Indiana Department of Local

Government Finance (the “DLGF”) for submission and filing, for which said deduction percentage schedule for qualified depreciable personal property applies over said this five (5) year abatement period, more specifically identified in **EXHIBIT B** attached hereto.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as set forth in **EXHIBIT B** during the five (5) year abatement period is attached hereto in order to meet the requirements of Sections 4.5(c) and 17 of the Act.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as identified in **EXHIBIT B** shall begin upon the installation, placement into service, and the full assessment of depreciable personal property as a result of the Project (to be not later than January 1, 2023) by the appropriate assessing authority, regardless of the expiration date of the ERA as established by the ERA Resolution.

**BE IT FURTHER RESOLVED** that the Common Council may impose a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction as calculated by the Office of the LaPorte County, Indiana Auditor and as billed by the Office of the LaPorte County, Indiana Treasurer.

**BE IT FURTHER RESOLVED** that, pursuant to Ordinance No. 4417 of the Common Council, adopted and approved on January 3, 2017 and having received the consent of the Company in accordance with Section 14(b) of the Act, a copy of which is attached hereto as **EXHIBIT C** and is made a part hereof and incorporated herein, and pursuant to Section 14(b) of the Act, for each year the Company’s personal property tax liability is reduced by an assessed valuation deduction related specifically to the installation, placement into service, and the full assessment of depreciable personal property as a result of the Project, the Company shall pay to the LaPorte County, Indiana Treasurer a fee in the amount computed and determined by the LaPorte County, Indiana Auditor pursuant to the provisions of Section 14(c) of the Act (the “Imposed Fee”) such that:

1. The Common Council hereby determines that **fifteen percent (15%)** shall be the percentage to be applied by the LaPorte County, Indiana Auditor for purposes of STEP TWO of Section 14(c) of the Act;
2. Accordingly, for each year the Imposed Fee is payable by the Company, the Imposed Fee shall be equal to the lesser of One Hundred Thousand Dollars (\$100,000) or fifteen percent (15%) of the additional amount of personal property taxes that would have been paid by the Company during that year if the deductions approved in this Resolution had not been in effect, i.e., 15% of the Company’s personal property tax savings attributable to a deduction from the assessed valuation from the Project; and
3. Pursuant to Section 14(d) of the Act, the Imposed Fee, as collected, shall be distributed to the **Economic Development Corporation, Michigan City, Indiana** as a tax exempt governmental (nonprofit) entity established to promote economic development within the corporate limits of the City as determined by the Common Council as the designating body.

**BE IT FURTHER RESOLVED** that the Company has agreed to the following imposed reasonable conditions during the abatement period upon approval of an assessed valuation deduction for PPME as herein specified and authorized under Section 2(i)(6) of the Act and to be included under Item G (page 2) of the approved FORM SB-1/PP:

*Condition #1:* The Company by May 10 of each calendar year during the period for which an ERA assessed valuation deduction is applicable shall submit to the City or its authorized representatives as it applies to the Project, the FORM 103, FORM 103-EL and/or FORM 103-ERA to supplement the FORM CF-1/PP (“Compliance with Statement of Benefits”) that is annually filed with the City for each personal property ERA assessed valuation deduction so that the City may verify and confirm the following: (i) the ERA assessed valuation deductions reported by the Company and/or approved by the Office of the Assessor for Michigan Township, Indiana and (ii) the calculation of the Imposed Fee by Office of the LaPorte County, Indiana Auditor.

*Condition #2:* The Company understands and agrees that the annual deductions during the five (5) year abatement period shall be **limited to a cost of \$10,000,000** as a result of ERA assessed valuation deductions from depreciable personal property installed, placed into service, and assessed on the Assessment Dates of January 1, 2021 through 2023, and for which ERA assessed valuation deductions are applied. The City, from the first year of assessment for which a depreciable personal property ERA assessed valuation deduction is applied and for the duration of the five (5) year abatement period shall annually cause to be prepared a schedule monitoring the annual, total, and cumulative tax savings realized; such that, once this limit of tax savings realized is attained, the City’s Common Council will: (i) notify the Company and (ii) take action to terminate this ERA assessed valuation deduction prior to a subsequent January 1 assessment date.

**BE IT FURTHER RESOLVED** that the City agrees to comply with the privacy notices of said FORM 103, FORM 103-EL and FORM 103-ERA as confidential filings in accordance with I.C. 6-1.1-35-9 and that said documents: (i) are not statutorily required filings to the City to review a personal property assessed valuation deduction of the Company but as a reasonable condition as herein specified and included under Item G (page 2) of an approved FORM SB-1/PP and (ii) are submitted to supplement the Company’s annually filed FORM CF-1/PP for each personal property ERA assessed valuation deduction such that the City may only utilize said forms to verify and confirm: (a) ERA assessed valuation deductions reported by the Company and/or as approved by the Office of the Assessor for Michigan Township, Indiana and (b) the calculation of an Imposed Fee by Office of the LaPorte County, Indiana Auditor; and, therefore said documents are deemed not to be public record(s) and shall not be made available to the public.

**BE IT FURTHER RESOLVED** that the City agrees not to impose a claw back provision for tax savings for any tax years in which the Company complies with the Statement of Benefits, the annual filings required pursuant to the Act, the conditions of this Resolution and the reasonable and timely payment of an applicable Imposed Fee during the five (5) year abatement period for which an ERA assessed valuation deduction is applied.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the Assessor for Michigan Township, Indiana as it applies to this Resolution and the approval of the Company's ERA assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the minutes of the meeting at which the Common Council approved this Resolution and the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the LaPorte County, Indiana Assessor as it applies to this Resolution and the approval of the Company's ERA assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution, and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the minutes of the meeting at which the Common Council approved this Resolution and the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the LaPorte County, Indiana Auditor as it applies to this Resolution and the approval of the Company's ERA assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the minutes of the meeting at which the Common Council approved this Resolution and the Statement of Benefits.

**BE IT FURTHER RESOLVED** that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

This Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon approval of the Mayor.

**INTRODUCED BY:**

\_\_\_\_\_  
Tracie Tillman, Member  
Michigan City Common Council

\_\_\_\_\_  
Dalia Zygas, Member  
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of \_\_\_\_ to \_\_\_\_  
this \_\_<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

**ATTEST:**

\_\_\_\_\_  
Gale Neulieb, City Clerk  
City of Michigan City, Indiana

# **EXHIBIT A**

Economic Revitalization Area –  
FORM SB-1/PP:  
Aquagenics Technologies, Inc.

*(Pursuant to Indiana Code 6-1.1-12.1 Sections 4.5)*

# EXHIBIT B

Assessed Valuation Deduction Schedule Pursuant to a FORM SB-1/PP:  
Aquagenics Technologies, Inc.

*(Pursuant to Indiana Code 6-1.1-12.1 Sections 4.5(b) and 17)*

<b>Approved Abatement Period Schedule:</b>				
<b><i>Depreciable personal property – machinery and equipment (“PPME”):</i></b>				
<ul style="list-style-type: none"> <li><i>a. To be installed and placed into service between October 1, 2020 through December 31, 2022;</i></li> <li><i>b. To be placed into service and assessed on the Assessment Dates: January 1, 2021 through 2023;</i></li> <li><i>c. PPME assessments limited to a cost of \$10,000,000; and</i></li> <li><i>d. Realized Tax Savings limited to \$ 0 (see Note A).</i></li> </ul>				
Year of Abatement Period	Anticipated Assessment Dates: Layer #1	Anticipated Assessment Dates: Layer #2	Anticipated Assessment Dates: Layer #3	Deduction Percentage
Year One (1)	January 1, 2021	January 1, 2022	January 1, 2023	100%
Year Two (2)	January 1, 2022	January 1, 2023	January 1, 2024	95%
Year Three (3)	January 1, 2023	January 1, 2024	January 1, 2025	90%
Year Four (4)	January 1, 2024	January 1, 2025	January 1, 2026	85%
Year Five (5)	January 1, 2025	January 1, 2026	January 1, 2027	80%

**Note A:** CONDITION #2 of this Resolution, page 4, “The Company understands and agrees that the annual deductions during the five (5) year abatement period shall be **limited to a cost of \$10,000,000** as a result of ERA assessed valuation deductions from depreciable personal property installed, placed into service, and assessed on the Assessment Dates of January 1, 2021 through 2023, and for which ERA assessed valuation deductions are applied. The City, from the first year of assessment for which a depreciable personal property ERA assessed valuation deduction is applied and for the duration of the five (5) year abatement period shall annually cause to be prepared a schedule monitoring the annual, total, and cumulative tax savings realized; such that, once this limit of tax savings realized is attained, the City’s Common Council will: (i) notify the Company and (ii) take action to terminate this ERA assessed valuation deduction prior to a subsequent January 1 assessment date.”

# **EXHIBIT C**

**Imposed Fee Consent Letter:  
Aquagenics Technologies, Inc.**

*(See attached)*

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING AQUAGENICS TECHNOLOGIES, INC. AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR REAL PROPERTY, PURSUANT TO INDIANA CODE 6-1.1-12.1**

**WHEREAS**, a Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 6-1.1-12.1 *et seq.* (the "Act") in the form of deductions of assessed value for: (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8 of the Act, each as a result of new development, redevelopment and/or rehabilitation; and

**WHEREAS**, Resolution No. 4733 (the "ERA Resolution") of the Common Council of the City of Michigan City, Indiana (the "Common Council"), as approved and adopted on November 20, 2018, designated and established a certain area located within the City of Michigan City, Indiana (the "City"), being the entire corporate municipal jurisdiction of the City, as the Economic Revitalization Area (the "ERA"); and

**WHEREAS**, The ERA Resolution remains in full force and effect as adopted and approved, such that the designation of the ERA and the effectiveness of the ERA Resolution expires on December 31, 2022; and

**WHEREAS**, **Aquagenics Technologies, Inc.** (the "Company"), pursuant to Section 3(a) of the Act has filed with the Common Council a **Statements of Benefits Real Property (FORM SB-1/Real Property)** (the "Statement of Benefits") dated September 25, 2020, **EXHIBIT A** attached hereto, which proposes moving their facility to Michigan City and relocating personal property and equipment and setting up manufacturing facilities (the "Project") constructed on real property located at 921 Woodland Avenue in the City (real property tax numbers: 46-01-33-427-001.000-022, 46-01-33-476-004.000-022, 46-01-34-302-001.000-022, 46-01-34-351-008.000-022, and

**WHEREAS**, the Company, upon approval of economic development incentive(s) by the City, intends to implement redevelopment and rehabilitation improvements to facilities and structures related to the Project during the period of October 1, 2020 through December 31, 2021 in a total amount anticipated to be **\$4,000,000** for the Project, to be fully assessed by **January 1, 2022 (the "Assessment Date")**.

**WHEREAS**, The Economic Development Corporation, Michigan City, Indiana ("EDCMC") submitted to the Common Council, as the designating body pursuant to Section 3 of the Act, the following documents related to the Company's request for an assessed valuation deduction of qualified real property within the ERA: (i) the Statement of Benefits ("FORM SB-1/Real Property") as completed and (ii) other supplemental information related to said request for an ERA assessed valuation deduction; and

**WHEREAS**, The Common Council has confirmed that the Company's facility located at 921 Woodland Avenue is within the boundaries of the ERA, and therefore the Common Council may make a determination pursuant to Section 3 of the Act, based upon the evidence, as to whether Company shall be allowed an assessed valuation deduction of qualified real property investments made within the ERA.

**NOW, THEREFORE, BE IT RESOLVED** that the actions of the Common Council of the City of Michigan City, Indiana pursuant to Section 3 of the Act are based upon the evidence as presented by the Company after review of the Statement of Benefits as well as other pertinent information provided by the EDCMC and upon the following findings in the affirmative also pursuant to Section 3(b) of the Act, that:

1. The Project is reasonable for a project of its nature;
2. The estimated number of individuals, who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project;
3. The estimated annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project; and
4. The totality of the benefits is sufficient to justify an assessed valuation deduction as a result of the Project.

**BE IT FURTHER RESOLVED** that pursuant to Section 2(k) of the Act, the Common Council acknowledges that the Project is not located within a designated allocation area of the Redevelopment Commission of Michigan City, Indiana under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26.

**BE IT FURTHER RESOLVED** that the Common Council hereby grants the Company an assessed valuation deduction (Tax Abatement) from qualified real property investments **limited to a cost of \$4,000,000 for redevelopment and rehabilitation activities to structures and facilities by the Company between October 1, 2020 and December 31, 2021, which is anticipated to be fully assessed on Assessment Dates, being not later than January 1, 2022,** all in accordance with the Act as it relates to the Project and as identified on the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the final determination of the amount of assessed valuation deduction of the Project for investments in qualified real property shall be made by the appropriate Michigan Township Assessor, LaPorte County, Indiana agency, review board, or State of Indiana agency.

**BE IT FURTHER RESOLVED** that pursuant to Sections 3(c) and 17 of the Act, the Common Council, based upon its affirmation of criteria pursuant to Section 3(b) of the Act as stated previously, hereby grants the Company an assessed valuation deduction period of **seven (7) years** on fully assessed real property from the Assessment Date for which said deduction percentage schedule for qualified real property applies over said seven (7) year abatement period, more specifically identified in **EXHIBIT B** attached hereto.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as set forth in **EXHIBIT B** during the seven (7) year abatement period is attached hereto in order to meet the requirements of Sections 3(c) and 17 of the Act.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as identified in **EXHIBIT B** shall begin upon the completion and the full assessment of real property improvement as a result redevelopment and rehabilitation activities related to the Project (anticipated to be not later than January 1, 2022 as the Assessment Date) by the appropriate assessing authority, regardless of the expiration date of the ERA as stated the ERA Resolution.

**BE IT FURTHER RESOLVED** that the Common Council may impose a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction as calculated and applied by the Office of the LaPorte County, Indiana Auditor.

**BE IT FURTHER RESOLVED** that, pursuant to Ordinance No. 4417 of the Common Council, adopted and approved on January 3, 2017 and having received the consent of the Company in accordance with Section 14(b) of the Act, a copy of which is attached hereto as **EXHIBIT C** and is made a part hereof and incorporated herein, and pursuant to Section 14(b) of the Act, for each year the Company's real property tax liability is reduced by an assessed valuation deduction related specifically to the construction and the full assessment of real property as a result of the Project, the Company shall pay to the LaPorte County, Indiana Treasurer a fee in the amount computed and determined by the LaPorte County, Indiana Auditor pursuant to the provisions of Section 14(c) of the Act (the "Imposed Fee") such that:

1. The Common Council hereby determines that **fifteen percent (15%)** shall be the percentage to be applied by the LaPorte County, Indiana Auditor for purposes of STEP TWO of Section 14(c) of the Act;
2. Accordingly, for each year the Imposed Fee is payable by the Company, the Imposed Fee shall be equal to the lesser of One Hundred Thousand Dollars (\$100,000) or fifteen percent (15%) of the additional amount of real property taxes that would have been paid by the Company during that year if the deductions approved in this Resolution had not been in effect, i.e., 15% of the Company's real property tax savings attributable to a deduction from the assessed valuation from the Project; and
3. Pursuant to Section 14(d) of the Act, the Imposed Fee, as collected, shall be distributed to the **Economic Development Corporation, Michigan City, Indiana** as a tax exempt governmental (nonprofit) entity established to promote economic development within the corporate limits of the City as determined by the Common Council as the designating body.

**BE IT FURTHER RESOLVED** that the Company has agreed to the following imposed reasonable conditions during the abatement period upon approval of an assessed valuation deduction for real property as herein specified and authorized under Section 2(i)(6) of the Act and to be included under Item D (page 2) of the approved FORM SB-1/Real Property:

***Condition #1:*** The Company understands and agrees that the annual deduction to be applied shall be limited to **\$4,000,000 of assessed valuation** during the seven (7) year abatement period as a result of ERA assessed valuation deductions from incremental real property improvements assessed. The City from the first year of the abatement period for which a real property vacant building assessed valuation deduction is applied and for the duration of the seven (7) year abatement period shall annually cause to be prepared a schedule monitoring the annual, total and cumulative tax savings realized.

**BE IT FURTHER RESOLVED** that the City agrees not to impose a claw back provision for tax savings for any tax years in which the Company complies with the Statement of Benefits, the annual filings required pursuant to the Act, the conditions of this Resolution and the reasonable and timely payment of an applicable Imposed Fee during the seven (7) year abatement period for which an ERA assessed valuation deduction is applied.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the Assessor for Michigan Township, Indiana and the Office of the LaPorte County, Indiana Auditor as it applies to this Resolution and the approval of the Company's assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the minutes of the meeting at which the Common Council approved this Resolution and the Statement of Benefits.

**BE IT FURTHER RESOLVED** that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

This Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon approval of the Mayor.

**INTRODUCED BY:**

\_\_\_\_\_  
Tracie Tillman, Member  
Michigan City Common Council

\_\_\_\_\_  
Dalia Zygas, Member  
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of \_\_\_\_ to \_\_\_\_  
this \_\_<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

**ATTEST:**

\_\_\_\_\_  
Gale Neulieb, City Clerk  
City of Michigan City, Indiana

# **EXHIBIT A**

Economic Revitalization Area –  
FORM SB-1/Real Property:  
Aquagenics Technologies, Inc.

*(Pursuant to Indiana Code 6-1.1-12.1 Section 3)*

# EXHIBIT B

Assessed Valuation Deduction Schedule Pursuant to a FORM SB-1/Real Property:  
Aquagenics Technologies, Inc.

*(Pursuant to Indiana Code 6-1.1-12.1 Sections 3(c) and 17)*

<b>Approved Abatement Period Schedule:</b>		
<i>Real property – qualified real property improvements:</i>		
<ul style="list-style-type: none"> <li><i>a. For redevelopment and rehabilitation activities between October 1, 2020 through December 31, 2021;</i></li> <li><i>b. To be assessed no later than: January 1, 2022;</i></li> <li><i>c. Real property improvements limited to a cost of \$4,000,000; and</i></li> <li><i>d. Annual Deduction limited to \$4,000,000 (see Note C-FORM SB-1/Real Property).</i></li> </ul>		
Year of Abatement Period	Anticipated Assessment Date:	Deduction Percentage
Year One (1)	January 1, 2022	100%
Year Two (2)	January 1, 2023	95%
Year Three (3)	January 1, 2024	80%
Year Four (4)	January 1, 2025	65%
Year Five (5)	January 1, 2026	50%
Year Six (6)	January 1, 2027	50%
Year Seven (7)	January 1, 2028	45%

**Note A: Condition #1:** The Company understands and agrees that the annual deduction to be applied shall be limited to \$4,000,000 of assessed valuation during the seven (7) year abatement period as a result of ERA assessed valuation deductions from incremental real property improvements assessed. The City from the first year of the abatement period for which a real property vacant building assessed valuation deduction is applied and for the duration of the seven (7) year abatement period shall annually cause to be prepared a schedule monitoring the annual, total and cumulative tax savings realized.

# **EXHIBIT C**

**Imposed Fee Consent Letter:  
Aquagenics Technologies, Inc.**

*(See attached)*

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING AQUAGENICS TECHNOLOGIES, INC. AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR A VACANT BUILDING DEDUCTION PURSUANT TO INDIANA CODE 6-1.1-12.1**

**WHEREAS**, Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 6-1.1-12.1 *et seq.* (the "Act") in the form of deductions of assessed value for: (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8 of the Act, each as a result of new development, redevelopment and/or rehabilitation; and

**WHEREAS**, Resolution No. 4733 (the "ERA Resolution") of the Common Council of the City of Michigan City, Indiana (the "Common Council"), as approved and adopted on November 20, 2018, designated and established a certain area located within the City of Michigan City, Indiana (the "City"), being the entire corporate municipal jurisdiction of the City, as the Economic Revitalization Area (the "ERA"); and

**WHEREAS**, The ERA Resolution remains in full force and effect as adopted and approved, such that the designation of the ERA and the effectiveness of the ERA Resolution expires on December 31, 2022; and

**WHEREAS**, **Aquagenics Technologies, Inc.** (the "Company") pursuant to Section 4.8(a) and (b) of the Act has filed with the Common Council a **Statement of Benefits Vacant Building Deduction (FORM SB-1/VBD)** (the "Statement of Benefits") dated September 25, 2020 (reference **EXHIBIT A** attached hereto) which proposes the occupation and use of an eligible and qualified vacant building by the Company as defined pursuant to Section 1(17) of the Act for the purposes and use of approximately 540,651 square feet of vacant facilities including the use of 36.91 acres of real property land owned by the Company to develop microbial products and natural remediation technologies (the "Project") located at 921 Woodland Avenue upon approval of economic development incentives by the City, but no later than December 31, 2020 for the January 1, 2021 assessment date (the "First Assessment Date"); and

**WHEREAS**, , The Economic Development Corporation, Michigan City, Indiana ("EDCMC") submitted to the Common Council, as the designating body, before the occupation and use of an eligible and qualified vacant building the following documents related to the Company's request for an assessed valuation deduction of an eligible and qualified vacant building within the Alliance ERA: (i) an Application for Designation as an Economic Revitalization Area (the "Application"), including the necessary application fee; the Statement of Benefits as completed, and (iii) other supplemental information related to said request and the Application; and

**WHEREAS,** The Common Council has confirmed that the facility located at 921 Woodland Avenue (real property key number 46-01-33-427-001.000-022, 46-01-33-476-004.000-022, 46-01-34-302-001.000-022, 46-01-34-351-008.000-022) is within the boundaries of the ERA; and, therefore the Common Council may make a determination pursuant to Section 4.8(b) and (e) of the Act based upon the evidence as to whether Company shall be allowed an assessed valuation deduction of an eligible vacant building.

**NOW, THEREFORE, BE IT RESOLVED** that the actions of the Common Council of the City of Michigan City, Indiana are based upon the evidence as presented by the Company after review of the Statement of Benefits as well as other pertinent information provided by the Economic Development Corporation, Michigan City, Indiana (the “EDCMC”) and upon the following findings in the affirmative also pursuant to Section 4.8(e) of the Act, such that:

- (1) The estimated number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the Project and the occupation of the eligible vacant building;
- (2) The estimated annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the Project and the occupation of the eligible vacant building;
- (3) The Project and the estimates and expectations contained in the FORM SB-1/VBD are reasonably expected to result from the Project and the occupation of the eligible vacant building;
- (4) The occupation of the eligible vacant building will increase the tax base of the City and assist in the redevelopment, rehabilitation and development of the ERA; and
- (5) The totality of the benefits is sufficient to justify an assessed valuation deduction on the Project.

**BE IT FURTHER RESOLVED** that the facility structures located at 921 Woodland Avenue (real property key numbers 46-01-33-427-001.000-022 and 46-01-33-476-004.000-022) are real property currently zoned for industrial purposes (M2-2, Manufacturing District).

**BE IT FURTHER RESOLVED** that the Company has proposed the occupation and use of an eligible and qualified vacant building as defined pursuant to Section 1(17) of the Act located 921 Woodland Avenue (real property key number 46-01-33-427-001.000-022 and 46-01-33-476-004.000-022) for the purposes and occupancy of the eligible vacant building as part of the Project is a permitted land use, pursuant to the City’s Zoning Requirement under the Permitted Uses-Processing of the M2-2 Manufacturing zoning district.

**BE IT FURTHER RESOLVED** that the structures and facilities located at 921 Woodland Avenue (real property key number 46-01-33-427-001.000-022 and 46-01-33-476-004.000-022) have been unoccupied and vacant for at least one (1) year before the Company purchased said real property for proposed occupation of the eligible vacant building.

**BE IT FURTHER RESOLVED** that pursuant to Section 2(k) of the Act, the Common Council acknowledges that the Project is not located within a designated allocation area of the Redevelopment Commission of Michigan City, Indiana under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26.

**BE IT FURTHER RESOLVED** that the Common Council hereby grants an assessed valuation deduction (Tax Abatement) from of an eligible vacant building for a period of seven (7) years to **Aquagenics Technologies, Inc.** in accordance with Section 4.8(f), (g) and (h) and Section 17(b) of the Act as it relates to the Project and as identified on the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the final determination of the amount of assessed valuation deduction of the Project of an eligible vacant building shall be made by the appropriate LaPorte County, Indiana agency, review board, or State of Indiana agency.

**BE IT FURTHER RESOLVED** that pursuant to Sections 4.8(h) and 17 of the Act, the Common Council, based upon its affirmation of criteria pursuant to Section 4.8(e) as stated previously hereby approves a deduction percentage schedule applicable to the amount of assessed valuation deduction of the Project of an eligible vacant building over said a seven (7) year period as more specifically identified in EXHIBIT B attached hereto.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as set forth as identified in EXHIBIT B shall begin upon full assessment of the Project on the First Assessment Date (anticipated to be January 1, 2021) by the appropriate assessing authority, regardless of the expiration date of the ERA as established by the ERA Resolution.

**BE IT FURTHER RESOLVED** that the Company has agreed to the following imposed reasonable condition for approval of an assessed valuation deduction for an eligible vacant building as herein specified and authorized under Section 2(i)(6) of the Act and to be included under Item B (page 2) of the approved FORM SB-1/VBD:

Condition #1: The Company understands and agrees that the annual deduction to be applied **shall be limited to \$7,000,000 of assessed valuation** during the seven (7) year abatement period as a result of ERA assessed valuation deductions from an eligible vacant building. The City from the first year of the abatement period for which a real property vacant building assessed valuation deduction is applied and for the duration of the seven (7) year abatement period shall annually cause to be prepared a schedule monitoring the annual, total and cumulative tax savings realized.

**BE IT FURTHER RESOLVED** that the Common Council may impose a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction as calculated and as applied by the Office of the LaPorte County, Indiana Auditor.

**BE IT FURTHER RESOLVED** that having received the consent of the Company and in accordance with Section 14(b) of the Act, a copy of which is attached hereto as EXHIBIT C and is made a part hereof as incorporated herein, and pursuant to Section 14(b) of the Act for each year the Company's real property tax liability is reduced by an assessed valuation deduction related specifically to the Project of an eligible vacant building, the Company shall pay to the LaPorte County, Indiana

Treasurer a fee in the amount computed and determined by the LaPorte County, Indiana Auditor pursuant to the provisions of Section 14(c) of the Act (the "Imposed Fee") such that:

1. The Common Council hereby determines that **fifteen percent (15%)** shall be the percentage to be applied by the LaPorte County, Indiana Auditor for purposes of STEP TWO of Section 14(c) of the Act;
2. Accordingly, for each year the Imposed Fee is payable by the Company, the Imposed Fee shall be equal to the lesser of One Hundred Thousand Dollars (\$0) or fifteen percent (15%) of the additional amount of real property taxes that would have been paid by the Company during that year if the deductions approved in this Resolution had not been in effect (i.e., 15% of the Company's real property tax savings attributable to a deduction from the assessed valuation from the Project of an eligible vacant building; and
3. Pursuant to Section 14(d) of the Act, the Imposed Fee as collected shall be distributed to the **Economic Development Corporation, Michigan City, Indiana** as a tax exempt governmental (nonprofit) entity established to promote economic development within the corporate limits of the City as determined by the Common Council as the designating body.

**BE IT FURTHER RESOLVED** that the City agrees not to impose a claw back provision for tax savings for any tax years in which the Company complies with the Statement of Benefits, the annual filings required pursuant to the Act, the conditions of this Resolution and the reasonable and timely payment of an applicable Imposed Fee during the seven (7) year abatement period for which an ERA assessed valuation deduction is applied.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the Michigan Township Assessor and the Office of the LaPorte County, Indiana Auditor as it applies to this Resolution and the approval of the Company's ERA assessed valuation deduction related specifically to the Project of an eligible vacant building, which includes the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the meeting minutes which approved this Resolution and the Statement of Benefits.

**BE IT FURTHER RESOLVED** that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

This Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon approval of the Mayor.

**INTRODUCED BY:** \_\_\_\_\_

Tracie Tillman, Member  
Michigan City Common Council

\_\_\_\_\_  
Dalia Zygas, Member  
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of \_\_\_\_ to \_\_\_\_  
this \_\_<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

**ATTEST:**

\_\_\_\_\_  
Gale Neulieb, City Clerk  
City of Michigan City, Indiana

# **EXHIBIT A**

**Economic Revitalization Area -  
Assessed Valuation Deduction Schedule FORM SB-1/VBD:  
Aquagenitics Technologies, Inc.**

*(See attached)*

# EXHIBIT B

Economic Revitalization Area  
Assessed Valuation Deduction Schedule Pursuant to a FORM SB-1/VBD:  
Aquagenics Technologies, Inc.

*(Pursuant to Indiana Code 6-1.1-12.1, Section 4.8(h) and Section 17)*

<b>Approved Abatement Period Schedule:</b>		
<b><i>Real Property Vacant Building Deduction:</i></b>		
<p><i>a. Occupancy redevelopment, rehabilitation and use of an approximate 540,651 square feet of vacant facilities between October 1, 2020 and December 31, 2020 as fully assessed on January 1, 2021;</i></p> <p><i>b. Limited to the assessed valuation of real property improvements upon full assessment of the Project on the First Assessment Date (anticipated being January 1, 2021); and</i></p> <p><i>c. Annual Deduction limited to \$7,000,000 (see Note B-FORM SB-1 VBD).</i></p>		
Year of Abatement Period	Anticipated Assessment Date	Deduction Percentage
Year One (1) <sup>c</sup>	January 1, 2021	100%
Year Two (2) <sup>c</sup>	January 1, 2022	95%
Year Three (3) <sup>c</sup>	January 1, 2023	80%
Year Four (4) <sup>c</sup>	January 1, 2024	65%
Year Five (5) <sup>c</sup>	January 1, 2025	50%
Year Six (6) <sup>c</sup>	January 1, 2026	50%
Year Seven (7) <sup>c</sup>	January 1, 2027	45%

**Note B (FORM SB-1/VBD): *Condition #1:*** The Company understands and agrees that the annual deduction to be applied shall be limited to \$7,000,000 of assessed valuation during the seven (7) year abatement period as a result of ERA assessed valuation deductions from an eligible vacant building. The City from the first year of the abatement period for which a real property vacant building assessed valuation deduction is applied and for the duration of the seven (7) year abatement period shall annually cause to be prepared a schedule monitoring the annual, total and cumulative tax savings realized.

# **EXHIBIT C**

**Imposed Fee Consent Letter:  
Aquagenics Technologies, Inc.**

*(See attached)*

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY,  
INDIANA GRANTING SHADY CREEK VINEYARD LLC AN ASSESSED VALUATION  
DEDUCTION (TAX ABATEMENT) FOR REAL PROPERTY,  
PURSUANT TO INDIANA CODE 6-1.1-12.1**

**WHEREAS**, a Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 6-1.1-12.1 *et seq.* (the "Act") in the form of deductions of assessed value for: (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8 of the Act, each as a result of new development, redevelopment and/or rehabilitation; and

**WHEREAS**, Resolution No. 4733 (the "ERA Resolution") of the Common Council of the City of Michigan City, Indiana (the "Common Council"), as approved and adopted on November 20, 2018, designated and established a certain area located within the City of Michigan City, Indiana (the "City"), being the entire corporate municipal jurisdiction of the City, as the Economic Revitalization Area (the "ERA"); and

**WHEREAS**, The ERA Resolution remains in full force and effect as adopted and approved, such that the designation of the ERA and the effectiveness of the ERA Resolution expires on December 31, 2022; and

**WHEREAS**, Shady Creek Vineyard LLC (the "Company"), pursuant to Section 3(a) of the Act has filed with the Common Council a **Statements of Benefits Real Property (FORM SB-1/Real Property)** (the "Statement of Benefits") dated August 21, 2020, **EXHIBIT A** attached hereto, which proposes to create a production facility capable of fermenting close to 15,000 gallons of wine (compared to under 2,000 currently), a barrel room capable of aging 8,280 gallons of wine (compared to 420 gallons currently), and a storage facility capable of housing over 100 pallets of wine. In addition, they will be adding multiple new roles to help facilitate an expanded retail footprint, dramatically increased seating space, and the development of new business lines (the "Project") constructed on real property located at 2030 Tryon Road in the City (real property tax numbers: 46-01-24-300-015.000-022), and

**WHEREAS**, the Company, upon approval of economic development incentive(s) by the City, intends to construct the Project during the period of December 1, 2020 through December 31, 2021 in a total amount anticipated to be **\$2,510,000** for the Project, anticipated to be first assessed on **January 1, 2022 (the "Assessment Date")**.

**WHEREAS**, The Economic Development Corporation, Michigan City, Indiana ("EDCMC") submitted to the Common Council, as the designating body pursuant to Section 3 of the Act, the following documents related to the Company's request for an assessed valuation deduction of qualified real property within the ERA: (i) the Statement of Benefits ("FORM SB-1/Real Property") as completed and (ii) other supplemental information related to said request for an ERA assessed valuation deduction; and

**WHEREAS,** The Common Council has confirmed that the Company's facility located at 2030 Tryon Road is within the boundaries of the ERA, and therefore the Common Council may make a determination pursuant to Section 3 of the Act, based upon the evidence, as to whether Company shall be allowed an assessed valuation deduction of qualified real property investments made within the ERA.

**NOW, THEREFORE, BE IT RESOLVED** that the actions of the Common Council of the City of Michigan City, Indiana pursuant to Section 3 of the Act are based upon the evidence as presented by the Company after review of the Statement of Benefits as well as other pertinent information provided by the EDCMC and upon the following findings in the affirmative also pursuant to Section 3(b) of the Act, that:

1. The Project is reasonable for a project of its nature;
2. The estimated number of individuals, who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project;
3. The estimated annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project; and
4. The totality of the benefits is sufficient to justify an assessed valuation deduction as a result of the Project.

**BE IT FURTHER RESOLVED** that, pursuant to Section 2(k) of the Act, the Common Council has confirmed, acknowledges, and recognizes that the Project is not located within a designated allocation area of the City's Redevelopment District under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26.

**BE IT FURTHER RESOLVED** that the Common Council hereby grants the Company an assessed valuation deduction (Tax Abatement) from qualified real property investments limited to a cost of \$2,510,000 to be constructed by the Company between December 1, 2020 and December 31, 2021, which is anticipated to be fully assessed on the Assessment Date, being and January 1, 2022, all in accordance with the Act as it relates to the Project and as identified on the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the final determination of the amount of assessed valuation deduction of the Project for investments in qualified real property shall be made by the appropriate Michigan Township Assessor, LaPorte County, Indiana agency, review board, or State of Indiana agency.

**BE IT FURTHER RESOLVED** that pursuant to Sections 3(c) and 17 of the Act, the Common Council, based upon its affirmation of criteria pursuant to Section 3(b) of the Act as stated previously, hereby grants the Company an assessed valuation deduction period of seven (7) years on fully assessed real property from the Assessment Date for which said deduction percentage schedule for qualified real property applies over said seven (7) year abatement period, more specifically identified in EXHIBIT B attached hereto.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as set forth in EXHIBIT B during the seven (7) year abatement period is attached hereto in order to meet the requirements of Sections 3(c) and 17 of the Act.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as identified in **EXHIBIT B** shall begin upon the completion and the full assessment of real property as a result of the Project (anticipated to be January 1, 2022 or the Assessment Date) by the appropriate assessing authority, regardless of the expiration date of the ERA as stated the ERA Resolution.

**BE IT FURTHER RESOLVED** that the Common Council may impose a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction as calculated and applied by the Office of the LaPorte County, Indiana Auditor.

**BE IT FURTHER RESOLVED** that, pursuant to Ordinance No. 4417 of the Common Council, adopted and approved on January 3, 2017 and having received the consent of the Company in accordance with Section 14(b) of the Act, a copy of which is attached hereto as **EXHIBIT C** and is made a part hereof and incorporated herein, and pursuant to Section 14(b) of the Act, for each year the Company's real property tax liability is reduced by an assessed valuation deduction related specifically to the construction and the full assessment of real property as a result of the Project, the Company shall pay to the LaPorte County, Indiana Treasurer a fee in the amount computed and determined by the LaPorte County, Indiana Auditor pursuant to the provisions of Section 14(c) of the Act (the "Imposed Fee") such that:

1. The Common Council hereby determines that **fifteen percent (15%)** shall be the percentage to be applied by the LaPorte County, Indiana Auditor for purposes of STEP TWO of Section 14(c) of the Act;
2. Accordingly, for each year the Imposed Fee is payable by the Company, the Imposed Fee shall be equal to the lesser of One Hundred Thousand Dollars (\$100,000) or fifteen percent (15%) of the additional amount of real property taxes that would have been paid by the Company during that year if the deductions approved in this Resolution had not been in effect, i.e., 15% of the Company's real property tax savings attributable to a deduction from the assessed valuation from the Project; and
3. Pursuant to Section 14(d) of the Act, the Imposed Fee, as collected, shall be distributed to the **Economic Development Corporation, Michigan City, Indiana** as a tax exempt governmental (nonprofit) entity established to promote economic development within the corporate limits of the City as determined by the Common Council as the designating body.

**BE IT FURTHER RESOLVED** that the Company has agreed to the following imposed reasonable conditions during the abatement period upon approval of an assessed valuation deduction for real property as herein specified and authorized under Section 2(i)(6) of the Act and to be included under Item D (page 2) of the approved FORM SB-1/Real Property:

Condition #1: The Company understands and agrees that the total cumulative tax savings realized is **limited to a real property improvement cost investment of \$2,510,000** during the seven (7) year abatement period as a result of ERA assessed valuation deductions from real property constructed and assessed on the Assessment Date, and for which ERA assessed valuation deductions are applied. The City, from the first year of assessment for which a real property ERA assessed valuation deduction is applied and for the duration of the seven (7) year abatement period as layered shall annually cause to be prepared a schedule monitoring the

annual, total, and cumulative tax savings realized; such that, once this limit of tax savings realized is attained, the City's Common Council will: (i) notify the Company and (ii) take action to terminate this ERA assessed valuation deduction prior to a subsequent January 1 assessment date.

**BE IT FURTHER RESOLVED** that the City agrees not to exercise the discretion to impose a claw back provision for tax savings any tax years in which the Company reasonably complies with:

1. The Statement of Benefits, the annual filings required pursuant to the Act, the conditions of this Resolution, and the reasonable and timely payment of an applicable Imposed Fee during the seven (7) year abatement period for which an ERA assessed valuation deduction is applied to an assessment date.
2. The employment benchmarks and targets identified in the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the **Office of the Assessor for Michigan Township**, Indiana as it applies to this Resolution and the approval of the Company's assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the minutes of the meeting at which the Common Council approved this Resolution and the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with **the Office of the LaPorte County, Indiana Auditor** as it applies to this Resolution and the approval of the Company's assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the minutes of the meeting at which the Common Council approved this Resolution and the Statement of Benefits.

**BE IT FURTHER RESOLVED** that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

This Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon approval of the Mayor.

**INTRODUCED BY:**

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Angie Nelson Deutch, Member  
Michigan City Common Council

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Gene Simmons, Member  
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of \_\_\_\_ to \_\_\_\_  
this \_\_<sup>th</sup> day of October, 2020.

---

Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_<sup>th</sup> day of October, 2020.

---

Duane Parry, Mayor  
City of Michigan City, Indiana

**ATTEST:**

---

Gale Neulieb, City Clerk  
City of Michigan City, Indiana

# **EXHIBIT A**

Economic Revitalization Area –  
FORM SB-1/Real Property:  
Shady Creek Vineyard LLC

*(Pursuant to Indiana Code 6-1.1-12.1 Section 3)*

# EXHIBIT B

Assessed Valuation Deduction Schedule Pursuant to a FORM SB-1/Real Property:  
Shady Creek Vineyard LLC

*(Pursuant to Indiana Code 6-1.1-12.1 Sections 3(c) and 17)*

<b>Approved Abatement Period Schedule:</b>		
<i>Real property – qualified real property improvements:</i>		
<ul style="list-style-type: none"> <li><i>a. To be constructed between December 1, 2020 through December 31, 2021;</i></li> <li><i>b. Anticipated to be first fully assessed on the Assessment Date: January 1, 2022; and</i></li> <li><i>c. Real Property limited to a cost of \$2,510,000 (see Note A).</i></li> </ul>		
Year of Abatement Period	Assessment Date:	Deduction Percentage
Year One (1)	January 1, 2022	100%
Year Two (2)	January 1, 2023	90%
Year Three (3)	January 1, 2024	80%
Year Four (4)	January 1, 2025	70%
Year Five (5)	January 1, 2026	60%
Year Six (6)	January 1, 2027	50%
Year Seven (7)	January 1, 2028	40%

**Note A: CONDITION #1** of this Resolution, page 4. “The Company understands and agrees that the total cumulative tax savings realized is limited to a real property improvement cost investment of \$2,510,000 during the seven (7) year abatement period as a result of ERA assessed valuation deductions from real property constructed and assessed on the Assessment Date, and for which ERA assessed valuation deductions are applied. The City, from the first year of assessment for which a real property ERA assessed valuation deduction is applied and for the duration of the seven (7) year abatement period as layered shall annually cause to be prepared a schedule monitoring the annual, total, and cumulative tax savings realized; such that, once this limit of tax savings realized is attained, the City’s Common Council will: (i) notify the Company and (ii) take action to terminate this ERA assessed valuation deduction prior to a subsequent January 1 assessment date.”

# **EXHIBIT C**

**Imposed Fee Consent Letter:  
Shady Creek Vineyard LLC**

*(See attached)*

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. \_\_\_\_\_

AMENDING ORDINANCE NO. 4546 TO ESTABLISH TIME PERIOD FOR IMPLEMENTATION OF RULES ESTABLISHED THEREIN

WHEREAS, on September 1, 2020, the Common Council passed Ordinance No. 4546 entitled *Establishing Rules For Attendance At And Use Of Washington Park and Penalties For Violating Same And For Violating Park Department Rules Concerning The Use Of Washington Park And The Zoo* (Rules) which, in paragraphs numbered 1 through 4, established various rules concerning the use of Washington Park, including its parking lots and the beach due to the COVID-19 pandemic; and

WHEREAS, that Ordinance did not contain any time limitations for the implementation of those Rules and stated the years for which Park parking sticker holders are admitted; and

WHEREAS, the Common Council finds that it is in the best interest of the City, in particular the Park Department, and the citizens of Michigan City that the implementation of the Rules in Ordinance No. 4546 be limited to the period of time each year during which the Park Department allows open access to the Washington Park beach.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that the Rules set forth in paragraphs numbered 1 through 4 of Ordinance No. 4546 only be implemented and enforced each year during the time period of the year when the Park Department allows open access to Washington Park beach and, during those times and special events, access will be limited to only holders of Park parking stickers for that year.

This Ordinance to be effective upon passage by the Council and approval by the Mayor.

INTRODUCED BY: \_\_\_\_\_,  
Paul Przybylinski, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City

ATTEST:

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City

*Prepared by Council's Attorney Upon Request*

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. \_\_\_\_\_

**REPEALING ORDINANCE NO. 4546 ENTITLED “ESTABLISHING RULES FOR ATTENDANCE AT AND THE USE OF WASHINGTON PARK AND PENALTIES FOR VIOLATING SAME AND FOR VIOLATING PARK DEPARTMENT RULES CONCERNING THE USE OF WASHINGTON PARK AND THE ZOO”**

**WHEREAS**, on September 1, 2020, the Michigan City Common Council passed Ordinance No. 4546 entitled “*Establishing Rules for Attendance at and the Use of Washington Park and Penalties for Violating Same and for Violating Park Department Rules Concerning the Use of Washington Park and the Zoo,*” and on September 8, 2020, the Mayor signed said Ordinance; and

**WHEREAS**, on September 15, 2020, the Michigan City Common Council passed Ordinance No. 4547 entitled “*Creating Section 82-68 in Article III (Park Rules) in Chapter 82 (Parks and Recreation) of the Michigan City Municipal Code to Provide a Mechanism for Enforcement for All Park Rules,*” and on September 16, 2020, the Mayor signed said Ordinance; and

**WHEREAS**, the need now exists to repeal Ordinance No. 4546 based on the following:

- a. Provisions of Ordinance No. 4546, namely the provisions that violation of a Park rule is a violation of Michigan City Municipal Code, is now addressed in Ordinance No. 4547; and
- b. Ordinance No. 4546 was essentially enacted to deal with crowd control at Washington Park as a result of the coronavirus (COVID-19), however, because the seasons are now transitioning and summer is coming to an end, large crowds are not being drawn to Washington Park so it is not necessary to incur the cost of screening access to the Park, and normal summer Park seasonal attendant operations conclude after Labor Day.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City that Ordinance No. 4546 entitled “*Establishing Rules for Attendance at and the Use of Washington Park and Penalties for Violating Same and for Violating Park Department Rules Concerning the Use of Washington Park and the Zoo*” is now repealed.

This Ordinance to be effective upon passage by the Common Council, approval of the Mayor, and any necessary publication.

**INTRODUCED BY:** \_\_\_\_\_

Bryant Dabney, Member  
Michigan City Common Council

\_\_\_\_\_  
Dalia Zygas, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Council Upon Request

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING MUNICIPAL CODE SECTION 2-457-COMMISSION ON THE SOCIAL STATUS OF AFRICAN-AMERICAN MALES**

**WHEREAS**, Common Council has become aware that it is in the best interest of the City of Michigan City and the Commission On The Social Status of African-American Males (Commission) that certain provisions of the Commission’s enabling Ordinance be amended and that the Commission should take the necessary steps to amend its By-Laws to incorporate the amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City, Indiana, that the provisions of Section 2-457 of the Michigan City Municipal Code referenced below shall be amended to read as follows:

1. 2-457(b)(2) The Commission shall consist of fifteen (15) voting members. Each member shall be a resident of Michigan City and shall be appointed by the group or organization whom he/she represents within Michigan City unless otherwise specified herein below. The appointments shall be made as follows:

.....  
(2)(b) Nine (9) appointments shall be made by the Common Council of the City of Michigan City on a yearly basis and shall be members of or participants in the following groups and entities:

- (a) One (1) from the Human Rights Commission
- (b) One (1) from the Minority Health Coalition
- (c) One (1) from the Swanson Center
- (d) One (1) from the Ministerial Associations
- (e) One (1) from the Welfare to Work Program
- (f) Three (3) from the Michigan City Common Council
- (g) One (1) from the Michigan H.O.P.E.

.....  
(2)(c)(4) A member of the Commission may be removed by the appointing authority, after notice and a hearing, if one is requested by the member, for absenteeism of five (5) days or more, or for other good and sufficient cause as determined by the appointing authority, but for no other reason, during her/his term.

.....  
(2)(c)(6) At the first meeting in January of each year, the members of the Commission shall elect one member to be the Commission’s chairperson, one member to be the Commission’s vice-chairperson, and one member to be the Commission’s recording secretary. Commissioners may remove the Chairperson or other officer from that office and/or reduce his/her duties should the officer not perform their full duties for the Commission in a professional and timely manner. The Commission members shall fill the vacancy resulting from the removal of the chairperson or a vacancy of any officer position that occurs for any other reason. The appointment to fill a vacancy shall be for the remainder of the calendar year until the first meeting the following January when elections for the Commission’s offices are held.

.....  
(2)(d) *Powers, Duties, and Responsibilities of the Commission*

- (1) The Commissions shall carry out the duties specified herein, including, but not limited to:
  - (a) Develop annual, short, and long range goals.

.....  
All other provisions of Section 2-457 shall remain in full force and effect.

This Ordinance to be effective upon passage by the Council and approval by the Mayor.

**INTRODUCED BY:** \_\_\_\_\_,  
Tracie Tillman, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City

ATTEST:

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City

*Prepared by Council's Attorney Upon Request*

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING SECTION 70-101 IN DIVISION 3 OF CHAPTER 70 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE POLICE MERIT COMMISSION**

**WHEREAS**, on October 19, 1982, the Common Council enacted, and on October 20, 1982, the Mayor signed Ordinance No. 2681, which acknowledged that the City had a Police Merit Commission by virtue of the then existing state law codified at I.C. 19-1-29<sup>1</sup> and the City desired to retain said system; and

**WHEREAS**, with respect to the Michigan City Police Merit Commission, Sec. 70-101 of the Michigan City Municipal Code currently read as follows:

"(a) The civil service commission (hereinafter referred throughout this chapter as "commission") for the Michigan City Police Department is established as provided by IC 19-1-29, et seq. before the same was repealed and now recodified at IC 36-8-3.5, et seq. The commission for the police department shall consist of three members who shall be known and designated as the civilian members of said commission. One of the civilian members of the commission shall be appointed for a term of one year by the mayor; one of the civilian members shall be appointed for a term of two years by the common council; and one of the civilian members shall be appointed for a term of three years upon nomination by the active membership of the police department and appointment by the mayor. The civilian members shall be resident voters of the city and persons of good moral character.

(b) The nomination to be made by the membership of the police department shall be made at a meeting specifically called for that purpose by the chief. The chief shall give at least one week's notice of the meeting to all active members of the police department by posting the notice of the meeting in at least three prominent places in the police station. The notice shall designate the time, place and purpose of the meeting. No one shall be entitled to be present at the meeting and exercise the right to vote unless he is an active member of the police department. Active members who are unable to attend any such meeting may vote by written proxy, provided that no active member present at any meeting shall be entitled to hold and to vote the proxy of more than one absent member. An active member of the police department shall be selected to act as chairman of the meeting. Voting shall be by secret ballot. The person receiving the highest number of votes, including all proxy votes, shall be named as the nominee of the police department.

(c) A person shall be ineligible to serve as a civilian member of the commission if he receives a remuneration as salary for services from the city, other than the per diem compensation as provided for in this section. Every civilian member appointed to the commission shall take and subscribe to an oath that he will conscientiously and faithfully discharge the duties of his office, which oath shall be filed with the board of public works and safety. The civilian members of such commission shall receive a per diem compensation for service in the amount to be fixed by the common council.

(d) Civilian membership vacancies, for any cause, shall be filled by appointment in the same manner as the appointment of that member of the commission. The board of public works and safety may remove any member of the commission at any time for malfeasance, nonfeasance, lack of residency within the city, or inability to serve, which removal shall be under the same rules of procedure that apply to removal of members of the police department. Two civilian members of the commission shall constitute a quorum for the transaction of business;" and

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<sup>1</sup> State law pertaining to police and fire merit systems is now codified at I.C. 36-8-3.5, et seq.

**WHEREAS**, pursuant to I.C. 36-8-3.5-1(b)<sup>2</sup>, because the City had a merit system in place for its police department under former I.C. 19-1-29, the ordinance retaining the system must include a provision “...under which the commission (or governing body of the merit system) has at least one-third (1/3) of its members elected by the active members of department...;” and

**WHEREAS**, I.C. 36-8-3.5-6, I.C. 36-8-3.5-7, and I.C. 36-8-3.5-8 state as follows:

**“IC 36-8-3.5-6 Merit commission; establishment; appointment of members; qualifications; oath**

Sec. 6. (a) A merit commission consisting of five (5) commissioners shall be established for each department of a unit having a merit system. The commissioners are:

- (1) two (2) persons, who must be of different political parties, appointed by the unit's executive;
- (2) one (1) person appointed by the unit's legislative body; and
- (3) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding IC 36-1-8-10, political affiliation shall be determined through the voters' registration records of the three (3) most recent primary elections.

(b) Each commissioner must have been a legal resident of the unit for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character. The legislative body may, upon the recommendation of the safety board, determine a per diem to be paid to each commissioner for each day of actual service for the commission. A commissioner must be at least twenty-one (21) years of age. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the unit.

(c) Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the safety board.

**IC 36-8-3.5-7 Commissioners; terms; tenure**

Sec. 7. (a) The term of a commissioner is four (4) years. However, one (1) of the executive's initial selections and one (1) of the department's initial selections are for terms of two (2) years.

(b) A vacancy on the commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.

(c) A commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a commissioner elected by the department, the safety board shall call a meeting of the active members of the department under the procedures specified in section 4 of this chapter if a recall petition signed by a majority of the active members is submitted to the board.

**IC 36-8-3.5 8 Elections; meeting; notice**

Sec. 8. (a) An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the safety board. The board shall give at least three (3) weeks' notice of the meeting to all active members of the department by posting the notice in prominent locations in stations of the department. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.

(b) Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chair. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board and shall be posted in accordance with subsection (a);”

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<sup>2</sup> I.C. 36-8-3.5-1(b) states as follows:

“If a city had a merit system for its police or fire department under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2, IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29, IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:

- (1) be a person of good moral character; and
- (2) except for a member of a fire department having a merit system established under IC 19-1-37.5, not be an active member of a police or fire department or agency.”

**WHEREAS**, after reviewing the current language of Section 70-101 in the Michigan City Code, the need exists to follow Indiana state law regarding the police merit commission, including, but not limited to, the number of commission members, the composition of the commission members, the tenure of commission members, the qualifications of commission members, the removal of commission members, and the election of commission members by the Police Department.

**NOW, THEREFORE, BE IT ORDAINED**, by the Michigan City Common Council that Section 70-101 in Division 3 of Chapter 70 of the Michigan City Municipal Code shall now be amended to read as follows:

**Section 70-101. Merit Commission; Establishment; Qualifications to Serve; Terms; Oaths, Removal.**

(a) Establishment. The civil service commission (hereinafter referred throughout this chapter as "commission") for the Michigan City Police Department is established as provided by IC 19-1-29, et seq. before the same was repealed and now recodified at IC 36-8-3.5, et seq. The commission for the police department shall consist of five (5) members who shall be known and designated as the civilian members of said commission. The commissioners shall be appointed as follows:

1. Two (2) persons, who must be of different political parties, appointed by the Mayor;
2. One (1) person appointed by the Common Council; and
3. Two (2) persons, who must be of different political parties, elected by the active members of the Police Department.

Political affiliation shall be determined through the voter's registration records of the three (3) most recent primary elections.

(b) Qualifications; Oath. Qualifications to serve are as follows:

1. Under reorganization of the commission an nominee must successfully complete a criminal background check.
2. A commissioner must have been a legal resident of the unit for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character.
3. A commissioner must be at least twenty-one (21) years of age.
4. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency.
5. A person may not serve on the commission if the person receives any remuneration as salary from the unit, other than the compensation as provided for in this Section.

Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the City Clerk's Office and the Michigan City Board of Public Works & Safety.

(c) Compensation. A commissioner may be entitled to compensation as set forth in the salary ordinance adopted by the Common Council.

(d) Terms; Tenure; and Removal.

1. The term of a commissioner is four (4) years. However, one (1) of the executive's initial selections and one (1) of the department's initial selections are for terms of two (2) years.
2. A vacancy on the commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.
3. A commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a commissioner elected by the

Police Department, the Michigan City Board of Public Works & Safety shall call a meeting of the active members of the Police Department under the procedures specified in subsection (e) below if a recall petition signed by a majority of the active members is submitted to the Board.

(e) Police Department Elections; Meetings; and Notice.

1. An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the Michigan City Board of Public Works & Safety. The Board shall give at least three (3) weeks' notice of the meeting to all active members of the Police Department by posting the notice in prominent locations in the police station. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.
2. Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chairman. Active members who are unable to attend any such meeting may vote by written proxy, provided that no active member present at any meeting shall be entitled to hold and to vote the proxy of more than one absent member. Any other procedures for holding the meeting may be determined by the Michigan City Board of Public Works & Safety and shall be posted in accordance with this Section. All voting must be by secret written ballot. The person receiving the highest number of votes, including all proxy votes, shall be named as the nominee of the Police Department.

This Ordinance to be effective upon passage and approval by the Mayor.

INTRODUCED BY: \_\_\_\_\_  
Paul Przybylinski, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020 by vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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

*Prepared by Corporation Counsel Upon Request*

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**APPROVING REDUCTION OF APPROPRIATIONS  
IN THE CITY'S 2020 ANNUAL BUDGET**

**WHEREAS**, it has been demonstrated to the Common Council that certain existing appropriations in the City's 2020 Annual Budget have unobligated balances that will not be needed in 2020 for the purposes for which they were appropriated.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City, LaPorte County, Indiana, that the following existing appropriations are hereby reduced out of the Fund named by the following amounts:

	<u>Amount Reduced</u>
<b>Fund 1001 - General Fund</b>	
Personnel Services	1,288,550.00
Supplies	226,775.00
Other Services & Charges	216,754.00
<b>Total General Fund</b>	<b>1,732,079.00</b>
<b>Fund 2001 - Motor Vehicle Highway Fund</b>	
Personnel Services	85,250.00
Supplies	29,600.00
Other Services & Charges	655,200.00
<b>Total MVH Fund</b>	<b>770,050.00</b>
<b>Fund 2006 - Aviation Operating Fund</b>	
Personnel Services	25,360.00
Supplies	6,000.00
Other Services & Charges	11,100.00
<b>Total Aviation Operating Fund</b>	<b>42,460.00</b>
<b>Fund 2011 - Park And Recreation Non Revert</b>	
Supplies	30,000.00
Other Services & Charges	60,000.00
<b>Total Park &amp; Recreation Non-Reverting Fund</b>	<b>90,000.00</b>
<b>Fund 2042 - Riverboat Gaming Fund</b>	
Other Services & Charges	50,000.00
Capital Outlay	2,122,471.00
<b>Total Riverboat</b>	<b>2,172,471.00</b>
<b>Fund 2051 - Zoo Education Non Reverting Fund</b>	
Supplies	5,000.00
Other Services & Charges	1,000.00
<b>Total Zoo Education Non-Reverting Fund</b>	<b>6,000.00</b>
<b>Fund 2056 - Park And Recreation Fund</b>	
Personnel Services	461,703.00
Supplies	93,276.00
Other Services & Charges	38,390.00
<b>Total Park Fund</b>	<b>593,369.00</b>
<b>Fund 2063 - Patriot Park Non Reverting Fund</b>	

Other Services & Charges	4,000.00
Capital Outlay	10,000.00
<b>Total Patriot Park Non-Reverting Fund</b>	<b>14,000.00</b>

<b>Fund 2224 - CEDIT Fund</b>	
Other services & Charges	215,000.00
Other Financing Uses	250,000.00
<b>Total CEDIT</b>	<b>465,000.00</b>

<b>Fund 2337 - DEA Forfeiture Fund</b>	
Supplies	4,000.00
Other Services & Charges	17,000.00
<b>Total DEA Forfeiture Fund</b>	<b>21,000.00</b>

<b>Fund 2568 - Aviation Fuel Fund</b>	
Supplies	75,000.00
<b>Total Aviation Fuel Fund</b>	<b>75,000.00</b>

<b>Fund 4002 - Cumulative Capital Development</b>	
Capital Outlay	100,000.00
<b>Total Cumulative Capital Development Fund</b>	<b>100,000.00</b>

<b>Fund 2062 - Golf Fund</b>	
Personnel Services	114,310.00
Supplies	21,400.00
Other Services & Charges	19,250.00
<b>Total Golf Fund</b>	<b>154,960.00</b>

<b>Fund 2300 - Cemetery Operating Fund</b>	
Personnel Services	80,530.00
Supplies	5,900.00
Other Services & Charges	1,600.00
<b>Total Cemetery Fund</b>	<b>88,030.00</b>

<b>Fund 7002 - Police Pension Fund</b>	
Supplies	100.00
Other Services & Charges	278,600.00
<b>Total Police Pension Fund</b>	<b>278,700.00</b>

<b>Fund 7003 - Fire Pension Fund</b>	
Supplies	100.00
Other Services & Charges	306,500.00
<b>Total Fire Pension Fund</b>	<b>306,600.00</b>

\*Line Item detail attached as Exhibit A.

This Ordinance to be effective upon passage by the Common Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

**INTRODUCED BY:** \_\_\_\_\_  
 Bryant Dabney, Member  
 Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

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Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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

*Prepared by Corporation Counsel's Office Upon Request*

**ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES**

State Form 55865 (7-15)

Budget Form No. 4

Approved by State Board of Accounts 2015

Prescribed by the Department of Local Government Finance

Ordinance / Resolution Number:

Be it ordained / resolved by the Michigan City Common Council that for the expenses of Michigan City Sanitary, for the year ending December 31, 2021, the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of Michigan City Sanitary, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the Common Council And Mayor

Name of Adopting / Fiscal Body	Type of Adopting / Fiscal Body	Date of Adoption
<u>Michigan City Common Council</u>	<u>Common Council and Mayor</u>	<u>10/20/2020</u>

Enter Information into Paragraph Above

**DLGF-Reviewed Funds**

Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0061	RAINY DAY	\$0	\$0	0.0000
6402	TRASH / SANITATION - OPERATING	\$0	\$0	0.0000
8201	SPECIAL SANITARY GENERAL	\$0	\$0	0.0000
<b>Total:</b>		<b>\$0</b>	<b>\$0</b>	<b>0.0000</b>

Edit	Delete	Name	Aye	Nay	Abstain	Signature
		Bryant Dabney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
		Paul Pyzybylinski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
		Michael Mack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
		Sean Fitzpatrick	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
		Tracie Tillman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
		Gene Simmons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
		Dalia Zygas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
		Angie Nelson-Deutch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
		Donald Przybylinski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

**+ ADD**

**ATTEST**

Name	Title	Signature
<input type="text" value="Gale A. Neulieb"/>	<input type="text" value="City Clerk"/>	_____

**MICHIGAN CITY COMMON COUNCIL  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND  
EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2021**

**WHEREAS**, the Mayor must set the salaries and wages of appointed officials and employees of the City of Michigan City; and

**WHEREAS**, the Common Council of the City of Michigan City must, pursuant to IC 36-4-7-3, set other said salaries and wages by ordinance.

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

**Section 1.** Salaries and wages for appointed officials and employees be set for the year 2021, as follows:  
(Positions covered by collective bargaining agreements are marked with \*)

	Bi-Weekly Salary or Rate per Hour
<b><u>CITY EMPLOYEES</u></b>	
<b>Controller's Office:</b>	
Controller	\$2,277.86
Assistant Controller	\$2,211.62
2 <sup>nd</sup> Assistant Controller	\$2,110.55
Payroll Administrator	\$17.58
Accounts Payable/Receivable Administrator	\$17.58
Administrative Assistant	\$14.47
<b>Clerk's Office:</b>	
Deputy Clerk	\$1,472.24
Assistant Deputy Clerk	\$15.69
<b>Mayor's Office:</b>	
City Administrator	\$1,910.33
Executive Assistant	\$16.00
Promise Scholarship Director	\$1,730.77
Special Events/Recreation Coordinator	\$2,001.51
<b>Planning &amp; Inspection:</b>	
Planning and Redevelopment Director	\$2,195.68
Assistant Planner	\$1,743.58
Associate Planner	\$1,589.39
Building Commissioner	\$1,743.20
Administrative Assistant II	\$15.28
Administrative Assistant	\$14.47
Inspector	\$19.18
Code Enforcement Officer	\$19.18
<b>Personnel:</b>	
Human Resources Director	\$2,081.95
<b>Central Maintenance:</b>	
Mechanic*	\$23.96
<b>City Hall:</b>	
Custodian II	\$13.57
Custodian I (part-time)	\$11.20
<b>Attorney:</b>	
Corporation Counsel	\$3,609.92
Office Manager	\$20.66

<b>MC Transit:</b>	
Director	\$1,910.33
Assistant Director	\$16.44
Driver*	\$17.26
Washer/Custodian*	\$14.75
<b>Engineering:</b>	
City Engineer	\$2,510.54
<b>Human Rights:</b>	
Director	\$2,001.51
<b>Fire Department:</b>	
Chief	\$2,604.97
Deputy Chief	\$2,434.55
Executive Assistant	\$16.00
Administrative Assistant I (part-time)	\$13.41
<b>Police Department:</b>	
Chief	\$2,797.52
Deputy Chief	\$2,614.51
Executive Assistant	\$16.00
Administrative Assistant II	\$15.28
Administrative Assistant	\$14.47
Maintenance Foreman*	\$16.36
Custodian II	\$13.31
Animal Control Officer	\$16.36
Crossing Guard	\$285.06
<b>Central Services:</b>	
Superintendent	\$2,329.59
Administrative Assistant II*	\$14.47
<b>Vector Control:</b>	
Forester/Vector Control Officer	\$1,910.33
Vector Control Assistant	\$16.03
Seasonal Laborer	\$7.39-\$10.35
<b>Street Department:</b>	
Director	\$1,910.33
Operator*	\$17.82
Driver*	\$16.03
Helper*	\$14.26
<b>Barker Civic Center:</b>	
Director	\$1,910.33
Heritage Interpreter (Part-Time)	\$15.00
Seasonal Heritage Interpreter	\$12.54
Seasonal Maintenance Custodian	\$10.98
Seasonal Events Liaison	\$12.54
<b>Aviation:</b>	
Airport Manager	\$2,001.51
Foreman	\$16.44
Laborer (part-time)	\$13.21
<b>Cemetery:</b>	
Superintendent/Sales Manager	\$2,332.61
Assistant Superintendent/Bookkeeper/Office Manager	\$16.44
Administrative Assistant I (Part-Time)	\$13.41
Greenwood Working Foreman	\$16.55
Swan Lake Working Foreman	\$16.55
Mechanic	\$15.14
Laborer/Driver	\$15.14
Administrative Assistant I (Part-Time)	\$13.41
Temporary/Seasonal Laborer	\$7.39-\$9.32
Temporary Secretary	\$12.96

**Park Administration:**

Superintendent	\$2,500.00
Assistant Superintendent	\$2,461.31
Accounts Payable/Receivable Clerk	\$15.02
Payroll/Administrative Assistant	\$13.86
Office Assistant/Events Coordinator	\$13.41
Seasonal Parking Sticker Clerk	\$7.40 - \$9.50
Seasonal Parking Attendant	\$7.40 - \$9.50
Seasonal Assistant Parking Supervisor	\$9.18 - \$12.05
Seasonal Parking Supervisor	\$11.73 - \$15.20
Seasonal Work Study Student	\$8.16 - \$8.77
Seasonal Aquatic Facility Operator	up to \$13.72
Seasonal Assistant Splash Pad Operator	up to \$10.56
Seasonal Oasis Admission Clerk	\$7.40 - \$9.50

**Park Recreation:**

Seasonal Lifeguard	\$10.71 - \$11.62
Seasonal Assistant Head Lifeguard	\$11.73 - \$12.67
Seasonal Head Lifeguard	\$12.50 - \$13.47
Seasonal Playground Leader	\$7.40 - \$9.50
Seasonal Playground Supervisor	\$7.91 - \$10.14
Seasonal Playground Director	\$11.73 - \$15.20
Seasonal Work Study Student	\$8.16 - 10.46

**Park Zoo:**

Director	\$1,910.33
Assistant Director	\$15.75
Retail Manager	\$15.75
Zookeeper I	\$13.73
Education Curator/Zookeeper I	\$13.73
Maintenance	\$8.25 - \$10.72
Seasonal Admission Cashier I	\$7.40 - \$9.50
Seasonal Zookeeper/Laborer I	\$7.40 - \$9.50
Seasonal Zookeeper/Laborer II	\$7.65 - \$9.83
Seasonal Horticulturalist/Groundskeeper	\$7.40 - \$9.50
Seasonal Work Study Student	\$7.40 - \$9.50
Seasonal Train Attendant/Operator	\$7.40 - \$9.50
Seasonal Aviary Attendant	\$7.40 - \$9.50
Seasonal Dietician	\$7.40 - \$9.83

**Park Maintenance:**

Supervisor of Operations	\$19.20
Supervisor of Administration	\$19.20
Foreman	\$16.45
Seasonal Custodian Laborer	\$7.40 - \$10.35
Seasonal Maintenance Laborer	\$7.40 - \$10.35

**Park Senior Center:**

Director	\$1,910.33
Assistant Director – (part-time)	\$9.08 - \$10.90

**Golf:**

Greens Superintendent	\$2,067.55
Assistant Greens Superintendent	\$18.59
Mechanic	\$15.56
Seasonal Pro Shop Manager	Up to \$29,422.51
Seasonal Laborer	\$7.55 - \$10.35
Seasonal Shift Leader	\$8.67 - \$10.35
Seasonal Clerk	\$7.80 - \$10.35
Seasonal Cart Laborer	\$7.55 - \$10.35
Seasonal Cook/Server	\$7.55 - 10.35

**Park Concessions:**

Seasonal Zoo Gift Ship Attendant/Office Assistant	\$8.84 - \$10.57
Seasonal Zoo Gift Ship Attendant	\$7.55 - \$9.50
Seasonal Peacock Concession Attendant	\$7.55 - \$9.50
Seasonal Sandbar Concession Attendant	\$7.55 - \$9.50
Seasonal Castaway Concession Attendant	\$7.55 - \$9.50
Seasonal Patriot Park Concession Attendant	\$7.55 - \$9.50

**Section 2.** The fringe benefit program provided by the City includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees in the following departments: Mayor, Controller, Clerk, Engineer, Personnel, City Hall, Attorney, Planning & Inspection, Cemeteries, Police, Fire, Aviation, Human Rights, Central Services, Vector Control, Street, Transit, Central Maintenance Barker Civic Center, Park and the Promise Scholarship Director. Also included in the fringe benefit program are the following: the City Engineer, who shall maintain a minimum of thirty (30) hours per week as well as serving on or attending the meetings of the Board of Public Works & Safety and Plan Commission; and the Corporation Counsel, who shall maintain thirty (30) hours per week, represent City departments in grievances, participate in all contract negotiations, represent and attend the meetings of the Board of Public Works & Safety, and prosecute ordinance violations.

**Section 3.** For the Animal Control Officer, the fringe benefit program provided by the City includes certification pay at the rate of \$500 per year per certification with a maximum of three (3) certifications to be divided and included with the bi-weekly pay.

**Section 4.** The fringe benefit program is further defined as providing a longevity program for non-contract employees who have worked three (3) or more years continuously in a full-time capacity, the financial increment shall be \$450 for each three (3) years of service to a maximum of \$3,600.

**Section 5.** Personnel who are subject to emergency calls out outside of regular business hours will be provided with a City take-home vehicle. These include public safety personnel (Police and Fire) and one service employee per department per day when their service calls require tools that are carried in the vehicle (Animal Control, Vector Control, Parks & Recreation and Aviation).

**Section 6.** Except for salaries included in Section 8 below, all salaries are annual and shall be paid in equal amounts on a bi-weekly basis over the number of bi-weekly periods in the calendar year. Set salaries are in effect for all payrolls issued in the calendar year governed by this ordinance.

**Section 7.** All salaries and fringe benefits for union workers are subject to the terms, conditions, and limitations specified in the respective labor contracts for the year governed by this ordinance.

**Section 8.** Members of the following boards and commissions shall receive compensation in the amounts listed for that board or commission, payable the following month. Annual Salaries are the maximum amounts to be paid for that position, and the columns below in this Section depict if that position is paid monthly or paid per meeting attended. Council Members and Department Heads who serve on these bodies shall not receive the per diem.

	<u>Annual Per Diem</u>	<u>Monthly</u>	<u>Meeting</u>
<b>Police Civil Service Commission:</b>			
Member	\$ 1,800.00	\$ 150.00	
Secretary	\$ 2,862.00	\$ 238.50	
<b>Board of Public Works &amp; Safety:</b>			
Member	\$ 1,200.00	\$ 100.00	
<b>Board of Cemetery Trustees:</b>			
Member	\$ 1,287.00		\$ 107.25
<b>Licensing Board:</b>			
Member	\$ 300.00		\$ 25.00
Secretary	\$ 600.00		\$ 50.00

Plan Commission:			
Member	\$	600.00	\$ 50.00
Board of Zoning Appeals:			
Member	\$	600.00	\$ 50.00
Fire Merit Commission:			
Member	\$	1,800.00	\$ 150.00
Secretary	\$	2,862.00	\$ 238.50
Historic Review Board:			
Secretary	\$	2,400.00	\$ 200.00
Human Rights Commission:			
Member	\$	600.00	\$ 50.00
Secretary	\$	1,800.00	\$ 150.00
SSAAM Commission:			
Member	\$	600.00	\$ 50.00
Commission Women:			
Member	\$	600.00	\$ 50.00
Tree Board:			
Member	\$	600.00	\$ 50.00
Secretary	\$	2,400.00	\$ 200.00
Fire Pension Board:			
Secretary	\$	2,400.00	\$ 200.00
Police Pension Board:			
Secretary	\$	2,400.00	\$ 200.00
Park Board			
Member	\$	1,800.00	\$ 150.00

**Section 10.** This ordinance shall be in full force and effect after passage by the Common Council and approval by the Mayor.

INTRODUCED BY: \_\_\_\_\_  
 Bryant Dabney, Member  
 Michigan City Common Council

Passed by the Common Council of the City of Michigan City this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
 Sean Fitzpatrick, President  
 Michigan City Common Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
 Duane Parry, Mayor  
 Michigan City, Indiana

ATTEST:

\_\_\_\_\_  
 Gale A. Neulieb, City Clerk  
 Michigan City, Indiana

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR

WHEREAS, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

WHEREAS, the Common Council desires to establish the salary for the Mayor for 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL, as follows:

Section 1. The Mayor of the City of Michigan City shall be paid a bi-weekly salary of \$3,054.22 from the General Fund beginning January 1, 2021. The General Fund is to be reimbursed \$6,000.00 from the Sanitary District Operating Fund to offset the salary of the Mayor.

Section 2. The Mayor will be paid his annual bi-weekly salary based on the number of pays in that year. Said pays are to be issued at the same time as other pays. If the Mayor leaves his position, prior to the expiration of his tenure, he will be required to repay the City for any prepaid salary.

Section 3. The fringe benefit program provided by the City for the Mayor includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees. In addition, the Mayor shall participate in the longevity program provided to non-contract employees and shall receive a financial increment of \$450 for each three (3) years of full-time service to a maximum of \$3,600.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any Necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: \_\_\_\_\_,  
Bryant Dabney, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2021 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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

*Prepared by Corporation Counsel upon Request*

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE SETTING THE ANNUAL SALARIES FOR  
THE COMMON COUNCIL MEMBERS**

**WHEREAS**, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

**WHEREAS**, the Common Council now desires to set their annual compensation for 2021.

**NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL**, as follows:

Section 1. Each member of the Common Council of the City of Michigan City shall be paid a bi-weekly salary of \$559.73 from the General Fund beginning January 1, 2021.

Section 2. Elected officials will be paid their annual bi-weekly salary based on the number of pays in that year. Said pays are to be issued at the same time as other pays. Elected officials leaving their position, prior to the expiration of their tenure, will be required to repay the City for any prepaid salary.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

**INTRODUCED BY:** \_\_\_\_\_,  
Bryant Dabney, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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

*Prepared by Corporation Counsel upon Request*

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK

WHEREAS, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

WHEREAS, the Common Council desires to establish the salary of the City Clerk for 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL, as follows:

Section 1. The City Clerk of the City of Michigan City shall be paid a bi-weekly salary of \$2,001.51 from the General Fund beginning January 1, 2021. The General Fund is to be reimbursed \$1,000.00 from the Sanitary District Operating Fund to offset the salary of the City Clerk.

Section 2. The City Clerk will be paid her annual bi-weekly salary based on the number of pays in that year. Said pays are to be issued at the same time as other pays. If the City Clerk leaves her position, prior to the expiration of her tenure, she is required to repay the City for any prepaid salary.

Section 3. The fringe benefit program provided by the City for the City Clerk includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees. In addition, the City Clerk shall participate in the longevity program provided to non-contract employees and shall receive a financial increment of \$450 for each three (3) years of continuous full-time service to a maximum of \$3,600.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: \_\_\_\_\_,  
Bryant Dabney, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2021 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2021

WHEREAS, the salaries for the Fire Department must be set by ordinance, pursuant to IC 36-8-3-3; and

WHEREAS, the City of Michigan City, through the Common Council's Labor Committee and Firefighters Local #475, on behalf of the firefighters of the Fire Department, have previously negotiated a fair and equitable contract for the year 2018-2020 the terms of which continue until a new contract is approved by both the City and Firefighters Local #475.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for the firefighters for the year 2021 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and Firefighters Local #475:

	<u>Bi-Weekly</u>
Probationary Firefighter	\$ 1,535.38
1st Class Firefighter- (45 yrs)	\$ 2,076.92
Firefighter	\$ 1,707.92
Driver	\$ 1,810.38
Lieutenant	\$ 1,919.03
Captain	\$ 2,034.17
Fire Marshall	\$ 2,242.65
Training Officer	\$ 2,242.65
Assistant Chief	\$ 2,156.23
Public Information Officer	Base Pay + \$1,000

Section 2. Set salaries are in effect for all payrolls issued in the calendar year governed by this ordinance.

This Ordinance to be effective upon passage by the Council, approved by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: \_\_\_\_\_,  
Bryant Dabney, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2021

WHEREAS, the salaries for the Police Department must be set by ordinance, pursuant to IC 36-8-3-3; and

WHEREAS, the City of Michigan City, through the Common Council's Labor Committee and the Indiana F.O.P. Labor Council, Inc., on behalf of the officers of the Police Department, have negotiated fair and equitable salaries for the year 2020—2021, the terms of which continue until a new contract is approved by both the City and the Indiana F.O.P. Labor Council, Inc.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for the Police officers for the year 2021 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and the Indiana F.O.P. Labor Council, Inc.:

	<u>Bi-Weekly</u>
Probationary Patrolman	\$ 1,667.07
Patrolman	\$ 1,798.20
1 <sup>st</sup> Class Patrolman-(47 years service)	\$ 2,076.92
Corporal	\$ 1,906.08
Sergeant	\$ 2,020.47
Lieutenant	\$ 2,141.69
Captain	\$ 2,270.21

Section 2. Set salaries are in effect for all payrolls issued in the calendar year governed by this Ordinance.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: \_\_\_\_\_

Bryant Dabney, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel upon Request

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**ADOPTING POLICY TO ALLOW 5% OF RIVERBOAT FUNDS TO BE USED TO  
FUND THE CITY’S OPERATING EXPENDITURES FROM THE GENERAL FUND  
AND  
DEDICATING 50% OF RIVERBOAT REVENUES TO INCREASE THE RAINY DAY  
FUND BALANCE UP TO A MINIMUM OF \$6 MILLION DOLLARS**

**WHEREAS**, in the past, the Common Council has passed several Ordinances limiting percentage of Riverboat revenues that could be used for the City’s normal and routine operating expenses paid from the City’s General Fund; and

**WHEREAS**, in the past, the Common Council passed Ordinance No. 4285 creating a Rainy Day Fund for the City the terms and conditions of which Ordinance is now codified in Section 2-402 of the Michigan City Municipal Code; and

**WHEREAS**, due to the dire financial condition of the City resulting from adverse impact on City revenues, including, but not limited to, Riverboat revenues, from the COVID-19 pandemic, City expenditures exceeding City revenues in prior years, and the lack of any long range financial planning by the City to prepare for such adverse financial situations, the Common Council finds that it is in the best interest of the City to take prompt action to require substantial and effective steps be taken to improve the financial status of the City and prepare it for adverse financial circumstances that occur in the future; and

**WHEREAS**, the Common Council finds that creating a substantial balance in the City’s Rainy Day Fund, funded on an ongoing basis with a part of the Riverboat revenues it receives, is essential to the future financial viability of the City; and

**WHEREAS**, the Common Council finds that strictly limiting the amount of Riverboat revenues that can be used for the City’s normal and routine operating expenses paid from the City’s General Fund is necessary to allow the proper balance to be achieved in the Rainy Day Fund as soon as reasonably possible.

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

**SECTION 1:** For purposes of the City’s 2021 and succeeding years’ budgets for General Fund operating expenditures, no more than 5% of Riverboat funds received by the City may be used for normal and routine operating expenses in preparing the City’s Budgets for the General Fund.

50 % of Riverboat funds received by the City shall be deposited as they are received into the City’s Rainy Day Fund until the balance in that Fund reaches at least \$6 Million.

The remainder of the Riverboat funds received by the City, including income from investment thereof, shall be reserved for capital expenditures for capital improvement and development projects in the City.

**SECTION 2:** For purposes of this Ordinance, “capital expenditures” and “operating expenses” shall be defined as stated in Exhibit 1 which is attached hereto and incorporated herein.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

**INTRODUCED BY:** \_\_\_\_\_,  
Sean Fitzpatrick, President  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
City of Michigan City

ATTEST:

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City

*Prepared by Council Attorney Upon Sponsor Request*