

REGULAR “ZOOM” MEETING – February 1, 2022

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, February 1, 2022, at the hour of 6:30 p.m., Hosted by “Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by Council President Angie Nelson Deutch.

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

PRESENT: COUNCIL MEMBERS Bryant Dabney, Sean Fitzpatrick, Michael Mack, Angie Nelson Deutch, Paul Przybylinski, Gene Simmons, Dalia Zygus, Don Przybylinski, and Tracie Tillman (9).

ABSENT: COUNCIL MEMBERS None (0).

President Deutch stated that we are still under the Governor’s Executive Order, and we still have our City Executive Order

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Attorney Meyer and Gale Neulieb City Clerk

APPROVAL OF MINUTES

President Deutch inquired whether there were any deletions, additions or corrections to the “Zoom” meeting held on January 18, 2022, that will be approved this evening; there was no response.

Councilman D. Przybylinski made a motion to approve the minutes of the Hybrid/Zoom meeting held on January 18, 2022, a second was made by Councilman P. Przybylinski.

The January 18, 2022 minutes were approved by the following vote: **AYES:** Council members Paul Przybylinski, Zygus, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygus (9). **NAYS:** None (0).

REPORTS of STANDING COMMITTEES

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

FINANCE REPORT

President Deutch asked if there was a finance committee meeting held.

Finance Chair Tillman present the following minutes that was held on January 28, 2022:

Call to order

Called Michigan City Finance Committee at 11:00 a.m. on January 28th, 2022 held via: zoom.

Roll call

Tracie Tillman, Chair conducted a roll call. The following persons were present:

Tracie Tillman, Council Sean Fitzpatrick, Council

Paul Przybylinski, Council a quorum was present; also in attendance

Yvonne Hoffmaster, City Controller

Angie Deutch, Council Jeff Wright, City Engineer

Bryant Dabney, Council Kaleb, IT

Approval of minutes from last meeting

Regular Meeting Held 1/13/2022 (cancelled)

Open issues

Review claims in Fund No. 2031 Boyd Development

Review claims in Fund No. 2042 - Riverboat

New business

Discuss the MVH and Local Roads and Streets Fund

Minutes

Finance committee did not make recommendation for the

Councilman Przybylinski addressed Controller Hoffmaster for clarification regarding Claims - Fund 2031 Boyd Development EFT \$120,000.00 (Special Event). Was an enabling ordinance passed? Controller Hoffmaster said, City Council passed an ordinance on how these funds will be used and itemized. Controller Hoffmaster was asked to provide said Ordinance to all the Council prior to next council meeting; 2/1/22. Controller Hoffmaster provide "Ordinance 4596 Creating Section 2-411 in Chapter 2 Of the Michigan City Municipal Code to Establish A Restricted, Non-Reverting City-Sponsored Special Events Funds" to council on 1/31/22.

Tillman, addressed Controller Hoffmaster for clarification regarding Claims – Funds 2042 Riverboat \$19,711.83. Councilwoman Tillman, questioned the amount for the purchase of a 2019, 2100C Sidewalk Snow Vehicle (SSV) the city purchased from Dan's Landscaping & Lawn Maintenance, Inc. It was conveyed by Councilman Don Przybylinski that he had been in communications with Dan of Dan's Landscaping & Lawn Maintenance the (SSV) and was told by Dan it was being sold to the City for \$12,000.00. Also during a conversation with the Mayor Councilman Don Przybylinski said that Dan quoted to the Mayor \$12,000.00 to purchase the (SSV). The Controller was asked why is there a \$7,000.00 difference? The Controller said it was for a main piece equipment for the tractor. The Controller said it's on the invoice. According to the invoice provided to the finance committee it did not mention additional parts just the (SSV). Controller Hoffmaster was asked to find out what all did the invoice include?

The Controller was asked if the City purchasing policy was applied and if so, where are the three quotes due to the purchase was over \$15k? The Controller said that she will have Shong to provide this information to the Council.

Tillman, asked why is these funds coming from the Riverboat and not from the Street Department budgeted line item? Controller Hoffmaster, said there is no money appropriated for equipment its budget out of the Riverboat.

Councilman Paul Przybylinski, agreed that the funding for the (SSV) should be coming out of the Street Department funds and that he is not in favor of taking funds from Riverboat or Boyd Development; when there is extra money that can be utilized from other City funds.

Information to be available to the council prior to 2/1/22 Council Meeting.

MVH and Local Road Funds

Councilman Paul Przybylinski reviewed the information regarding the MVH and Local Roads MVH Restricted provided by Controller Hoffmaster per council request. more actual balance \$593,000.00 Will this balance pay the 2nd matching fund for the Community Crossing Grant? Controller said she spoke with INDOT and found out the morning of 1/28 that we will have to forfeit the grant money because some of the procedural was not done right. City Engineer, Jeff Wright was asked by Tillman to elaborate on what was the procedural process that was not implemented. Please refer to Access Laporte County for full explanation.

Mrs. Deutch asked Mr. Wright do we have check list of items process? Is it just a timing issue and the process just worked itself out for prior grant? This is a financial control issue. Mr. Wright Was asked if there is an internal control in place now?

Councilman Dabney asked if there is a FAQ? Mr. Wright did acknowledge that he did read the FAQ and hold himself accountable of the oversight.

Councilman Sean Fitzpatrick asked the question, is there a process outside of the Controller and City Engineer where the Corporate Council can review or are they not involved in the process?

Controller, asked that all emails and communication be forwarded to her office, since they have internal control in place. A portion of the outstanding invoice ; the grant money and has already been paid out to Reith & Riley.

Mr. Dabney said that we paid the match and now have to pay the grant.

Mrs. Deutch clarified that the control that we know that something has been submitted and how much that grant so that it is know how much needs to be appropriated.

Councilwoman Deutch recommended that the Controller and Finance Chair conduct a standing committee prior to all finance committee meetings. Councilwoman Deutch recommended that any ordinances and/ or resolutions dealing with finances should be included, discussed w/supporting documentation during our finance meeting.

Mrs. Deutch asked that Controller Hoffmaster if prepared to discuss the two Resolutions, yes. The ETA Grant and the Encumbrance.

Controller Hoffmaster addressed Barker Mansion transferred back to the Barker family a little over \$4000,000.00 of a cash balance at the end of the year; and a Resolution is needed from the council saying that these funds are dormant. These funds would go back to the general fund.

President Deutch advised that we did receive some communication from Controller Hoffmaster in reference to questions asked during the Finance meeting; stating that there was a lot went on during that meeting asking if there were any comments from any of the Council members.

Councilman Dabney stated that there was no recommendation at the Finance Committee meeting; asking if the additional information that we received from Controller Hoffmaster is enough information in order to make a recommendation this evening.

Councilwoman Tillman advised that she did not receive any supporting documentation in regard to the invoice for the SSV in the amount of \$19,711.83; asking Councilman D. Przybylinski to address the Council regarding the additional \$7,000 added to the original price.

President Deutch stated that we will move on to the Claim Docket and address any other questions or comments then.

Councilman D. Przybylinski stated that he had a discussion with the Mayor and Councilwoman Tillman; advising that the original purchase was \$12,000 but the additional snowblower that goes along it brought the invoice up to \$19,711.83.

Councilman D. Przybylinski questions that according to the City’s Purchasing requirement we need to get quotes for a small purchase that deals with capital equipment under \$50,000 there must be at least two (2) quotes before being able to purchase the equipment.

Mayor Parry addressed the Council regarding the purchase of the snow equipment purchased from Dan’s Landscaping; advising that they have received three quotes and that the purchase that was made from Dan’s Landscaping will be going to the Board of Public Works on Monday February 7, 2022, as an “Emergency Purchase” for their approval.

Controller Hoffmaster agreed with the mayor stating that she pulling all the documents together to get the “Emergency Purchase” on the Board of Public Works and Safety meeting Monday February 7, 2022.

Councilman D. Przybylinski asked Controller Hoffmaster to forward the quotes to everyone on the Council for their review.

President Deutch advised that the Council did receive a copy of Sec.2-411 of Chapter two that established to restrict it non reverting fund for special events that was introduced by Bryant Dabney and passed on August 5, 2021.

CLAIMS DOCKET

President Deutch read the following claims for the record.

February 1, 2022, Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims	\$	19,711.83
EFT	\$	00.00
Fund #2031 – Boyd – Claims-	\$	120,000.00
TOTAL CLAIMS	\$	139,711.83

President Deutch asked if the Council had any questions regarding the claim docket, there was no response.

A motion was made to approve the Riverboat/Boyd claims from February 1, 2022 by Councilman Don Przybylinski, second by Councilman Mack.

The motion was approved by the following vote: **AYES:** Council members Dabney, Mack, Deutch, D. Przybylinski and Simmons (6). **NAYS:** Tillman, Fitzpatrick, and P. Przybylinski (3).

President Deutch advised as we move forward on claims we’ll do each fund separately on the vote instead of grouping them together.

REPORTS OF SPECIAL or SELECT COMMITTEES

President Deutch asked if there were any reports of Special or Select Committees, there was no response.

REPORTS of OTHER CITY OFFICERS AND DEPARTMENTS

President Deutch asked if there were any reports of Other Officers and Departments, there was no response.

President Deutch advised that at our next Council meeting on February 15, 2022 MCPD Chief Campbell will be presenting crime statistics.

Mayor Parry reported on the upcoming heavy snowfall that is predicted in our community; stating that he met with all key department heads, laying out an emergency snow removal plan for the next 36 hours; starting tomorrow the Senior Center will be closed as well as parking lots in Washington Park.

President Deutch asked if there were any other reports of other city officer and departments.

Jeff Wright, City Engineer as stated in the Finance Committee meeting minutes held on January 28, 2022 he attended and tried to explain the best he could what happened regarding the Community Crossing Grant and would like to explain in detail if anyone would want; reiterating the grant is entirely on my table, missing a procedural detail with Michigan City having to forfeit \$450,000 of the funds that we were awarded; apologizing and that the fault is his.

Mr. Wright advised that he had a conversation today with the Mayor and he is willing to accept my resignation, but thought it would be best to get a reaction from the Council regarding that.

President Deutch advised that she did see some items on the Board of Public Works and Safety meeting Monday February 7, 2022, some internal control to be put in place.

Discussion ensued between Council members D. Przybylinski, Dabney, P. Przybylinski, regarding Mr. Wrights comments about his error that was done regarding the Community Crossing Grant

President Deutch stated that she doesn't believe it's up to the Council to deal with resignations but up to the administration.

Mayor Parry commented on the conversations he had with Mr. Wright today; stating that he did not direct Mr. Wright to resign and that he wouldn't fire him either and that this mistake was made by inexperience of not working within the government sector.

PETITIONS

President Deutch asked if there were any petitions.

Clerk Neulieb advised there were no petitions this evening.

COMMUNICATIONS

President Deutch asked if there were any communications this evening.

Correspondence was received in the Clerk's Office on January 18, 2022, from Harris Law Firm P.C. regarding their letter of interest to serve as the Michigan City Common Council Attorney

Correspondence was received in the Clerk's Office on January 21, 2022, from Gidget Griffin regarding the Gun Violence Prevention Committee

Correspondence was received in the Clerk's Office on January 21, 2022, from City Controller Hoffmaster regarding the available funds in the MVH and Local Roads and Street funds

Correspondence was received in the Clerk's Office on January 25, 2022, regarding staffing issues at the Washington Park Zoo

Correspondence was received in the Clerk's Office on January 26, 2022, from Mr. Rodney McCormick regarding the request to change the Social Status of African American Males organization representative for their commission from "Ministerial Association" to "Northwest Indiana Minister's Association".

Correspondence was received in the Clerk's Office on January 25, 2022, from Pastor Kimberly Williams regarding serving on the Social Status of African American Males Commission representing Northwest Indiana Ministers Association

President Deutch advised that there is an Executive Session scheduled on February 3, to interview Harris Law Firm and consider them as the Council Attorney.

RESOLUTIONS

The Clerk read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4827

AMENDING RESOLUTION NO. 4737

AUTHORIZING PETTY CASH AND CASH CHANGE FUNDS

WHEREAS, Indiana Code No. 36-1-8-2 authorizes the Common Council to establish cash change funds for officers and employees who collect cash revenues on behalf of the City;

WHEREAS, Indiana Code 36-1-8-3 authorizes the Common Council to establish petty cash funds for City offices; and

WHEREAS, the Common Council previously authorized cash change/petty cash funds through Resolution No. 4063 and 4074, as amended by Resolution Nos. 4132, 4283, 4290, 4396, 4456, 4486, 4533, 4706 and 4737; and

WHEREAS, with the increase in the parking fees at Washington Park and the removal of the Barker Civic Center from the City an amendment is necessary.

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

Section 1. Authorized cash change/petty cash funds, amounts and custodians are established as follows:

Department	Custodian	Amount
Aviation	Airport Manager	\$250.00
Central Services	MC Transit Director	\$50.00
Controller	City Controller	\$100.00
Fire	Fire Chief	\$50.00
Greenwood Cemetery	Cemetery Superintendent	\$150.00
Swan Lake Cemetery	Cemetery Superintendent	\$40.00
Golf	Director of Golf	\$1,000.00
Park Department	Park Superintendent	\$100.00
Park Department – Washington Park Parking	Assistant Park Superintendent	\$7,000.00
Park Department – Parking Stickers	Assistant Park Superintendent	\$75.00
Park Department – Recreation	Park Superintendent	\$300.00
Park Department – Oasis Concessions	Zoo Retail Manager	\$600.00
Zoo Admissions	Zoo Retail Manager	\$1,000.00
Zoo Concessions – Peacock Café	Zoo Retail Manager	\$1,000.00
Zoo Gift Shop – Treehouse	Zoo Retail Manager	\$1,000.00
Police	Police Chief	\$100.00
Planning & Inspection	Plan Director	\$200.00

Section 2. The City Controller is authorized to issue each custodian a check as required to meet the above cited amounts and written procedures for the use and documenting the use of the petty cash funds.

Section 3. The entire cash change/petty cash fund shall be returned to the Department's Fund whenever there is a change in the custodian of the fund or the fund is no longer needed, and the City Controller shall verify the accuracy of the accounting for the fund at that time.

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

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

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

Councilwoman Zygas advised that this is to give each of the entities within the City Departments enough change so they don't have to keep running back and forth to the bank to get change.

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

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

Councilman D. Przybylinski questioned why the change for Washington Park parking beginning balance is \$7,000.00.

Councilwoman Zygas advised since parking has been raised to \$15.00 the parking attendance go through five-dollar bills very quickly.

President Deutch asked if there were any additional questions from the Council, there was no response; advising this is a resolution asking for a motion.

Councilman D. Przybylinski made a motion to approve the proposed resolution, second by Councilman Dabney.

The resolution was adopted by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, and Tillman (9). **NAYS:** None (0).

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION **4828**

APPROVING THE YEAR 1 PERFORMANCE GUARANTEE SAVINGS REPORT FROM ENERGY SYSTEMS GROUP

WHEREAS, on November 20, 2018 the Common Council, on behalf of the City of Michigan City, pursuant to IC 36-1-12.5-1, et seq., approved a guaranteed savings contract with Energy Systems Group (ESG) to install and construct numerous improvements to City facilities to improve their energy efficiency and operations (Project); and

WHEREAS, the Council approved an amendment to that ESG contract to add solar panel installations at several City facilities to the Project; and

WHEREAS, under the terms of the ESG contract, including the amendment thereto, ESG guaranteed a level of energy and operational savings would result from implementation of the Project, as amended; and

WHEREAS, as required by its contract, on or about June 30, 2021 ESG submitted its report verifying that the annual guaranteed energy and operational savings amounts for the Project for the first year after final acceptance of the Project by the Council was achieved (Report); and

WHEREAS, the City Engineer has reviewed the ESG Report and on January 1, 2022 submitted to the Common Council his written determination, a copy of which is attached hereto as Exhibit A, that the Report showed that the first-year savings the City experienced from the Project met ESG's contractual guarantee and recommended that the Common Council accept the Report; and

WHEREAS, based on the contents of the ESG Report and the recommendation of the City Engineer, the Common Council finds that it should approve the ESG Report as submitted.

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

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. It approves the ESG Year 1 Performance Guarantee Savings Report dated June 30, 2021.

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

INTRODUCED BY: /s/ Don Przybylinski, Member

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

Councilman D. Przybylinski read the following proposed resolution in its entirety:

**APPROVING THE YEAR 1 PERFORMANCE GUARANTEE SAVINGS REPORT
FROM ENERGY SYSTEMS GROUP**

WHEREAS, on November 20, 2018 the Common Council, on behalf of the City of Michigan City, pursuant to IC 36-1-12.5-1, et seq., approved a guaranteed savings contract with Energy Systems Group (ESG) to install and construct numerous improvements to City facilities to improve their energy efficiency and operations (Project); and

WHEREAS, the Council approved an amendment to that ESG contract to add solar panel installations at several City facilities to the Project; and

WHEREAS, under the terms of the ESG contract, including the amendment thereto, ESG guaranteed a level of energy and operational savings would result from implementation of the Project, as amended; and

WHEREAS, as required by its contract, on or about June 30, 2021 ESG submitted its report verifying that the annual guaranteed energy and operational savings amounts for the Project for the first year after final acceptance of the Project by the Council was achieved (Report); and

WHEREAS, the City Engineer has reviewed the ESG Report and on January 1, 2022 submitted to the Common Council his written determination, a copy of which is attached hereto as Exhibit A, that the Report showed that the first-year savings the City

experienced from the Project met ESG's contractual guarantee and recommended that the Common Council accept the Report; and

WHEREAS, based on the contents of the ESG Report and the recommendation of the City Engineer, the Common Council finds that it should approve the ESG Report as submitted.

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

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. It approves the ESG Year 1 Performance Guarantee Savings Report dated June 30, 2021.

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

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

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

Councilwoman Zygus questioned about how many years of these reports there will be, and did they guarantee that we're going to be saving money.

Councilman D. Przybylinski stated that he believes were going to be saving money and that this is at least a 15-year project.

Councilman P. Przybylinski asked if this project was financed by a bond issued and the saving would pay for itself over the term of the bond that was issued.

Discussion ensued between Councilman D. Przybylinski and Councilman P. Przybylinski regarding the monies coming from the Riverboat for this project and a resolution being created to put these monies back from the savings of this project.

Attorney Meyer stated that the project was not funded by Riverboat funds, it was funded by too low interest loans from the subsidiary of Bank of America and this project is for eighteen (18) years over which this loan would be paid back and that there is actually two loans another was added at the time of an amendment; the guaranteed amount is not a million dollars a year, that he doesn't recall the amount but it's not cash that is saved and given to the city in a check; stating in any event, the amount the city saves would be sufficient to cover the cost of paying those loans and that the report filed in the Clerk's office gives great detail about where the savings were and how they calculate the savings.

President Deutch asked if the Council had any additional questions, there was no response.

Councilman Simmons made a motion to adopt the proposed resolution, second by Councilman D. Przybylinski.

The proposed resolution was adopted by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, and Dabney (9). **NAYS:** None (0).

The read the following proposed resolution by title only,

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4829

APPROVING SUBMISSION OF APPLICATION FOR A GRANT FOR THE CITY OF MICHIGAN CITY FROM THE U. S. ECONOMIC DEVELOPMENT ADMINISTRATION & SUPPORTING THE LOCAL MATCH FOR SAID GRANT

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

WHEREAS, the City of Michigan City is required under IC 36-4-3-13(d)(4) to provide municipal services, water and sewer, within three (3) years of annexation; and

WHEREAS, the City of Michigan City intends to submit a grant application seeking funding through the Economic Development Administration for the extension of infrastructure, specifically water and sewer, to the 2020 annexed property on the eastside of City; and

WHEREAS, the City of Michigan City is requesting a commitment to match 20% - 50% of the project cost that is estimated to be \$1,400,000 - \$3,500,000 and assurance the funds will be committed to this project, available, and unencumbered; and

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

1. **Name of grantor and grant title:** Economic Development Administration FY 2021 American Rescue Plan Act Economic Adjustment Assistant (80/20) Grant or Economic Development Administration Public Works Assistance (50/50) Grant.
2. **Why it is beneficial to the City to apply for this grant:** This grant will allow the City to water and sewer to the annexed property and allow for further development.
3. **The purpose of the grant and the proposed use of grant funds:** This grant will be used to extend water and sewer infrastructure to the annexed property on the eastside of City.
4. **The person who will be responsible for managing the grant for the City:** Yvonne Hoffmaster, City Controller through Baker Tilly.
5. **All relevant time frames and schedule, including any deadlines for submitting the application and closing out the grant:**
The deadline for submitting grant is March 31, 2022.
6. **The amount of any required or proposed City monetary match or voluntary contribution and the proposed source for the matching funds and contributions:**
Depending on which grant is accepted by the EDA, will determine if the match is 20% or 50% of the project cost. ARPA and/or Riverboat funds could be considered for this grant match.
7. **The description of the types and sources of any in-kind match or contribution:** NA
8. **Whether the Controller wishes to have a new, separate fund created for the grant:** No, the Controller does not wish to have a new, separate fund created for the Grant. A separate grant fund has previously been established and this Grant will run through that existing fund.

NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY, INDIANA COMMON COUNCIL AS FOLLOWS:

1. The aforementioned “Whereas” sections are incorporated herein as if fully set forth herein.
2. The Michigan City Common Council approves the submission of the Economic Development Administration Grant and supports and commits funding the local match for said Grant.

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

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

President Deutch relinquished the Chair to Council Vice President D. Przybylinski.

Councilwoman Deutch stated the proposed resolution is for a grant application seeking funding to the FDA, the Economic Development and administration for the extension of infrastructure of water and sewer to the 2020 annexed property on the east side of the city and Michigan City is requesting a commitment to match 20 to 50% of the project cost which is estimated to be at 1.4 to 3.5 million dollars; explaining the process of how these grants would work when received.

President Deutch asked if there was anyone from the public that wished to speak on the proposed ordinance, there was no response.

President Deutch asked anyone from the Council had any questions or comments.

Discussion ensued between President Deutch and Councilman P. Przybylinski questioning the grant applications; the Economic Development Administration and the American Rescue plan being an 80/20 match; discussing the ETA Public Assistance Grant being a 50/50 match.

Controller Hoffmaster stated as it was explained at the “Zoom” meeting with ETA Clarence Hulse and Baker Tilly as the FDA advised us, we submit an application; if they find that the application doesn’t fit one of these grants, they will move it some other place, which gives us a broader spectrum and a better chance of winning some funds and is why this resolution is in front of the Council today and is required.

Controller Hoffmaster advised Councilman P. Przybylinski that a grant would be awarded from six to ten months after it is submitted.

Councilwoman Zygus stated that any time there is an opportunity to get a grant; advising she is all for it that we need to get the sewers out to the east side of town.

Councilwoman Zygus made a motion to adopt the proposed resolution, second by Councilman P. Przybylinski.

Councilman D. Przybylinski questioned if the City is requesting a commitment of a 20/50 match to do this project which advising the amount of the project is from 1.42 to 3.5 million dollars; where is the city going to find the financing.

President Deutch advised in No. 6 of the proposed resolution it states depending on which grant is accepted ARPA and or Riverboat funds could be considered.

Councilman P. Przybylinski removed his motion to second the proposed resolution; advising that he feels that we should consider using TIF monies for the grant match.

Councilman Mack made a motion to second the proposed resolution.

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

The proposed resolution was adopted by the following vote: **AYES:** Council members Mack, Deutch, Simmons, Zygus, Tillman, Dabney, and Fitzpatrick (7). **NAYS:** Council members D. Przybylinski and P. Przybylinski (2).

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4830

DETERMINING THAT FUNDING FOR CERTAIN OUSTANDING PURCHASE ORDERS SHOULD BE ENCUMBERED AND AUTHORIZING THE CITY CONTROLLER TO ENCUMBER SUCH FUNDS

WHEREAS, the City of Michigan City, is an Indiana municipal corporation governed by its duly elected Mayor and City Council; and

WHEREAS, the Council has the authority and duty to maintain and oversee the fiscal operations of the City and to reconcile the City's financial and budgetary records; and

WHEREAS, the City of Michigan City has outstanding purchase orders in various funds that the services or products have not yet been paid as listed in Exhibit A; and

WHEREAS, in order to complete certain projects, programs, or purchases using funding set aside in previous fiscal years, and in order to be consistent with Indiana law and Indiana Department of Local Government Finance (DLGF) procedures, the encumbrances must be authorized by a resolution adopted by the Common Council and approved by the Mayor; and

WHEREAS, the City Controller of the City of Michigan City, Indiana recommends the approval of the various services or products that have not yet been paid for as listed in Exhibit A.

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

Section 1. That those certain City purchase orders identified in Exhibit A, which is attached hereto and made a part hereof, are hereby approved.

Section 2. The City Controller of the City of Michigan City is hereby directed to encumber the funding for said purchase orders in the appropriate accounts.

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

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

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

President Deutch asked Controller Hoffmaster to elaborate on this proposed resolution.

Controller Hoffmaster addressed the Council advising that these are encumbered purchase orders from the ARPA fund that we encumbered from the money that the council allocated last year from the ARPA fund, along with two Riverboat purchase orders also on there; stating the total amount we're asking to encumber is \$1,959,714.02 and is also a requirement from the DLGF.

President Deutch advised that there is an Exhibit "A" attached to the proposed resolution listing the encumbered items.

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

Councilman Dabney questioned about the MCPD fleet of vehicles in the amount \$415,000 that this purchase was at the beginning of the year; asking why we still haven't been executed before now.

Councilwoman Hoffmaster advised the first lease was paid out of the police departments operating fund and was executed in 2021 late spring; stating that these are eight (8) additional vehicles that the council approved in the ARPA plan.

Discussion ensued between Controller Hoffmaster and Councilman D. Przybylinski advising where the monies are coming from ARPA to pay the outstanding purchases and two of the invoices are coming from the riverboat fund, which the council appropriated in 2021.

Councilman P. Przybylinski commented on these thoughts regarding the MCPD vehicle fleets that they will need additional vehicles in 2022; stating that the County Council is sending a document to all taxing entities on getting a position on the tax that they're proposing for public safety; advising that this won't be generating any monies for at least a couple years.

Councilman P. Przybylinski asked if this resolution is adopted can this money that we allocate from the ARPA monies be regenerated back into the ARPA fund to pay for other things.

President Deutch asked if this money can be taken from our budget and be replenished.

Controller Hoffmaster stated that she would have to inquire about Councilman P. Przybylinski question and will get back to the Council.

Attorney Meyer stated that if the monies are not spent then it stays in the ARPA fund. That this resolution authorizes the monies to be spent from the ARPA fund.

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

Councilman Dabney made a motion to approve the proposed resolution, second by Councilman D. Przybylinski.

The proposed resolution was adopted by the following vote: **AYES:** Council members, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, and Mack (9). **NAYS:** None (0).

The Clerk read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4831

TRANSFERRING THE UNUSED AND UNENCUMBERED BALANCE IN THE BARKER CIVIC CENTER FUND 2070 TO THE GENERAL FUND AND CLOSING THE BARKER CIVIC CENTER FUND 2070

WHEREAS, June 15, 2021, the Michigan City Common Council passed Resolution #4809 entitled “*Supporting the Return of the Barker Mansion to the Barker Welfare Foundation,*” which supported the return of the Barker Mansion to the Barker Welfare Foundation; and

WHEREAS, following the passage of Resolution #4809, on June 21, 2021, the Michigan City Board of Public Works & Safety passed Resolution #2822 entitled “*Authorizing the Return of the Barker Mansion to the Barker Welfare Foundation,*” which approved the transfer of the Barker Mansion to the Barker Welfare Foundation; and

WHEREAS, on July 6, 2021, the Barker Mansion was transferred to the Barker Welfare Foundation; and

WHEREAS, funds in the amount of \$408,571.48 still exist in the Barker Civic Center Fund 2070; and

WHEREAS, the City Controller’s Office has advised that all financial obligations of this Fund have been satisfied, the cash balance of this Fund have not been appropriated, and the Fund has become dormant; and

WHEREAS, IC 36-1-8-5 allows for any unused and unencumbered fund balance whose purpose has been fulfilled to be transferred to the General Fund (#1001).

NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY, INDIANA COMMON COUNCIL AS FOLLOWS:

1. The aforementioned “Whereas” sections are incorporated herein as if fully set forth herein.
2. The purpose of the Barker Civic Center Fund #2070 has been fulfilled and there remains an unused and unencumbered balance of \$408,571.48 in this Fund.
3. The City Controller is authorized to transfer the remaining unused and unencumbered balance in the Barker Civic Center Fund #2070 to the General Fund #1001 and close the Barker Civic Center Fund #2070.

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

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

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

President Deutch asked if the sponsors had any comments.

Councilman Dabney advised that all we are doing is going to shifting the Barker Civic Funds in the amount of \$408,571.48 and put it in our General Fund for the City.

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

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

Discussion ensued between Controller Hoffmaster and Councilman P. Przybylinski regarding the history of the \$408,571.48 that is being transferred to the general fund.

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

Councilwoman Zygas made a motion to adopt the proposed resolution, second by Councilman D. Przybylinski.

The resolution was adopted by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack and Deutch (9). **NAYS:** None (0).

The Clerk read the following proposed ordinance on first reading by title only.
CREATING SEC. 2-327 IN THE MICHIGAN CITY MUNICIPAL CODE TO BE KNOWN AS THE "POLICY" AND PROCEDURE FOR DECLARING BAD DEBT UNCOLLECTIBLE"

Introduced by: Angie Nelson Deutch

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

President Deutch asked Controller Hoffmaster to explain the policy change.

Controller Hoffmaster stated that before we can write off any outstanding invoice we need to have a "bad debt" policy and that is what this proposed ordinance is doing is creating bad debt policy in a section of our Muni code to be able to write off a bad debt.

President Deutch asked if the Council had comments or questions.

Councilmen Dabney and D. Przybylinski asked to be added as Co-sponsor.

President Deutch asked if there were any additional comments from the Council, there was no response; stating that the proposed ordinance will be held over to second reading at the February 15, 2022, Council meeting.

The Clerk read the following proposed ordinance on second reading by title only.
CREATING SEC. 2-326 IN THE MICHIGAN CITY MUNICIPAL CODE TO BE KNOWN AS THE "CAPITAL ASSET POLICY"

Introduced by: Angie Nelson Deutch

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

President Deutch asked Controller Hoffmaster to address the Council regarding the "Capital Asset Policy"

Controller Hoffmaster advised that the City has a current capital asset policy but felt that it needed to be updated and put in our muni code and also stating that it also needed to be updated due to new rules and regulations received from the State Board of Accounts.

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

Councilman Dabney asked to be added as a Co-sponsor.

President Deutch asked if there were any other comments, there was no response; stating that the proposed ordinance will be held over to second reading on our February 22, 2022, Council meeting.

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

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF
PARK CONCESSION FUND FOR THE ZOO BIG CAT EXHIBIT EXPANSION
PROJECT**

Introduced by: Dalia Zygas

(DECREASE Park Concession Fund 2053 Unappropriated balance \$182,000.00 INCREASE ACCOUNT#2053 000 444.050 \$182,000.00 Capital Outlay – Improvements Other than Buildings)

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

Councilwoman Zygas did a presentation advising why she is bringing the proposed additional appropriation to the Council, status of full time employees, annual attendance to the zoo and zoo parking fees for last few years

(NOTE: President Deutch asked that if anyone on the Council is going to do a presentation to please let her know in advance.)

President Deutch asked if there were anyone from the public that wish to speak at this time, there was no response.

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

Councilman D. Przybylinski asked to be added as a Co-Sponsor.

Councilman D. Przybylinski stated that he was alarmed about the inspection report we received from the Federal Government in 2019 (Zoological Association of America); advising one of the concerns of that inspection team was the inadequate staffing at the Washington Park Zoo and that the staff is not adequate for the size and composition of their animal collection; stating several other issues and concerns they had.

Councilman D. Przybylinski asked if we knew there were these issues back in 2019; why are they just being addressed in 2022, this is putting the zoo staff in harm's way by not having the zoo adequately staffed, knowing this was an issue; stating that this should have been brought to the Council in 2019 to get this staff up to where the requirements are required by the Federal Government; asking the Council to move forward appropriate monies to get the matter taken care of.

President Deutch stated that these comments go hand in hand with the next proposed ordinance, but at this time we are addressing the additional appropriation of \$182,000.00 for the Zoo Big Cat Exhibit.

President Deutch asked to also be a Co-Sponsor.

Councilman Dabney asked to be a Co-Sponsor as well.

Councilwoman Zygas stated that the financing has to do with both of these proposed ordinance but we really need to finish up on the Big Cat Exhibit project.

Councilman P. Przybylinski asked since this is a Capital project was there any discussion to use TIF money; advising that the TIF area encompasses all of Washington Park and our beach areas, that this council just encumbered money to the Park Department last year.

Councilman P. Przybylinski made a motion to TABLE this proposed ordinance on first reading until the February 15th to answer questions on how we are going to finance the rest of this project.

President Deutch stated there is a motion on the floor; asking if there was a second, there was no response with the motion not moving forward for a vote.

Councilman Mack commented on the great things we heard from Councilwoman Zygas's with the growth of attendance being just one was phenomenal; stating several reasons that we should move forward on this additional appropriation for \$182,000 to complete the Big Cat Exhibit project.

Councilman Fitzpatrick asked what was the main driver for the increase in concessions this year.

Jamie Huss, Zoo Director, stated that they sold out of everything that was in the gift shop this year that people were just interested in purchasing anything and everything; that she believes that people were glad to get out again and was buying.

President Deutch state the Redevelopment Commission at our meeting on January 24th did approve additional funding for the Big Cat Exhibit project; congratulating the staff because they went out and found additional monies with the increase over the last two years to get this construction done, which is a great exhibit.

Councilman Simmons stated that they also received \$12,000 donations from of the owners from the Super Boat Race this past summer.

Councilman P. Przybylinski questioned why the Redevelopment Commission didn't pick up to amount for this project.

President Deutch advised that the amount the Redevelopment approved was presented to them and they approved what they asked for.

President Deutch asked if there were any other comments from the Council, there was no response; stating that this proposed ordinance will be held over to second reading on the February 15, 2022, Council meeting.

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

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF
THE PARK OPERATING FUND FOR AN ADDITIONAL FULL-TIME ZOOKEEPER**

Introduced by: Dalia Zygas

(DECREASE Park Operating Fund 2056 Unappropriated balance \$73,682.00 INCREASE ACCOUNT#2056 504 411.013 \$44,055.00 Salaries & Wages-Regular Salary and Wages INCREASE ACCOUNT#2056 504 413.001 \$3,371.00 Employee Benefits-Employer Share FICA INCREASE ACCOUNT#2056 504413.003 \$6,256.00 Employee Benefits-Employer Share INPRS INCREASE ACCOUNT#2056 504 413.005 \$18,000.00 Employee Benefits-Employer Share Health Insurance INCREASE ACCOUNT#2056 504 434.010 \$2,000.00 Insurance-Workers Compensation)

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

Councilwoman Zygus advising that they are not asking us for additional monies but they are asking to move monies within their different account lines, so that they can fund this additional zookeeper which we desperately need; stating that she is looking at proposing another additional appropriation to get their staff up to where it is supposed to be according to the Federal Government.

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

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

Ms. Jamie Huss , Zoo Director, Councilman D. Przybylinski and Controller Hoffmaster discussed where these funds are coming from and that this additional appropriation isn't coming from any 2022 budget funds; but is coming from the unappropriated balance of the park operating fund; stating that this will come from the appropriated balance of the park which has a balance of about \$800,000.

Councilman D. Przybylinski asked why this wasn't brought up during our budget hearings this year; knowing for the last three years these issues should of been addressing per the 2019 report from the Federal Government (Zoological Association of America).

Controller Hoffmaster advised that we budget what the Park Department requested for their 2022 year.

Councilman Fitzpatrick asked how many zookeepers are there currently and would hiring one zookeeper be sufficient and what would the daily tasks for the zookeeper be.

Ms. Huss addressed Councilman Fitzpatrick's question, advising him of the problems, concerns and dailey basic animal task that aren't being addressed since they don't have a zoo keeper as part of their staff.

Councilman Dabney asked to be added as a Co-sponsor; thanking all the Zoo staff doing an amazing job at our Zoo.

Councilman P. Przybylinski asked Controller Hoffmaster if this appropriation is coming from our 2022 budget or is this money left from the 2021 unappropriated balance that was left over in their account.

Discussion ensued between Controller Hoffmaster and Councilman P. Przybylinski regarding the two (2) tax settlements the zoo gets a year; and that last year they received 1.6 million dollars; with extra monies going into the budget this year; wanting everyone to know this money is from last year's funds.

Councilman D. Przybylinski commented on the \$800,000 being brought from 2021budget to the 2022 budget with the zoo going to be receiving another tax settlement soon; questioning why the Park Department isn't asking for two zookeepers to bring the staff up to where they need to be.

Jamie Huss addressed Councilwoman Tillman question regarding if a "Zookeeper" requires any special training or skills to be a zookeeper or qualification.

Councilman Mack asked to be a Co-sponsor to the proposed ordinance; thanking the zoo staff for all their hard work and dedication, that what they do is serious job taking care of animals; commenting on what we could do in the future and could reach out to all our schools to maybe have students help at the zoo to get interested in what could be a career for them after graduation.

Councilwoman Zygas stated to answer Councilwoman Tillman's question, she did include the Zookeepers job description in the packet she sent out last week and that the Zoodid have a zoo maintenance craftsman that wasn't in the 2022 budget or on this proposed ordinance but may be coming; advising they are a specialized person to work on maintenance; Jamie explaining this a technician we need, being a 93 year old facility, that things break down in the zoo just like they do in your home; advising that right now we use volunteer's and Park Maintenance when they can squeeze us in.

Councilman Simmons encourages them to bring the zoo staff up to what is needed and required by the Federal Government (Zoological Association of America), and listen to the zoo staff requests it sounds like our team has been let down and almost at risk, we need to support their needs for their safety.

President Deutch asked to be added as a co-sponsor as well.

President Deutch advised that at the last Redevelopment Commission meeting we approved \$100,000 to the big cat exhibit project and on September 13, 2021, they also approved \$250,000 to this project for a total of \$350,000.

President Deutch asked if there were any other questions or comments from the Council, there was no response; stating that the proposed ordinance will be held over on second reading at our February 15, 2022 Council meeting.

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NEW BUSINESS

President Deutch stated the Common Council has one (1) appointment to the Tree Board (term expires March 15, 2022) Incumbent: Laura Henderson

NOTE: the appointment is made by a Neighborhood Association Group

President Deutch asked Clerk Neulieb if we had received a letter re-appointing Laura Henderson to the Tree Board; with her responding to date we have not.

President Deutch stated the Common Council has one (1) appointment to the Michigan City Fire Merit Commission due to Mr. Rickey Jackson resigning (term expires 12-31-2022)

President stated that nomination will take place at the next council meeting on February 15, 2022.

UNFINISHED BUSINESS

President Deutch stated the Council has the following appointments to the Commission on the Social Status of African American Males reading the following incumbents:

Ms. Albertine Allen – Minority Health Partners of the County (resigned)

Dr. Wendall McCollum- MCAS;

Ms. LaTonya Troutman – NAACP (resigned)

terms expire 02/15/2022

President Deutch asked if there were any additional letters received; Clerk Neulieb advised that we received a letter from Pastor Kimberly Williams that will be replacing her father on the Ministerial Association entity

Ms Williams, stated that she sent a letter in and that she would be taking over Pastor Jaccarra's position on the Social Status Committee and that there was a little discrepancy in the name but we'll get this all settled.

Councilman Mack made a motion to appoint Pastor Kimberly Williams representing the Ministerial Association on the Social Status of African American Males Commission, second by Councilman Dabney.

Ms. Williams was appointed to the Social Status of African American Males Commission by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch and D. Przybylinski (9). **NAYS:** None (0).

COMMENTS FROM THE PUBLIC

President Deutch asked if there is anyone from the public who wished to speak; limiting everyone to three (3) minutes; asking them to state their name and address for the record, there was no response.

COMMENTS FROM THE MAYOR

President Deutch asked if the mayor was on the call and if he had any comments; there was no response.

COMMENTS FROM THE COUNCIL

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

Councilman D. Przybylinski commented on the first attempt of the Street Department cleaning the sidewalks on Franklin Street and Michigan Boulevard with the piece of equipment that was purchased, that they did a very good job and by clearing these sidewalks off it is so much safer to see residents not walking in the streets.

Councilman D. Przybylinski reported on the Bill that came out of the State House, which was Bill 1077 regarding handguns and not having to have permits to retain one; thanking State Senator Liz Brown for her hard work that it didn't go any further.

Councilman D. Przybylinski wanted to thank Dawn Debad in the Clerk's office for her dedication, professionalism, and friendship and that he wished her well at the Police Department.

Councilman Dabney commented on the ordinance of the cleaning of the sidewalks that Councilman D. Przybylinski mentioned that we really need to re-consider the equipment that was purchased, that the operator is out in the elements, there is no cab to protect them the weather, which is needed.

Councilwoman Zygas wanted to let everyone know that they are having a vaccination and covid-19 testing event at the Salvation Army starting Wednesday February 2nd thru Saturday February 5, 2022, from 12:00 pm to 8PM and that there is no appointment necessary.

Councilman Paul Przybylinski stated that he feels that this council needs to look more into the finances that are taking place within our City and each department; not just the information this Council receives from the Controllers office but maybe reach out to the department heads or employees that see what is happening on day to day bases; advising a good example is the appropriation that is being brought to us this evening regarding well over needed zookeeper, the Federal Government report in 2019, I'm not saying we shouldn't spend money but we do need to look at how and where the monies are being spend and where they are coming from.

Councilman P. Przybylinski stated that the County council is supposed to be sending our council the information regarding the LOW IT Tax that is being proposed in our County and would like to be educated about this tax before enabling a resolution and it be proposed to this council.

Councilman D. Przybylinski thanked all the first responders, all our emergency service workers, which includes our EMT first responders, police, fire, healthcare workers who are on the front line with this pandemic/Covid 19 and go to work everyday to deal with giving us service; that he had health issues last week and was blessed to be able to get the infusion from an essential worker and help him fight to get through his Covid and be able to be here tonight; they are our hero's!!

President Deutch reminded everyone that there is a Council executive session on Thursday, February 3rd at 6:00 p.m. along with a workshop scheduled for Wednesday February 23rd "Zoom" at 5:30 p.m. to cover Roberts Rules of Order and also to allow Controller Hoffmaster to talk a little bit about accounting and accounts payable for those boards that receive pay.

President Deutch requested that at the Council's finance committee meetings if anything that is a financial matter she would like Controller Hoffmaster to send that directly to the Finance Committee members to put on their agenda even if it is being proposed on first reading.

President Deutch commented on the two waves of snow that is heading to our community asking everyone to stay safe for the next few days.

Councilman D. Przybylinski commented about the administration asking for sponsorship on Ordinances/Resolutions the Wednesday morning before the Council meeting deadline is at noon that day; asking if they need a sponsorship to reach out Monday or Tuesday to give us time to review and make a decision.

ADJOURNMENT

A motion by Councilman D. Przybylinski, second by Councilman Mack and there being no further business to transact, President Deutch declared the meeting **ADJOURNED** (approximately 8:47 p.m.)

Gale A. Neulieb

