

REGULAR “HYBRID/ZOOM” MEETING

February 21, 2023

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, February 21, 2023, at the hour of 6:30 p.m., Hosted by “Hybrid/Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by President Fitzpatrick.

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

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

ABSENT: COUNCIL MEMBERS Dalia Zygas (1).

A QUORUM WAS NOTED PRESENT

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

NOTE: Councilwoman Zygas entered the Council Chamber and noted being present.

APPROVAL OF MINUTES

President Fitzpatrick asked if there were any corrections, deletions, or additions to the Regular “Hybrid/Zoom” Council meeting minutes that was held February 7, 2023.

Councilman D. Przybylinski made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting minutes that was held on February 7, 2023 second by Councilwoman Deutch

The motion carried and the minutes from the February 7, 2023 Regular Council meeting were approved by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons () **NAYS:** Council member None (0)

REPORTS of STANDING COMMITTEES

President Fitzpatrick asked if there were any standing committee reports, there was no response.

FINANCE REPORT

Councilwoman Tillman stated that the Finance Committee met this evening, February 21, 2023 at 5:36 p.m. there was a quorum with the claims being reviewed; Riverboat Fund #2235 in the amount of \$13,935.00, paying Laporte Chrysler Inc. - \$6,435.00 and to MC Maddwrappers, Inc - \$7,500.00. Boyd Development Fund #2504 had no claims and Riverboat EFT Fund had no claims as well. The Total amount on the February 21, 2023 Claim Docket was \$13,935.00. They discussed the two (2) proposed ordinances that will be heard this evening; stating the current Riverboat Statement of cash position fiscal year to date February 16, 2023 is \$6,469,132.82.

Councilwoman Tillman advised President Fitzpatrick there was a recommendation to approve the February 21, 2023 claims by the committee in the total amount of \$13,935.00.

CLAIMS DOCKET

President Fitzpatrick read the following claim docket for February 21, 2023.

February 21, 2023

Fund #2042 – Riverboat – Claims -	\$	13,935.00
EFT	\$	00.00
Fund #2031 – Boyd Development -	\$	00.00
EFT	\$	00.00
TOTAL CLAIMS	\$	13,935.00

NOTE: Councilwoman Zygas entered the Council Chamber and was noted present.

A motion was made to approve the Riverboat/Boyd claims from February 21, 2023 by Councilman P. Przybylinski, second by Councilman D. Przybylinski.

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

REPORTS FROM BOARDS AND COMMISSION

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

REPORTS OF SPECIAL or SELECT COMMITTEES

President Fitzpatrick asked if there were any reports of special or select committees.

Ron Miller, President of the Michigan City Community Enrichment Corporation Board reported on their 2023 non-for-profits in Michigan City that turned in applications; advising that the recipients as you all know our corporation was founded by the original operating agent between the city of Michigan City and Boyd Gaming who provides \$750,000 a year and the first \$100,000 by statue goes to the Washington Park Zoo, leaving the Enrichment Corporation about \$650,000 a year to distribute to non-for-profit within the boundaries of Michigan City; commenting on how the applications are received, reviewed and rewarded for 2023 inviting the Council members, as well as Mayor Parry to attend their event that will be held on March 23rd at Blue Chip Casino to announce who received grants and present them their checks.

Mr. Miller advised Councilwoman Zygas that the list of Non-for-profit organization that will receive grants/checks will be published in our local paper.

Councilman P. Przybylinski thanked Ron for his involvement in the Enrichment Corporation and all the present and past members; stating that he was an original member of the docking ordinance when we the boat came to Michigan City.

Tommy Kulavik, 1316 Ohio Street, member of the Michigan City Fire Merit Commission stated that the fire department is still taking applications for lifeguards advising the pay scale and where to apply; also asking the Council to open negotiation with the MCFD

Local 475 and the city of Michigan City as soon as possible; commenting about LIT tax the city is receiving and what surrounding communities that have already increased police and fire pay scales to attract more applicants.

President Fitzpatrick asked if there were any other “Reports of Special or Select Committees”, there was no response.

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

Mayor Duane Parry, updated everyone about the “Election Board” meeting that was held this afternoon, February 21, 2023 to review three protests regarding three candidates that declared candidacy and were at question to be put the May ballot.

Mayor Parry corrected Tommy Kulavik’s statement that the labor negotiations with the police and fire will not be reopened for the desires of him or the Fire Merit Commission, but is up to this council to open those negotiations.

President Fitzpatrick asked if there were any other reports, there was no response.

PETITIONS

President Fitzpatrick asked the Clerk if there were any petitions.

The Clerk read the following petition received in the Clerk’s Office on February 13, 2023.

A Petition for Voluntary Annexation into the City of Michigan City Great Lakes Capital, LLC (Petition)

COMMUNICATIONS

President Fitzpatrick asked if there was any correspondence received.

Correspondence was received in the Clerk’s Office on February 13, 2023 from Barrett Taylor, President of the Michigan City Firefighters Association regarding his request to open contract negotiations between Michigan City Firefighters Association Local 475 and the City of Michigan City.

RESOLUTIONS

There were no resolution for this evening.

ORDINANCES

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

CREATING SEC. 2-419 IN THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH CRITERIA FOR UTILIZATION OF PUBLIC SAFETY LIT FUNDS

**INTRODUCED BY: Angie Nelson Deutch
Paul Przybylinski**

President Fitzpatrick asked if there was anything the sponsor would like to add.

Councilwoman Deutch stated that she would like to amend by substitution the following with herself and Councilman P. Przybylinski as sponsors.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

CREATING SEC. 2-419 IN THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH CRITERIA FOR UTILIZATION OF PUBLIC SAFETY LIT FUNDS

WHEREAS, the Michigan City Common Council established a Public Safety LIT Fund #2240 pursuant to I.C. 6-3.6-6-8 to receive funds on an annual basis from the LIT Public Safety distributions from LaPorte County, IN; and

WHEREAS, the Michigan City Common Council adopted Resolution #4837 in support of the Public Safety LIT requesting an annual comprehensive Public Health and Safety Fiscal Plan from the Michigan City Administration on programs and initiatives that will utilize this funding prior to allocations; and

WHEREAS, the Michigan City Common Council understands the need to attract and retain Police Officers and Fire Fighters to continuously improve the quality of life and safety for all of our residents and businesses; and

WHEREAS, approved uses of the public safety LIT (I.C. § 6-3.6-2-14) include police/law enforcement systems to preserve public peace and order, firefighting and fire prevention systems, emergency ambulances and emergency medical services, emergency action (environmental clean-up), probation department of the courts, community correction programs, juvenile detention centers and facilities, county jail, communications systems or enhanced emergency telephone systems, medical and health care expenses for inmates, and pension payments for police officers and other department employees, firefighters and other department employees, sheriff and other members of department, other personnel providing public safety services; and

WHEREAS, the Common Council believes that it is in the best interest of the City and residents herein that each year Public Safety LIT revenue should be allocated each year as following:

- 1.) Sixty Percent (60%) utilized for salaries, benefits, retirement, or pension funds;
- 2.) Thirty Percent (30%) percent to be utilized for capital improvements and training; and
- 3.) Ten Percent (10%) be placed in a reserve for capital expenditures and improvements.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana that Sec. 2-419 is hereby created in the Michigan City Municipal Code and shall read as follows:

Sec. 2-419. Establish Detailed Yearly Allocation of Public Safety LIT Funds.

- (a) Beginning in the year 2024, the Public Safety LIT Funding received by the City shall be allocated as follows:
 1. Sixty Percent (60%) can be utilized for salaries, benefits, retirement, or pension funds;
 2. Thirty Percent (30%) can be utilized for capital improvements and training; and
 3. Ten Percent (10%) will be placed in a reserve account to allow the administration to plan for capital purchases.

In the event that any of the funds reserved for the aforementioned categories are not spent in the year that they are received by the City, the respective percentage of funds shall remain in same respective category to the extent they are not encumbered for succeeding years.
- (b) With respect to the reserve account established above for capital purchases, the following shall apply:
 1. The reserve cannot be utilized until it reaches a minimum dollar amount of One Million Dollars (\$1,000,000) and must maintain a minimum balance of Five Hundred Thousand Dollars (\$500,000) at all times.
 2. Reserves shall only be utilized for capital expenditures and improvements.
 3. Reserves may go below the minimum Five Hundred Thousand Dollars (\$500,000) threshold with a two thirds (2/3) vote by the Michigan City Common Council.

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.

Councilwoman Deutch advised that it is basically just changing the percentages; making a motion to approve the proposed amended ordinance by substitution, second by Councilwoman Tillman, the motion carried and the proposed amended ordinance was approved by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus, and P. Przybylinski (9) **NAYS:** Council member None (0)

President Fitzpatrick asked if there were any comments from the sponsors at this time.

Councilwoman Deutch advised that the proposed ordinance is in reference to our LIT Tax creating individual funds for where the money can be used from reading the following:

WHEREAS, the Common Council believes that it is in the best interest of the City and residents herein that each year Public Safety LIT revenue should be allocated each year as following:

- 4.) Sixty Percent (60%) utilized for salaries, benefits, retirement, or pension funds;
- 5.) Thirty Percent (30%) percent to be utilized for capital improvements and training; and
- 6.) Ten Percent (10%) be placed in a reserve for capital expenditures and improvements.

and

1. Sixty Percent (60%) can be utilized for salaries, benefits, retirement, or pension funds;
2. Thirty Percent (30%) can be utilized for capital improvements and training; and
3. Ten Percent (10%) will be placed in a reserve account to allow the administration to plan for capital purchases.

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

Rodney McCormick, 617 Union Street commented on the LIT tax only being used at our Fire and Police Departments; that we have a Street Department that needs equipment, a building to keep the equipment in with the Street Department being just as important as Police and Fire for safety to our residents; commenting on the monies in the Rainy Day Fund needs to be replenished and the Riverboat fund is dwindling away.

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

Councilwoman Deutch explained the 60% could be used for salaries, benefits, retirement, or pension funds; 30% can be utilized for capital improvements and training and 10% will be placed in a reserve account to allow the administration to plan for capital purchases.

Councilman Dabney stated when looking over the proposed percentages with the sixty-thirty-ten; advising if we put the 60% and 30% together making it a total of 90% utilizing the funds described in both line items; stating several reasons why it would be something to think about doing and would like to do some research on this before the next meeting.

Councilwoman Deutch advised that what she is proposing in this ordinance will not start until January 1, 2024; answering Councilman D. Przybylinski that the LIT tax being collected is approximately 4.3 million dollars.

Councilman D. Przybylinski questioned if the proposed percentages in this ordinance were run past Controller Hoffmaster and what she thought about this; with Councilwoman Deutch stating that she didn't hear anything back but did know that a lot of the conversation during budget hearings, were around the items being proposed.

Councilman P. Przybylinski stated that the finance committee talked about this and would be having the money available and that we need to look at this is money being

able to go back into our and will be able to put it back into the River Boat funds so we can do things in our neighborhoods and that he will be talking to Councilwoman Deutch about some additional language to this proposed ordinance.

Councilman Dabney commented on the Riverboat Fund only having one additional appropriation for this year that was brought to the council that he recalls and approved; asking Controller Hoffmaster to provide that information before the next meeting.

Councilman P. Przybylinski commented on the amount to date that is in the Riverboat Fund of \$6,469,132.82 which doesn't include that we have to subtract the monies that are allocated for the annexation project that has to be done by the end of the year along with the additional funds that we need for the engineering study for this project and is one of the reasons for this proposed ordinance is to recapture these monies to be able to put it back in the Riverboat Fund.

President Fitzpatrick asked if there were any other questions or comments from the council, there was no response; stating that this ordinance will be held over on second reading at the March 7, 2023 Council meeting.

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

ANNEXATION OF A CERTAIN CONTIGUOUS AREA OF REAL ESTATE CONSISTING OF APPROXIMATELY 32.866 ACRES LOCATED IN UNINCORPORATED LAPORTE COUNTY, COOLSPRING TOWNSHIP, INDIANA SOUTH OF COUNTY ROAD W. 400 N.; WEST OF COUNTY ROAD N. 950 W.; NORTH OF THE EAST/WEST SECTION OF THE NORTH FRONTAGE ROAD, AND EAST OF NORTH/SOUTH SECTION OF THE NORTH FRONTAGE ROAD AND DECLARING THIS SAME AREA TO BE PART OF THE INCORPORATED JURISDICTION AND WITHIN THE CITY LIMITS OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA PURSUANT TO INDIANA CODE 36-4-3

**INTRODUCED BY: Dalia Zygas
Angie Nelson Deutch**

President Fitzpatrick asked if either of the sponsors had anything to add at this time.

Councilwoman Deutch stated that everyone should have a copy of the map showing that the proposed annexation is an industrial development; that Jeff Smoke from Great Lakes Capital is on zoom along with Issac Hall and Steve Ruby from Von Marsh are present to answer any questions and explain the annexation.

Issac Hall and Steve Ruby representing Great Lakes Capital, did a presentation for the Council stating that they are looking to do about a 300,000 square foot industrial development, 210,000 square foot building for industrial use, along with a smaller 75,000 square foot warehouse with it being located on County Road 400 N; knowing that there is huge demand for industrial space in Michigan City; introducing Steve Ruby who is here to answer any of the industrial questions about the site and Jeff Smoke is on zoom to answer any additional questions.

Discussion ensued between Issac Hall, Steve Ruby, Skyler York Planning Director, Clarence Hulse MCEDC Director and Council members Tillman, D. Przybylinski, Zygas, and P. Przybylinski that these will speculative buildings where construction process is started without a tenant and the idea behind that is to have completed space they can occupy in a shorter timeline, explaining projects that have been done, infrastructure is close with it not being a problem to connect city water and sewers, plans coordinated with city utility departments on this project site that is readily available, requested to have second and third reading at the March 6, 2023 Council meeting, who would be responsible for connecting city sewer and water and what the estimated cost will be, if the parcel is a LaPorte TIF area or not and that the property has to be annexed to the city before being placed in a TIF district, Baker/Tilly working on how much revenue this

development will bring to our City, what the status is regarding buildings within the city to offer companies that want to locate here.

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

Tommy Kulavik, 1316 Ohio Street, stated that he feels this is an accident waiting to happen, that he is totally against what is being proposed that there is already so much traffic on 400 North without bringing semi trucks going in and out of this facility on a 24/7 basis.

Matt Reardon stated that he wasn't sure of the exact location of this parcel, but it looks like it is in the LaPorte 421/94 County TIF area; asking if the City Planner can verify if this is in their TIF district.

Discussion ensued between Mr. Reardon, President Fitzpatrick and Councilwoman Deutch, regarding if this parcel is in the LaPorte County 421/94 TIF district, that the parcel is closer to Cleveland Avenue, stating a caution that any additional revenues generated by the project would be collect by the County TIF by virtue of the fact, there' debt on the project; and if the council should move forward on this ordinance until this is verified.

Skyler York, Planning Director stated that he is pretty positive that this parcel isn't in the LaPorte 421/94 TIF District, but we'll obviously look at it again.

Councilman D. Przybylinski called "Point of Order" making a motion to TABLE this proposed ordinance until we can find out exactly, from the county if this is in the LaPorte County 421/94 TIF District, or if it isn't; when Skyler said, "it's not; (President Fitzpatrick stated that we are having public comment and will come back to the motion after)

Rodney McCormick, 617 Union Street, stated that Councilman P. Przybylinski made a great point that we are on the hook for so much especially when it comes to annexing property in the city and fiscal plans that have obligations that need to be done in a certain time frame costing the city millions of dollars; that we need to know more about the annexation and the project that is being proposed.

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

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

President Fitzpatrick asked (repeating three times) "if there was a second on Councilman D. Przybylinski motion to TABLE the proposed ordinance until it is verified that the proposed parcel is or isn't in the LaPorte County 421/94 TIF District", second by Councilman P. Przybylinski; the motion to TABLE failed by the following vote: **AYES:** Council members Fitzpatrick, D. Przybylinski, P. Przybylinski, and Tillman (4) **NAYS:** Council member Dabney, Mack, Deutch, Simmons, and Zygus (5).

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

Councilman D. Przybylinski stated that he would like to find out by the next meeting is an estimated cost of the water/sewer to be hooked up to the parcel; advising that we can't do an annexation not know what the city is obligated for and who is paying for what in this proposed fiscal plan.

Councilwoman Deutch agreed with Councilman D. Przybylinski; who exactly is going to pay for the water/sewer hookup and what is more important is not the cost as long as we're not on the hook for it; asking also if we could have the information regarding if this parcel is a LaPorte County 421/94 TIF District by next week through an email and to the Clerk's Office.

Councilman Dabney advised that we didn't have any commitments of any builders on the property on the eastside that we are obligated to connect water/sewer to when it was annexed either; stating that now we have commitment of somebody who has a building they want to build on this property; stating that we have a plan in front of us to annex this property, a builder who wants to build that will bring revenue into the city and should be a slam dunk decision.

Clarence Hulse MCEDC stated that he just found the text from the gentleman that did the fiscal plan; advising that it says that it is not in the LaPorte County 421/94 TIF District.

President Fitzpatrick asked if there were any other comments or questions by the council, there was no response; stating that the proposed ordinance will be held over on second reading at the March 7, 2023 Council meeting.

The Clerk read the following proposed ordinance on second reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR LEGAL SERVICES TO CONTEST THE PROPOSED NIPSCO RATE INCREASE

INTRODUCED BY: Paul Przybylinski

(DECREASE Riverboat Fund 2235 Unappropriated balance \$15,000.00 INCREASE ACCOUNT#2235.112.431.01 \$15,000.00 Professional Legal Services)

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

Councilman P. Przybylinski stated these are legal services for the appeal on the rate increase being proposed by NIPSCO in Indianapolis with this being overseen by our legal department; advising that it is necessary to have representation at this hearing to fight against the proposed rate increase for our residents.

President Fitzpatrick opened the formal public hearing asking (repeating three times) "if there was anyone from the public that would like to speak at this time".

Rodney McCormick, 617 Union Street questioned who the attorney was handling this matter; with Councilman P. Przybylinski advising that they have an agreement with Freidman and Associate.

Mr. McCormick stated that you would think this would be in the best interest if the whole county would join forces to fight against this increase, which would save our city some money if we would join together.

Councilman P. Przybylinski advised that he couldn't speak for the county and where they stand, but it would be nice if they would come into the process and join forces with Michigan City and we all know we need to move forward and have someone at the hearing to represent our city.

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

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

Councilman D. Przybylinski made a motion to suspend the rules and have third reading this evening, second by Councilman P. Przybylinski; the motion carried and was approved to have third reading this evening by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski,

and Tillman,(8) **NAYS:** Council member None (0) **ABSTAINED:** Council member Dabney (1).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4670

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR LEGAL SERVICES TO CONTEST THE PROPOSED NIPSCO RATE INCREASE

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget to hire professional legal services to contest the proposed Nipsco rate increase in front of the Indiana Utility Regulation Commission (IURC); and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Riverboat Fund #2235 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Riverboat Fund 2235 Unappropriated balance	\$15,000.00	
INCREASE ACCOUNT#2235.112.431.010 Professional Legal Services		\$15,000.00
TOTAL FOR FUND	\$15,000.00	

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: /s/ Paul Przybylinski, Member
Michigan City Common Council

President Fitzpatrick asked if the sponsor had anything to add, there was no response.

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

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

Councilman D. Przybylinski advised Councilwoman Deutch that he believes the hearing is around March 18, 2023.

Councilman Dabney explained that his abstained vote was due to a possible conflict a venturous with his position at work.

Councilman D. Przybylinski made a motion to approve the proposed ordinance, second by Councilman P. Przybylinski; the motion carried and the proposed ordinance was

approved by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, and Fitzpatrick (8) **NAYS:** Council member None (0) **ABSTAINED:** Council member Dabney (1).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4671

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ENGINEER DEPARTMENT OF THE GENERAL FUND FOR ON-CALL ENGINEERING SERVICES WITH HAAS & ASSOCIATES AND PRIMERA ENGINEERING FOR 2023

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget to retain Haas & Associates for \$50,000 and Primera Engineering for \$150,000 for on-call engineering services for 2023; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Engineering Department of the General Fund #1101 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE General Fund 1101 Unappropriated balance	\$200,000	
INCREASE ACCOUNT#1101 114.431.020 Other Services and Charges – Engineering Services		\$200,000
TOTAL FOR FUND	\$200,000	

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: /s/ Angie Nelson Deutch, Member

CO-SPONSOR: /s/ Paul Przybylinski, Member

President Fitzpatrick asked if either of the sponsors had anything to add at this time.

Attorney Snow advised Councilwoman Deutch that she would not have to re-advertise or have a formal public hearing on this ordinance because she is amending to lower the amount not raise it and that there was a formal public hearing at the February 7, 2023 Council meeting for the \$325,000 amount.

Councilwoman Deutch made a motion to be able to have amendments on third reading this evening, second by Councilman P. Przybylinski; the motion carried and amendments can be made this evening by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney Fitzpatrick, and Mack (9) **NAYS:** Council member None (0)

Councilwoman Deutch made a motion to amend the amount from \$325,000 to \$200,000 paying Haas and Associates \$50,000 for the remainder of 2023 and Primera Engineering \$150,000 for the remainder of 2023, second by Council members Dabney and P. Przybylinski; the amendment carried and was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney Fitzpatrick, Mack, and Deutch (9) **NAYS:** Council member None (0)

Councilwoman Deutch explained that the \$200,000 was what she proposed originally advising that she and Councilman D. Przybylinski met with the City's Personnel Director TaTanesha George about how we are marketing for an engineer and is reposting differently for this position and haven't heard back from her about any updates on the engineering position.

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

Councilman Dabney asked Controller Hoffmaster if there were contract agreements with these two firms that have been approved.

Controller Hoffmaster advised that there is contract agreements with both these firms that have been approved by the Board of Public Works; stating that we will have to redo the contract with Primera Engineering.

Discussion ensued between Controller Hoffmaster and Council members Dabney and Deutch regarding if this would delay any engineering services that need to move forward on, the amount of money that was spent in 2002 for Pimiera's engineering services, the amount of money being proposed now, that she feels that we will have to appropriate more money by June.

Councilman P. Przybylinski stated that he thought that was a lot of money to go through in such a short period of time; commenting on what has been spent in the years past and that we need to shop and support local businesses.

Councilwoman Deutch commented how the \$200,000 amount was reached; stating that we are not sure of the status of an engineer at this time with us maybe getting a city engineer in the near future, that she will reach out to Ms. George to see if the posting has been redone.

Councilwoman Deutch advised Councilman P. Przybylinski that Pimiera Engineering is being paid by the Redevelopment Commission for the engineering services for the two-way conversion project for Franklin Street.

Skyler York, Planning Director advised Primera Engineering did the engineering for this project and the construction will have to be bid out and that he would have to get back to him about how much the engineering services cost and where the money is coming from for the construction.

Councilman D. Przybylinski stated that he is projecting that this \$200,000 is going to pass, but next year when we work on the budget, and we set up the engineering department we make the engineering position a full time salaried position not part-time for more money with the city getting more return on their investment in a full time engineer.

Councilwoman Deutch made a motion to approve the amended ordinance in the amount of \$200,000, second by Councilman P. Przybylinski; the motion carried and the ordinance was approved by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Tillman, Dabney Fitzpatrick, Mack, Deutch, and D. Przybylinski (9) **NAYS:** Council member None (0)

NEW BUSINESS

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the Michigan City Common Council regarding his appointment of Jessica O'Brien to the Michigan City Human Rights Commission (term will begin immediately and expire 11/02/25)

Councilwoman Deutch made a motion to approve Mayor Parry's advice and consent regarding his appointment of Jessica O'Brien to the Michigan City Human Rights Commission, second by Council members Dabney and P. Przybylinski; motion carried and was approved by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Tillman, Dabney Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (9) **NAYS:** Council member None (0)

UNFINISHED BUSINESS

President Fitzpatrick advised the Council received correspondence from the Michigan City Economic Development Corporation that Councilwoman Zygas will represent the council for 2023.

President Fitzpatrick stated that we need to appoint a council member to the Social Status of African American Males as a voting member; asking (repeating three times) "is there any nomination at this time".

Councilwoman Deutch nominated President Fitzpatrick to the Social Status of African American Males, second by Councilwoman Tillman.

President Fitzpatrick asked "if there were any other nomination at this time" (repeating three times), there was no response; with President Fitzpatrick being appointed to the Social Status of African American Males by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygas (9) **NAYS:** Council member None (0)

NOMINATIONS: President Fitzpatrick advised that the Council has the following appointments to the Michigan City Social Status of African American Male Board (term expires February 15, 2023 and are all 1yr terms)

Incumbent: Resigned- Ministerial Assoc.
Linda Fay Conley- NAACP
Willie Milsap- Swanson Center
Dwayne Hurt- MCAS

President Fitzpatrick asked if there were any applications/letters received to date.

Clerk Neulieb advised that we have not received any letters to date; that Linda Conley stopped by her office and that we will be receiving correspondence from the NAACP appointing her to the Social Status of African American Males.

Councilwoman Deutch advised that the appointment for MCAS – Dwayne Hurt will be sending a follow up that they were under the impression that Mr. Hurts term was for two (2) years.

COMMENTS FROM THE PUBLIC

President Fitzpatrick asked if there was anyone from the public that would like to speak at this time.

Tommy Kulavik, 1316 Ohio Street, stated that the Social Status of African American Males is required to give an annual report on the Common Council at their first in March and announced several of the events/sports that are happening at the Michigan City High School in the next few weeks.

Rodney McCormick, 617 Union Street, addressed the comments made by Mayor Parry and wants everyone to understand that he is running for First Ward Councilman, that we need to focus on leadership in the city, move on, make changes and look forward to the upcoming elections.

Mr. McCormick commented on a Redevelopment meeting he attended and didn't know if this was the place to bring up the residents/neighbors' concerns in the first ward regarding the Burn' em Brewery coming did not have one representative come and ask anyone in his ward or had a workshop if they had any concerns about this establishment moving into their neighborhood; commenting on what a public servant that serves the community is supposed to do when representing the people that live here 365 days a year.

Brian Gross, 830 W. 6th Street, commented on brewery; question if the city approved to rezone this property for the purpose of a brewery; stating that he isn't an adjoining resident to this land but he does live forty feet away and didn't receive a notice about rezoning this property; questioning where is everyone is going to park when they open, that the five lots behind where the brewery is being built are all privately owned; stating that on their site they may have five or six vehicles; if someone could let him know their plan.

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

COMMENTS FROM THE COUNCIL

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

Councilwoman Deutch stated that she could answer a couple questions regarding the Redevelopment Commission; advising that this project was started prior to Mayor Parry's administration and the Redevelopment Commission that exists; advising it was in the paper, multiple iterations, is a project that has been underway for a while and as far as parking, has no idea what the plan might be; advising that she is sure that those questions can be answered by City Planner Skyler York.

Councilwoman Deutch announced several Black History events scheduled for the rest of the month.

Councilwoman Zygus reminded everyone to fill out the survey for Michigan City area schools, that they are asking for the communities input and it is the best time to let them know what you are thinking, is when they're asking for it; it is on their website and also a link on her website as well; stating that this survey is due by February 26th.

Councilwoman Zygus advised that she has been working on a rental inspection program for over year that there are a lot of parties involved and is hoping to have a workshop soon to talk about what the plans are.

Councilwoman Tillman advised the movie that is this Thursday is Selma; and is the last show for the month of February celebrating "Black History Month".

Councilwoman Tillman commented about a child who is 12 or 13 is interested in government/politics and wants to be a "Page" for a day in Indianapolis for the State Government; remembering when a child were selected by the school they attended to

spend a day being a page in Indianapolis; advising that maybe one of our city boards or commissions would like to look into sponsoring a student to be a "Page" for a day at the state capital; advising President Fitzpatrick that he may want to also bring this up at the Social Status meeting due to them having funds and would be put to good use if they could sponsor a student or students to attend.

Councilman Dabney announced that Thursday, February 23, 2023 the Park and Recreation Department is asking for the public's input regarding the Water Tower Park Renovation Project and will be held at the Michigan City Fire Training Center, 2501 E. Michigan Blvd. from 5:30 p.m. to 7:00 p.m.

Councilman P. Przybylinski thanked the Park Department for starting to work on the Gazebo lights replacing them; advising the Park Department is working on a grant to be able to replace them all, making it look like it did years ago; stated that when entering Washington Park how nice the war monument looks all lit up as well.

Councilman P. Przybylinski advised Mr. Kulavik that the City's negotiating team is scheduling a date to discuss the LIT tax fund and the pay scale for the fire and police departments.

Councilman D. Przybylinski thanked Mr. Kulavik for bringing to his attention the large pile of garbage pile left by someone on Holiday Street and for the refuse department for cleaning it up so quickly.

Councilman D. Przybylinski read the email he received from Nora Ryska who established the "Green Clean Campaign" in Michigan City for a number of years; and that he spoke with her yesterday about some of the things that will be happening in our city by this group to get Michigan City cleaned up in April to make our city the cleanest city in Indiana inviting everyone to participate.

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

ADJOURNMENT

A motion by Councilwoman Deutch, second by Councilman P. Przybylinski and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 8:13 p.m.)

Gale A. Neulieb, City Clerk

