

REGULAR “HYBRID/ZOOM” MEETING August 15, 2023

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, August 15, 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, Dalia Zygus, and Tracie Tillman (9).

ABSENT: COUNCIL MEMBER None (0).

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Jewel Harris and Stacy Dudley, Deputy Clerk

APPROVAL OF MINUTES

President Fitzpatrick advised the Council minutes from the August 1, 2023 council meeting will be held over until the September 5, 2023 council for approval.

REPORTS of STANDING COMMITTEES

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

FINANCE REPORT

President Sean Fitzpatrick asked if there were any reports from the Finance Committee.

Councilwoman Tillman advised that the Finance Committee meeting met on August 15, 2023, there was no quorum to move forward with those in attendance were herself and Council members D. Przybylinski, Dabney, Deutch, and Zygus and also in attendance were Controller Hoffmaster and her staff, advising the Michigan City Riverboat No.2235 was \$44,389.20; Riverboat EFT No. 2235 was \$0.00; Boyd Development Fund No. 2504 was \$0.00; EFT was \$0.00 for a total amount of \$44,389.20 claims were for Northern Indiana Mechanical Inc. in the amount of \$30,549.20 and \$13,840.00 claim was paid to J&B West Roofing & Construction; stating the City of Michigan City’s Riverboat statement of cash position for the fiscal year to date August 15, 2023 unexpended balance is \$6,215,295.84. Chair Tillman advised that Controller Hoffmaster dispersed to the council members that were in attendance and at the Finance Committee meeting the 2024 budget hearing workbooks; advising any council member that have not received their workbook to see Controller Hoffmaster’s department to pick them up.

Councilwoman Tillman thanked all of the departments that responded by answering the Q & A's for your 2024 budget, the needs that you need for your department and for those that have not turned them in, she is still accepting those.

CLAIMS DOCKET

President Fitzpatrick read the following Riverboat/Boyd Development Claims Fund for August 15, 2023

August 1, 2023

Fund #2235 – Riverboat – Claims -	\$	44,389.20
EFT	\$	00.00
Fund #2504 – Boyd Development -	\$	00.00
EFT	\$	00.00
TOTAL CLAIMS	\$	44,389.20

President Fitzpatrick asked if there was a motion to approve the claims for August 15, 2023 in the total amount of \$44,389.20.

Councilman D. Przybylinski made a motion to approve the Riverboat/Boyd Claim Docket for August 15, 2023 in the total amount of \$44,389.20; second by Councilman P. Przybylinski; the motion carried and was approved by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, and Fitzpatrick (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, there was no response.

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

President Fitzpatrick asked if there were any reports from the mayor or other city officers and departments.

Mayor Parry reported on the meeting he scheduled on August 11, 2023 held at City Hall regarding the homeless in Michigan City and the panhandling; advising the purpose of the meeting was to engage the businesses of Michigan City and whatever members of the public that are interested and willing to take action.

Mayor Parry advised that the next meeting scheduled will be held October 20, 2023 at 9:00 a.m. in the Council Chamber.

Councilman Dabney commented on the Mayor's report regarding the meeting that was called about the homeless in Michigan City and the panhandling; that he wasn't aware of the meeting taking place, but did receive several emails about the meeting afterwards; that this council needs to hear what the plans are so as a council member

we should have been invited so we can answer any questions our local business and residents have.

MCPD Chief Forker commented on what was addressed at this meeting; their concerns, some feedback about what has been happening and how we can help them; advising that we have had more police presence and an officer has been walking the beat in the art district area.

Chief Forker advised President Fitzpatrick that they ultimately are trying to help them get services, provide care, shelter, and assistance to the homeless in our community without have negative actions.

Mayor Parry explained that Chief Forker and Asst. Chief Corley were adamant about removing the panhandlers and the homeless from the Uptown Arts District that legally we have no tools to do that.

Councilman D. Przybylinski stated that he asked for a meeting with the mayor, attorney, police department two (2) months ago that was scheduled; that everywhere he goes someone is always addressing him about the panhandlers and homeless in our community and what was going to be done; commenting on a few other meetings they did have with the Chamber of Commerce who are involved with our local businesses; then we had another issue that came up about the removal of the benches from the uptown and farmers market lot with this latest meeting was held on August 11th; commenting on panhandling and that it is protected by the first amendment of the Constitution, free speech and is illegal if someone is aggressive; please don't give to the panhandlers.

Councilman Dabney reiterated the fact that the people were calling him aren't against the panhandlers or homeless but want the people removed that are aggressive, yelling and following people, running into local stores/businesses after customers, etc.

PETITIONS

President Fitzpatrick asked the Clerk if there were any petitions.

Deputy Clerk Dudley stated there are no petitions this evening.

COMMUNICATIONS

President Fitzpatrick asked the Clerk if there were any communications.

Deputy Clerk Dudley read the following correspondence received in the Clerk's Office.

Correspondence was received in the Clerk's Office on August 7, 2023 from City Clerk Gale Neulieb asking the Council to approve the 2024 proposed budget she turned into the Mayor/Controller's office in June 2023.

President Fitzpatrick read the following letter sent to Mayor Duane Parry:

Dear Mayor Parry:

I was surprised to see from the Budget Worksheet Report for the 2024 budget that you eliminated the position of Assistant Deputy Clerk from the proposed 2024 budget for my office. This was done without discussing the matter with me even though I am an elected official. Perhaps you were not aware that Indiana law places the authority for determining the number of staff for my office with me and the Council without any input from the Mayor. I.C. 36-4-11-4 provides that I can appoint as many deputy clerks as authorized by the Council. In addition, I.C. 36-4-7-3(d) provides that, subject to Council approval, I can set the salaries of my employees. Perhaps you are not aware of all of the work performed and many services provided to the public and others by the Clerk's Office, but I can assure you that, even without your proposed reduction

in my staff, we can hardly keep up with the work load. Because I have a statutory duty to make sure that the Clerk’s office does the work and provides the required services, I intend to proceed to discuss the 2024 budget for my office, including the number of deputies and their salaries, with the Council as Indiana law requires. If you have any questions or wish to discuss this matter further, don’t hesitate to reach out.

Sincerely yours,

Gale Neulieb
Michigan City Clerk

RESOLUTIONS

The Deputy Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4895

A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE ENGINEER OF THE GENERAL FUND #1101 FOR THE YEAR 2023 IN MICHIGAN CITY, INDIANA

WHEREAS, there exists certain circumstances within the budget of the Engineer of the General Fund #1101 of Michigan City which require increasing and decreasing appropriations for certain line items in that Fund for the year 2023, and more specifically, it is anticipated that additional funding is needed for the on-call engineering services of Haas & Associates for the remainder of 2023.

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

Section 1. Because it is deemed advisable and necessary, in order to meet the circumstances facing the budget of the Engineer of the General Fund of the City, the Common Council approves the following transfer of appropriations, as listed, to-wit:

ENGINEER DEPARTMENT OF THE GENERAL FUND #1101

DECREASE:	A/C #1101 114 411.013	
	Salaries & Wages Regular	\$85,000.00
INCREASE:	A/C #1101 114 431.020	
	Other Services & Charges Engineering Services	\$85,000.00

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/ Bryant Dabney, Member
Michigan City Common Council

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

Councilman Dabney stated this is the continuation of what we’ve been doing in terms of putting money to pay on-call engineering services.

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

President Fitzpatrick asked if the council had any comments.

Councilwoman Tillman questioned if the increase of \$85,000.00 was anticipated that will cover the cost of an on-call engineer until the end of 2023, or will you be coming back seeking more?

Councilman Dabney advised that he couldn't determine if this will be the last time they will be requesting more funds; that Controller Hoffmaster is present to answer any questions.

Controller Hoffmaster advised that this appropriation is for future on-call engineering services; stating the proposed contract is before the Board of Public Works and Safety, the additional appropriation that was adopted at the last council meeting this transfer will fully fund the amendment to the contract that the Board of Works will be approving.

Controller Hoffmaster advised Councilman P. Przybylinski on how much the city has spent to date for on-call engineering services; stating that they will look the amount and send it to the council tomorrow morning.

Controller Hoffmaster advised Councilman P. Przybylinski that the Board of Public Works and Safety will be approving and extending the Haas and Associate contract for the rest of 2023 at their meeting on August 21st.

Discussion ensued between Controller Hoffmaster and Councilman P. Przybylinski regarding the amount for on-call engineering services for six (6) months is approximately \$200,000.00.

Councilman D. Przybylinski made a motion to approve the proposed resolution, second by Councilwoman Zygas, the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, Tillman, Dabney, Fitzpatrick, and Mack (8) **NAYS:** Council member P. Przybylinski (1)

The Deputy Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4896

**A RESOLUTION OF THE MICHIGAN CITY COMMON
COUNCIL
CELEBRATING WOMEN'S EQUALITY DAY**

WHEREAS, on August 26, 2023, the women and men of the United States of America are celebrating Women's Equality Day and are seeking ratification and enforcement of the Equal Rights Amendment; and

WHEREAS, the Equal Rights Amendment was approved by Congress in 1971 in the United States House of Representatives, with the United States Senate offering final approval of the Amendment with the requirement that it be ratified by the 38 states within seven years; and

WHEREAS, thirty states ratified the amendment in the first year, with a total of thirty states ratifying by the 1982 deadline and three states ratifying it after that time; and

WHEREAS, a June 2022 poll by Data for Progress showed that 85 percent of the people polled support the Equal Rights Amendment, with only 10 percent opposing it and five percent not sure; and

WHEREAS, on July 13, 2023, a joint resolution was introduced in Congress stating that the Amendment has already been ratified and is enforceable as the 28th Amendment to the Constitution. The resolution states that the national archivist, who is responsible for the certification and publication of constitutional amendments, must immediately do so; and

WHEREAS, on August 26, 2023, the women of the United States are celebrating Women's Equality Day and are asking for the ratification and enforcement of the Equal Rights Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Michigan City, Indiana honors Women's Equality Day and supports the ratification and enforcement of the Equal Rights Amendment to the Constitution of the United States of America.

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
 /s/ Dalia Zygas
 /s/ Tracie Tillman
 /s/ Sean Fitzpatrick
 /s/ Paul Przybylinski
 /s/ Don Przybylinski
 /s/ Gene Simmons
 /s/ Michael Mack
 /s/ Bryant Dabney

President Fitzpatrick asked if the author had anything to add.

Councilwoman Deutch advised that after the Council's agenda deadline Councilwomen Zygas and Tillman asked to be added as co-sponsors, which the Clerk's Office has done, reading the proposed ordinance in its entirety.

Councilwoman Deutch advised that this proposed ordinance was brought forth by the Women's Commission in celebration of Women's Equality Day that is on August 26, 2023.

President Fitzpatrick asked if anyone from the public had any comments, there was no response.

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

The following Council members asked to be sponsors of the proposed ordinance, P. Przybylinski, Gene Simmons, Bryant Dabney, Michael Mack, Sean Fitzpatrick, and D. Przybylinski.

Councilman P. Przybylinski commented on the equal rights amendment for women; stating several changes that were made for women in our country; stating "we definitely need to appreciate women in our society."

Councilwoman Tillman made a motion to approve the proposed ordinance, second by Councilman P. Przybylinski, the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack and Deutch (9) **NAYS:** Council members None (0)

The Deputy Clerk read the following proposed resolution by title only.

AMENDING SECTION 3(E) OF RESOLUTION #4813 TO REMOVE THE 1-TON DUMP TRUCK WITH PLOW FROM THE LIST OF ESSENTIAL EQUIPMENT FOR

THE CEMETERY DEPARTMENT AND ADD TWO (2) UTV'S TO THE LIST OF ESSENTIAL EQUIPMENT FOR THE CEMETERY DEPARTMENT

Introduced by: Bryant Dabney

President Fitzpatrick asked there was anything sponsor would like to add at this time.

Councilman Dabney stated that the council approved the money for a 1-Ton Dump Truck with a plow and saw that it would not be as practical as turning over and getting two (2) of these UTV's; advising that there is no change in the dollar amount.

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

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

Councilman Dabney advised Councilman D. Przybylinski that he isn't sure what work they will be doing with these UTV's, just that he knows they said it was not practical to purchase the 1-Ton Pickup truck.

Councilmen Dabney and D. Przybylinski asked if there was anyone present from the Cemetery Department to answer questions regarding this purchase.

Controller Hoffmaster advised that these UTV's will be used to do maintenance throughout both Greenwood and Swan Lake Cemeteries

Councilman P. Przybylinski asked if Controller Hoffmaster had an approximate estimate of how much money this is going to save the city, because they wanted a 1-ton pickup truck and now want two (2) utility vehicles that the cemetery was supposed to have already ordered with a plow.

Controller Hoffmaster stated that she was told that the pathways/roads are too narrow for a dump truck with a plow; advising that these UTV's will have plows on them when they arrive and believes they have closed cabs; adding the \$55,000 that is remaining of the ARPA funds was not enough to purchase the 1-ton pickup truck.

Controller Hoffmaster advised President Fitzpatrick that it is her understanding that is why they wanted two, that they could use one at Greenwood and the other Swan Lake.

Councilwoman Tillman made a motion to TABLE the proposed resolution until the next council meeting on September 5, 2023 to have a representative from the Cemetery present to answer any question the council may have, the motion was second by Councilman P. Przybylinski, the motion carried and was approved to TABLE the proposed resolution until the September 5, 2023 Council meeting 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)

The Deputy Clerk read the following proposed ordinance on first reading by title only.
CREATING SEC. 22-70 AND SEC. 50-151 IN THE MICHIGAN CITY MUNICIPAL CODE TO REQUIRE A SOLID WASTE DISPOSAL PLAN FOR EACH APPLICATION TO THE MICHIGAN CITY PLANNING & INSPECTION DEPARTMENT BUILDING, ELECTRICAL, HVAC AND/OR PLUMBING PERMIT & CREATING SEC. 22-82(C) IN THE MICHIGAN CITY MUNICIPAL CODE TO REQUIRE THAT A BUILDING SITE BE CLEANED AND ALL CONSTRUCTION DEBRIS BE REMOVED BEFORE A CERTIFICATE OF OCCUPANCY IS ISSUED

Introduced by: Don Przybylinski
 Angie Nelson Deutch
 Bryant Dabney

President Fitzpatrick asked if any of the authors had anything to add at this time.

Councilman D. Przybylinski made a motion to TABLE this ordinance until the September 19, 2023 Council meeting to schedule a workshop, Councilman P. Przybylinski second the motion, the motion carried and was approved to TABLE the proposed ordinance on second reading until there is a workshop held 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)

The Deputy Clerk read the following proposed ordinance on first reading by title only.
AMENDING SEC. 58-60 OF CHAPTER 58 OF THE MICHIGAN CITY MUNICIPAL CODE & AMENDING VARIOUS SECTIONS WITHIN CHAPTER 98 OF THE MICHIGAN CITY MUNICIPAL CODE PERTAINING TO GARBAGE, TRASH, AND RUBBISH

Introduced by: Don Przybylinski
 Angie Nelson Deutch
 Bryant Dabney

President Fitzpatrick asked if any of the authors have anything to add at this time.

Councilman D. Przybylinski made a motion to TABLE this ordinance to schedule a workshop until the September 19, 2023 Council meeting, Councilman P. Przybylinski second the motion, the motion carried and was approved to TABLE the proposed ordinance on second reading until there is a workshop held 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)

Councilman D. Przybylinski stated that he was looking at having the workshop on Wednesday, September 6, 2023.

The Deputy Clerk read the following proposed ordinance on second reading by title only.
AMENDING SEC. 54-156 IN THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE DETERMINATION OF FINAL RATING FOR APPLICANTS TO THE MICHIGAN CITY FIRE DEPARTMENT

Introduced by: Angie Nelson Deutch
 Don Przybylinski
 Paul Przybylinski
 Gene Simmons

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

Councilwoman Deutch advised that this was read on first reading at the last council meeting on August 1, 2023 advising that she was not in attendance.

Councilwoman Deutch made a motion to amend the following proposed amendment to **Sec.54-156.Determination of final rating (c) to read as follows In order to recognize fire fighters who have tragically lost their lives in the line of duty, natural or adopted children of said fallen firefighters or police officers, who are applicants to the Michigan City Fire Department, will be given a Five (5) Point bonus,** (advising that everyone received a hard copy), second by Councilman P. Przybylinski, the motion carried and the amendment was adopted 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)

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

Councilwoman Deutch advised this is the first take on trying to change the specific weights of the final ratings having several discussions in reference to the written examination, residency, personal interview, military, add'l education etc., explaining some of the changes that were made.

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

Tommy Kulavik, 1316 Ohio Street and the Council's appointment to the Fire Merit Commission commented on Section 54-57 of the Michigan City Municipal Code stating for every three (3) openings that fire department has, two (2) of the openings are to go to go to a minority and a woman and is not being done and would like this to be looked at as soon as possible.

Rodney McCormick, 617 Union Street, advised that he has been to several workshop and Mr. Kulavik is correct from a legal standpoint; the consent decree is a is federal document that was signed by a judge, and it has to be followed and the city continues to violate it asking that this is looked at immediately.

Wayne Wright, 4210 E. Michigan Boulevard commented on the fire department's hiring process, advising that Michigan City is known for trampling on residents rights repeatedly, commenting on theft that is being done within the city and has filed a tort claim.

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

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

Councilwoman Deutch stated that there is a section where it does state the consent decree/judgement, making sure that we keep the fifteen (15) points for the Michigan City residency, included in there as well.

Councilman P. Przybylinski commented on the consent decree/judgement, that everyone should read it that this judgement may have met its intent and that when reading it you'll see that it speaks for itself; stating that this should encourage our residents to apply for this.

Councilwoman Deutch added that some of the last group that tested for the fire department were graduates of Michigan City High School and that the AK Smith center is finally doing education programs regarding fire fighters and police officers during their high schools terms.

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

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4700

**AMENDING SEC. 54-156 IN THE MICHIGAN CITY MUNICIPAL CODE
REGARDING THE DETERMINATION OF FINAL RATING FOR APPLICANTS TO
THE MICHIGAN CITY FIRE DEPARTMENT**

WHEREAS, Sec. 54-156 of the Michigan City Municipal Code provides the method and criteria for determining the final rating for applicants to the Michigan City Fire Department (“MCFD”), and currently states as follows:

“Sec. 54-156. Determination of final rating.

- (a) *An applicant's final rating shall be based on the following five parts with the stated specific weight assigned to each part:*
- (1) *Written examination: Sixty-seven percent;*
 - (2) *Michigan City residency: Fifteen percent;*
 - (3) *Personal interview: Fifteen percent;*
 - (4) *Military service, either current, or with nothing less than honorable discharge: Two percent; and*
 - (5) *Child of firefighter or police officer killed in the line of duty: One percent.*
- (b) *In order to promote the enforcement of the 1978 Consent Judgment and to enhance the safety of the citizens of the city in cases of emergency, applicants will receive three points toward their composite score for having resided in Michigan City for two consecutive years immediately preceding their application and three additional points for each additional year of continuous residency in Michigan City up to a total of 15 points. If residency is interrupted solely for educational training or military service, the applicant shall receive credit for the period of interruption. Residency shall be determined by the applicant providing proof of domicile within the corporate limits of Michigan City in one or more of the following manners: a copy of applicant's homestead exemption filed with the county auditor's or assessor's office, a copy of the applicant's residential lease agreement, or a copy of the applicant's federal or state income tax returns. Documents providing proof of residency and military service are to be provided with completed application as described in subsection 54-152(a).*
- (c) *The total composite score shall be the sum of the written examination score times its allotted weight and the personal interview times its allotted weight, plus any residency points per subsection (b) above.”*

WHEREAS, the Michigan City Fire Chiefs (“Chiefs”) and the leadership of the Michigan City Firefighters Association Local 475 (“Union”) have recently met to discuss amending Sec. 54-156, and both the Chiefs and the Union believe that the final rating factors need to be amended so to offer a more balanced representation of qualification of a candidate to the MCFD including the introduction of education points to recognize candidates who have invested in their education and professional development; and

WHEREAS, the Common Council now finds it is in the best interest of the City and residents herein to adopt the recommendations of the Chiefs and the Union and amend Sec. 54-156 of the Michigan City Municipal Code.

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

1. Section 54-156 is hereby amended in Chapter 24 of the Michigan City Municipal Code and shall read as follows:

Sec. 54-156. Determination of final rating.

- (a) An applicant's final rating shall be based on a 100 point scale with specific weightage allocated as follows:
- (1) **Written Examination: Sixty (60) Points;**
 - (2) **Michigan City Residency: Fifteen (15) Points**, subject to the criteria set forth in subsection (b) below;
 - (3) **Education: Maximum of Fifteen (15) Points** allocated as follows:
 - i.) **EMT License: Nine (9) Points**
 - ii.) **Firefighter I: Three (3) Points**
 - iii.) **Firefighter II: Three (3) Points**
 - iv.) **Fire Science Associates Degree or higher: Three (3) Points; and**

- (4) Military service, either current, or with nothing less than honorable discharge: Five (5) Points; and
 - (5) Interview: Five (5) Points.
- (b) In order to promote the enforcement of the 1978 Consent Judgment and to enhance the safety of the citizens of the city in cases of emergency, applicants will receive three points toward their composite score for having resided in Michigan City for two consecutive years immediately preceding their application and three additional points for each additional year of continuous residency in Michigan City up to a total of 15 points. If residency is interrupted solely for educational training or military service, the applicant shall receive credit for the period of interruption. Residency shall be determined by the applicant providing proof of domicile within the corporate limits of Michigan City in one or more of the following manners: a copy of applicant's homestead exemption filed with the county auditor's or assessor's office, a copy of the applicant's residential lease agreement, or a copy of the applicant's federal or state income tax returns. Documents providing proof of residency and military service are to be provided with completed application as described in subsection 54-152(a).
- (c) In order to recognize firefighters who have tragically lost their lives in the line of duty, natural or adopted children of said fallen firefighters or police officers, who are applicants to the Michigan City Fire Department, will be given a Five (5) Point bonus.
- (d) The total composite score shall be the sum of all the points earned by the applicant plus any Legacy Bonus points per subsection (c) above.

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
Michigan City Common Council
/s/ Don Przybylinski, Member
Michigan City Common Council
/s/ Paul Przybylinski, Member
Michigan City Common Council
/s/ Gene Simmons, Member
Michigan City Common Council

President Fitzpatrick asked if any of the authors had anything to add at this time.

Councilwoman Deutch stated that testing for the applicants will start next month and if everyone recalls we passed a change to the age of an applicant based on state requirements to be able to apply if you are younger than forty (40) years of age.

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

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

Discussion ensued between President Fitzpatrick, Council members P. Przybylinski regarding if the age should be lowered to eighteen questions that if they were on duty would they be able to enter certain entities due to not being twenty-one, being hired in a dangerous environment or go into the military.

Councilman D. Przybylinski made a motion to approve the proposed ordinance, second by Councilwoman Deutch, the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman and Dabney (9) **NAYS:** Council members None (0)

The Deputy Clerk read the following proposed ordinance on second reading by title only. **AN ORDINANCE CREATING SEC. 2-411 IN CHAPTER 2 OF ARTICLE VI OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH A FUND FOR AFFORDABLE HOUSING AND SENIOR HOUSING REPAIR WITHIN THE CITY OF MICHIGAN CITY, INDIANA**

Introduced by: Tracie Tillman
Angie Nelson Deutch
Don Przybylinski
Paul Przybylinski
Bryant Dabney
Dalia Zygas

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

Councilwoman Tillman stated that the purpose of this ordinance is due to when Silver Birch was established under the pilot agreement; advising under a pilot agreement there was a combined payment of \$20,000.00 for the tax years when Silver Birch was partially assessed prior to having their certificate for occupancy accrued by the City and received \$70,000.00 the first year having their certificate of occupancy and that these funds are to go back to low income families and seniors in our community; stating that she is requesting in this proposed ordinance a specific fund be set up to help low income families and seniors with repairs to their homes that can't afford to do repairs, that these funds have been going into the City's general fund and that there has been communications and dialog regarding how the process will work moving forward in terms of applications, who will approve the applications and fundings that will be done.

Councilman Dabney stated that he supports this program due to it will be helping not only low-income people, but helping seniors in our community that don't have the funds to repair large projects that they can't afford to do any more.

Councilman D. Przybylinski stated that this program is a great idea, that he has been receiving telephone calls from some of our seniors asking if there was a program to help them to get a new roof, replace windows, rotten porches, gutters, etc.

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

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

Wayne Wrights, 4210 Michigan Boulevard, stated that this is going to be a good program but is hoping that the city doesn't raise their taxes due to getting these repairs done and that it should state in this ordinance what the qualifications are regarding a person's income is to apply.

Ernie Hallahan, 302 Gladys Street, questioned if this program will help young people as well; asking Councilman D. Przybylinski to stop by and inspect his neighbor's home to see if this young lady would qualify.

Rodney McCormick, 617 Union Street, thanked Councilwoman Tillman for doing the research and finding these funds to help people in our community.

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

Councilman Dabney commented on setting the households annual income amount you make to be able to apply for help with this program; that it isn't just going to be the amount of income but how many people live in the house, how many are working, that will all have to be taken into consideration.

Councilman Mack agreed with Councilman Dabney's comments that this is a great piece of legislation and would be great if we could help the people in our community that have already been approved for federal home assistance first.

Councilwoman Tillman stated that what Councilman Dabney stated are just a few things she is looking into and that another thing she was looking into is the possibility that landlords may be eligible; making 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 Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney and Fitzpatrick (9) **NAYS:** Council members None (0)

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4701

AN ORDINANCE CREATING SEC. 2-411 IN CHAPTER 2 OF ARTICLE VI OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH A FUND FOR AFFORDABLE HOUSING AND SENIOR HOUSING REPAIR WITHIN THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, the City of Michigan City, Indiana (the "City") is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Common Council (the "Common Council"); and

WHEREAS, Michigan City RCF LP, an Indiana limited partnership (the "Owner") has acquired, developed, constructed and operated an affordable assisted living residential care multifamily housing apartment project on approximately 7.00-acre site located at 4400 East Michigan Boulevard in the City, known as the Silver Birch or Michigan City Residential Care Facility ("Silver Birch"); and

WHEREAS, Silver Birch was developed, constructed, and operated for the purpose of providing housing to income eligible persons under the federal low-income housing tax credit program under 26 U.S.C. § 42; and

WHEREAS, Silver Birch is subject to an extended use agreement administered by the Indiana Housing and Community Development Authority for a period of at least 15 years, wherein the property is only available to residents whose income is 60% or less of the area median gross income with rents restricted to no greater than 30% of the imputed income limitation applicable to each unit pursuant to Section 42(g)(2)(C) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, under these circumstances, the property is exempt from property tax as an operation of Indiana law, specifically Ind. Code § 6-1.1-10-16(a); and

WHEREAS, the City and the Owner agreed to enter into an agreement for payment in lieu of taxes ("PILOT" agreement) authorized under Ind. Code § 36-1-8-14.2 through Michigan City Ordinance Number 4399 passed by the Michigan City Common Council on September 20, 2016 and signed by the Mayor on September 21, 2016; and

WHEREAS, that PILOT agreement called for a Combined Payment Amount of \$20,000 for tax years that Silver Birch was partially assessed prior to the certificate of occupancy by the City and \$70,000 in the first tax year in which Silver Birch was completed and fully assessed after the issuance of a certificate of occupancy with such amount increasing thereafter by one percent per annum for each subsequent year under the PILOT agreement; and

WHEREAS, after due consideration, the Common Council has made the determination that it is in the best interest of the City to take this payment under the PILOT agreement, which

exists due to viable affordable housing within the City, and further uses these funds towards the end goal of additional affordable housing; and

WHEREAS, in recognition of certain economic realities, the Common Council has made the determination that it is in the best interest of the City to also allow payments under this PILOT agreement to assist in defraying the costs of home repairs within the City for its senior residents; and

WHEREAS, the Common Council has made the determination these funds should be solely used for the above-named matters.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that Sec. 2-411 is created in Chapter 2 of the Michigan City Municipal Code and shall read as follows:

Sec. 2-411. Affordable Housing and Senior Housing Repair Fund.

1. The City Controller is authorized to create a permanent non-reverting fund, to be entitled Affordable Housing – Senior Repairs.
2. All payments made after adoption of this ordinance pursuant to the PILOT agreement authorized under Ordinance 4399 are to be deposited into this newly created Affordable Housing – Senior Repairs fund.
3. Other ordinances, as may be passed from time to time, may also contribute funds to this newly created Affordable Housing – Senior Repairs fund.
4. The fund shall only be used for the purposes of furthering affordable housing or the subsidizing of senior home repair within the City of Michigan City and shall be utilized for no other purpose at any time during its existence.

This Ordinance is 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/ Tracie Tillman, Member
Michigan City Common Council

/s/ Angie Nelson Deutch, Member
Michigan City Common Council

/s/ Paul Przybylinski, Member
Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

/s/ Bryant Dabney, Member
Michigan City Common Council

/s/ Dalia Zygas, Member
Michigan City Common Council

/s/ Michael Mack, Member
Michigan City Common Council

President Fitzpatrick asked if anyone of the authors had anything to add at this time, there was no response.

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

President Fitzpatrick asked if anyone from the council had any comments or questions.

Councilman D. Przybylinski made a motion to approve the proposed ordinance, second by Councilman Dabney, the motion carried, and the ordinance was adopted by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, P.

Przybylinski, Tillman, Dabney, Fitzpatrick, and Mack (9) **NAYS:** Council members None (0)

The Deputy Clerk read the following proposed ordinance on second reading by title only. **CREATING SEC. 46-38 AND SEC. 50-269 IN THE MICHIGAN CITY MUNICIPAL CODE TO PROHIBIT THE USE OF COMPRESSION RELEASE ENGINE BRAKES (“JAKE BRAKES”) IN CITY LIMITS**

Introduced by: Paul Przybylinski

NOTE: This proposed ordinance was TABLED at the July 18, 2023 Council meeting until the August 15, 2023 Council meeting

President Fitzpatrick asked if the author had anything to add.

Councilman P. Przybylinski advised the attorney’s office is working on specific areas in our community where they want these to be posted and haven’t had any feedback to date; making a motion to TABLE this proposed ordinance on second reading until our September 19, 2023 Council meeting, motion was second by Council Deutch, the motion carried and was approved to TABLE the ordinance on second reading until the September 19, 2023 Council meeting by the following vote: : **AYES:** Council members D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack and Deutch (9) **NAYS:** Council members None (0)

NOTE: President Fitzpatrick call a five (5) minute recess.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4702

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AUTHORIZING THE CITY OF MICHIGAN CITY, INDIANA, TO ISSUE ONE OR MORE SERIES OF ITS TAXABLE ECONOMIC DEVELOPMENT LEASE RENTAL REVENUE BONDS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, Indiana Code 36-7-11.9 and 12, as amended from time to time (collectively, the “Act”), declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Michigan City, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, the Michigan City Redevelopment Commission (the “Redevelopment Commission”), the governing body of the City of Michigan City Department of Redevelopment and the Redevelopment District of the City (the “District”), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the “Redevelopment Act”); and

WHEREAS, the City of Michigan City Building Corporation (the “Building Corporation”) has been incorporated as an Indiana nonprofit corporation operating pursuant to Indiana Code 23-17 in order to finance buildings and other capital improvements in the City; and

WHEREAS, the City, the Redevelopment Commission, and F&C Development, Inc. (the “Developer”), have negotiated a Project Agreement, as amended by an Addendum to Project Agreement (the “Project Agreement”) to provide for (1) the construction and equipping of a mixed-use, multifamily building of not less than twelve (12) stories including approximately (i) 200 residential apartment units; (ii) 5,900 square feet of retail and/or commercial space; (iii) tenant amenity spaces consistent with similar projects recently constructed by the Company (defined herein); and (iv) access points and passageways necessary to connect such building to the Parking Garage Component (defined herein) (collectively, the “Mixed Use Project”) and (2) the construction and equipping of a parking garage that is expected to

have in excess of 500 available spaces, a transit station as required by the Northern Indiana Commuter Transportation District, a rooftop amenity that permits the further development of a public gathering space, and any other components required by the Mixed Use Project (the “Parking Garage Component” and collectively with the Mixed Use Project, the “Project”) as more fully described in the Project Agreement; and

WHEREAS, the Redevelopment Commission has previously declared an area within the City as an economic development area and known as the “Community Center No. 1 Expanded Urban Renewal Area” (the “North Side Area”) and designated the North Side Area as an allocation area in accordance with Section 39 of the Redevelopment Act for the purposes of capturing incremental *ad valorem* property taxes levied and collected on all taxable real property in such North Side Area; and

WHEREAS, the Redevelopment Commission has previously declared an area within the City as an economic development area and known as the “Southside Economic Development Area” (the “South Side Area”) and designated the South Side Area as an allocation area in accordance with Section 39 of the Redevelopment Act for the purposes of capturing incremental *ad valorem* property taxes levied and collected on all taxable real property in such South Side Area; and

WHEREAS, the Redevelopment Commission on July 10, 2023, approved and adopted a resolution for the purpose of (i) making certain amendments to the North Side Area and its plan including to designate an area, presently part of the North Side Area as a separate allocation area pursuant to Section 39 of the Redevelopment Act to be known as the “Mixed Use Transit Project Allocation Area” (the “Mixed Use Transit Project Allocation Area”) for purposes of capturing incremental *ad valorem* property taxes levied and collected on all taxable real property in the Mixed Use Transit Project Allocation Area (the “Mixed Use Transit Project Allocation Area TIF”); (ii) expanding the South Side Area to add certain territory to the South Side Area; and (iii) consolidating the North Side Area with the South Side Area as so expanded to provide for a consolidated Economic Development Area (the “Consolidated Area”); and

WHEREAS, to induce the Developer to complete the Project, the City desires to authorize and issue its taxable economic development lease rental revenue bonds in one or more series under the Act, to be designated as the “City of Michigan City, Indiana, Taxable Economic Development Lease Rental Revenue Bonds, Series 2023 (Mixed Use Transit Project)” (with such further series or different series designation as determined to be necessary or appropriate) in an aggregate principal amount not to exceed Twenty-two Million Dollars (\$22,000,000) (the “Bonds”), the net proceeds of such Bonds to be used for the purpose of paying all or a portion of the costs of the Project, capitalized interest on the Bonds; a debt service reserve fund from proceeds of the Bonds or the cost of a reserve surety, if necessary, and costs of issuance of the Bonds; and

WHEREAS, the Economic Development Commission, following a public hearing, pursuant to Section 24 of the Act, adopted a resolution which has been transmitted to the Common Council (i) finding that the financing of all or a portion of the costs of the Project will not have an adverse competitive effect on any similar facilities already constructed or operating in or about the City; (ii) further finding that the proposed financing of all or a portion of the costs of the Project complies with the purposes and provisions of the Act; (iii) further finding that such financing will be of benefit to the health and public welfare of the City; (iv) approving the financing of all or a portion of the costs of the Project, capitalized interest on the Bonds, a debt service reserve fund from proceeds of the Bonds or the cost of a reserve surety, if necessary, and costs of issuance of the Bonds, including the forms and terms of a Loan Agreement (the “Loan Agreement”) by and between the City and the Building Corporation (including a form of Note (the “Note”)), a Trust Indenture (the “Trust Indenture”) between the City and a bank to be selected to serve as trustee for the Bonds (the “Trustee”), the Bonds from the City to the bondholders more fully described below, and this Ordinance (the Loan Agreement, the Note, the Trust Indenture, the Bonds, and this Ordinance, collectively, the “Financing Documents”), presented to the Economic Development Commission; and (v) recommending that this Common Council find that the proposed financing of the cost of the Project will be of benefit to the health and general welfare of the City and its citizens, and complies with the purposes and provisions of the Act, and that this Common Council adopt an ordinance approving such financings; and

WHEREAS, the Bonds will be payable from payments made by the Building Corporation to the City under the Loan Agreement as evidenced by the Note which payments will be made by the Building Corporation from lease payments made by the Redevelopment Commission to the Building Corporation under a Lease Agreement (the “Lease”) between the Building Corporation, as lessor, and the Redevelopment Commission, as lessee, providing for lease of certain real property in the City pursuant to Section 25.2 of the Redevelopment Act as more fully described in the Lease; and

WHEREAS, no member of this Common Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Common Council, and no such member has voted on any such matter, all in accordance with the provisions of Section 16 of the Act; and

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

1. It is hereby found that the Project constitutes a “economic development project” and “economic development facilities” within the meaning of the Act and the financing of all or a portion of the costs of the economic development facilities constituting the Project referred to in the Financing Documents previously approved by the Economic Development Commission and presented to this Common Council; the issuance and sale of the Bonds; the use of the proceeds of the Bonds to pay all or a portion of the costs of the Project, pay capitalized interest on the Bonds, fund a reserve fund from proceeds of the Bonds or by the purchase of a surety policy and pay the costs of issuance of the Bonds, the payment of the Bonds from the sources described in the Financing Documents, and the securing of the Bonds under the Indenture comply with the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

2. At the public hearing held before the Economic Development Commission, the Economic Development Commission considered whether the Project would have an adverse competitive effect on any similar facilities located in or near the City. This Common Council hereby confirms the findings set forth in the Economic Development Commission’s resolution and concludes that the Project will be of benefit to the health, prosperity, economic stability and general welfare of the citizens of the City.

3. The substantially final forms of the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk of the City (the “Clerk”). In accordance with the provisions of Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

4. The City shall issue the Bonds in one (1) or more series in the maximum aggregate principal amount not to exceed Twenty-two Million Dollars (\$22,000,000), which Bonds shall mature no later than February 1, 2048, and shall bear interest at a per annum rate not exceeding seven percent (7.0%) per annum (determined through a competitive or negotiated sale, as set forth herein). The Bonds are to be issued for the purpose of procuring funds to (a) pay all or a portion of the costs of constructing and equipping the Project, (b) pay capitalized interest on the Bonds, (iii) fund a debt service reserve fund or pay the cost of a reserve surety (if necessary), and (d) pay all incidental expenses on account of the issuance of the Bonds and acquiring any credit enhancement with respect thereto. The Bonds shall be issued in one (1) or more series as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the aggregate principal amount of the Bonds maturing in any one (1) year (or in denominations of \$100,000 and \$1,000 in excess thereof) (each an “Authorized Denomination”) as may be determined by the Mayor of the City (the “Mayor”) and the Controller of the City (the “Controller”), shall be dated the date of their delivery as set forth in the Trust Indenture, shall be fully registered without coupons and numbered consecutively from R-1 upward, and shall be payable in the medium and at the place or places as set forth in the Trust Indenture. Principal of and interest on the Bonds shall be payable semiannually on February 1 and August 1, commencing not earlier than February 1, 2024, and shall have a final principal payment due on not later than February 1, 2048. Interest on the Bonds shall be calculated according to a three hundred sixty (360)-day calendar year containing twelve (12) thirty (30)-day months.

The Mayor and the Controller, upon consultation with the City’s municipal advisor, may designate maturities of the Bonds (or a portion thereof in Authorized Denominations) that shall be subject to optional redemption and/or mandatory sinking fund redemption and the corresponding redemption dates, amounts and prices (including premium, if any) and such terms shall be as set forth in the Financing Documents.

The Bonds shall be executed on behalf of the City by, and bear the manual or facsimile signature of, the Mayor and the Clerk of the City (the "Clerk"), and the seal of the City shall be thereunto affixed (or imprinted or engraved if in facsimile).

The Bonds shall be in the form set forth in the final form of the Trust Indenture.

The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City, but shall be special and limited obligations of the City, payable solely from the revenues and other amounts derived from the Financing Documents. The forms of the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

5. The Mayor and the Controller are authorized to provide for the sale of the Bonds either through a competitive bid sale or by a negotiated sale based upon the advice provided by the Municipal Advisor as set forth herein.

The Mayor and the Controller, upon consultation with the Municipal Advisor, may determine to sell the Bonds through a competitive sale. In the event the Bonds are to be sold through a competitive sale, the Controller shall cause to be published a notice of sale once each week for two consecutive weeks in accordance with Indiana Code § 5-3-1-2, as amended. The date fixed for the sale shall not be earlier than fifteen (15) days after the first of such publications and not earlier than three (3) days after the second of such publications. Said bond sale notice shall state the time and place of sale, the purpose for which the Bonds are being issued, the total amount thereof, the maturity dates and the original issued amounts, the maximum rate or rates of interest thereon, their denominations, the time and place of payment, that specifications and information concerning the Bonds are on file in the office of the Controller and are available on request, the terms and conditions upon which bids will be received and the sale made and such other information as is required by law or as the Controller shall deem necessary.

As an alternative to the publication of a notice of sale, the Controller may sell the Bonds through the publication of a notice of intent to sell the Bonds and compliance with related procedures, pursuant to Indiana Code § 5-1-11-2(b), as amended.

All bids for the Bonds shall be sealed and shall be presented to the Controller in accord with the terms set forth in the bond sale notice. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding seven percent (7.00%) per annum (or such lesser not to exceed interest rate as determined by the Controller prior to the publication of the notice of sale upon the advice of the Municipal Advisor), and such interest rate or rates shall be in multiples of one eighth, one twentieth, or one hundredth, of one per cent. The Controller shall award the Bonds to the bidder who offers the lowest True Interest Cost rate with respect to the Bonds, which is that rate which, when used to compute the total present value as of the date of delivery of the Bonds of all debt service payments on the Bonds on the basis of semiannual compounding, produces an amount equal to the sum of the par value of the Bonds, minus any premium bid plus any discount. No bid for less than ninety-nine percent (99.00%) of the par value of the Bonds shall be considered (or such higher amount as determined by the Controller prior to the sale of the Bonds). The successful bidder must provide to the City a certified or cashier's check (or wire transfer) payable to the order of the City, in an amount not to exceed one percent (1%) of the aggregate principal amount of the Bonds as a guaranty of the performance of said bid, not later than 3:30 p.m. (Eastern Time) on the next business day following the award. If a check is submitted, it must be drawn on a bank or trust company that is insured by the Federal Deposit Insurance Corporation. In the event no satisfactory bids are received on the day named in the sale notice, the sale may be continued from day to day thereafter for a period of thirty (30) days without readvertisement; provided, however, that if said sale is continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for sale in the bond sale notice. The Controller shall have full right to reject any and all bids.

Notwithstanding anything in this Ordinance to the contrary and in lieu of a competitive sale of the Bonds pursuant to this Section, the Mayor and the Controller, upon consultation with the Municipal Advisor, may determine to provide for the Bonds to be sold through a negotiated sale in the manner and upon the terms and conditions set forth in a purchase agreement between

the City and an underwriter, bank, financial institution or other purchaser (the “Purchaser”) to be selected by the Mayor and the Controller, at such prices and on such terms as may be determined at the time of such sale and approved by the Mayor and the Controller. The Mayor and the Controller are hereby authorized to approve and execute a bond purchase agreement (the “Purchase Agreement”) for the Bonds with the Purchaser, in a form and substance approved by such officers, such approval to be conclusively evidenced by the execution thereof. Such Purchase Agreement may set forth the definitive terms and conditions for such sale, but all such terms and conditions must be consistent with the terms and conditions of this Ordinance, including without limitation, the interest rate or rates on the Bonds which shall not exceed the maximum rate of interest for the Bonds authorized pursuant to this Ordinance.

In connection with the sale of the Bonds, the Mayor and the Controller each are authorized to take such actions and to execute and deliver such agreements and instruments as they deem advisable to obtain a rating on the Bonds, bond insurance for the Bonds, and/or a surety policy to satisfy the Reserve Requirement and the taking of such actions and the execution and delivery of agreements and instruments are hereby approved.

6. The Mayor and Controller are hereby authorized to approve the preparation and distribution of a Preliminary Official Statement for the Bonds. The Mayor and Controller are hereby authorized to deem and determine the Preliminary Official Statement as the near final Official Statement with respect to the Bonds for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the “SEC Rule”), subject to completion in accordance with such SEC Rule and in a manner acceptable to the Mayor and Controller of the City, and to place the Preliminary Official Statement into final form as the Final Official Statement. The Mayor and Controller of the City are hereby authorized to sign the Final Official Statement and by such signature approve of its distribution.

If necessary in order to assist the Purchaser of the Bonds in complying with paragraph (b)(5) of the SEC Rule by undertaking to make available appropriate disclosure about the City and the Bonds to participants in the municipal securities market, the City hereby covenants, agrees and undertakes, in accordance with the SEC Rule, unless excluded from the applicability of the SEC Rule or otherwise exempted from the provisions of paragraph (b)(5) of the SEC Rule, that it will comply with and carry out all of the provisions of the continuing disclosure contract. “Continuing disclosure contract” shall mean that certain continuing disclosure contract executed by the City and dated the date of issuance of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The execution and delivery by the City of the continuing disclosure contract, and the performance by the City of its obligations thereunder by or through any employee or agent of the City, are hereby approved, and the City shall comply with and carry out the terms thereof.

7. Each of the Mayor, the Clerk, the Controller and any other officer of the City are authorized and directed to execute the Financing Documents, such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, Clerk, the Controller and any other officer of the City on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Clerk and any other officer of the City on the Bonds may be facsimile signatures or electronic signatures. The Mayor, the Controller and any other officer of the City are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor, the Clerk, the Controller and any other officer of the City may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor, the Clerk, the Controller or any other officer of the City without further approval of this Common Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

8. The provisions of this Ordinance and the Financing Documents securing the Bonds of a series shall constitute a contract binding between the City and the holders of the Bonds of such series, and after the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as the Bonds or the interest thereon remains unpaid.

9. No stipulation, obligation or agreement herein contained or contained in the Financing Documents, the Bonds or in any other agreement or document executed on behalf of the City shall be deemed to be a stipulation, obligation or agreement of any member of the Common Council, or any officer, agent or employee of the City in his or her individual capacity, and no such member of the Common Council, officer, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

10. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

11. It is hereby determined that all formal actions of the Common Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Common Council, that all deliberations of the Common Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

12. The Mayor, the Clerk, the Controller and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

13. All acts of the officers of the City which are in conformity with the purpose and intent of this Ordinance and in the furtherance of the issuance of the Bonds and the execution, delivery and performance of the documents and agreements authorized hereby are in all respects ratified, approved and confirmed.

14. Any ordinances, resolutions or orders or parts thereof in conflict with this Ordinance are to the extent of such conflict hereby repealed.

15. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

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

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

/s/ Tracie Tillman, Member
Michigan City Common Council

/s/ Bryant Dabney, Member
Michigan City Common Council

/s/ Dalia Zygas, Member
Michigan City Common Council

President Fitzpatrick asked if any of the authors had anything to add at this time.

Councilwoman Deutch advised that we some representative present to answer any questions the council may have, introducing; Brandon Bogan representing Flaherty, Redevelopment Commission's Attorney Alan Sirinek, Planning Director Skyler York; with the following online to answer any questions as well – Adam Mouser, Brian Prince, and Randy Rompola.

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

Discussion ensued addressing the proposed construction of the NICTD Double Track Parking Garage and the Construction of the Mixed-Use Transit Center being built next to the parking garage between Council members P. Przybylinski, Deutch, D. Przybylinski, Deutch, Dabney, and Nick Pollock, 211 Ann Street, representing the Carpenters Union, Faye Moore 515 Grace Street, Alan Sirinek representing the Redevelopment Commission, Rodney McCormick 617 Union Street, John Carr, 1902 N. Whisper Crossing, Jim Claire 273 W. 100 S. representing the IBW Union Local 531, Brandon Bogan representing Flaherty & Collins, Skyler York Planning Director, Council Attorney Raggs: Under minding the tax payers of Michigan City, reason why not to use the developer that the Redevelopment Commission has chosen for this project, why a project labor agreement should be signed, the length of the bond being thirty years, if the Human Rights Department will be over seeing that there are city residents hired, women and minority workers being hired, this is NICTD project not a city project but a Federal project, comments made with respect to the hiring of Flaherty and Collins on these projects, TIFF development being created specifically for this project to pay the debt, finances, what this project will generate when completed in the community, jobs, union workers being hired due to be a federal funds involved, why it is allowed that an elected official sits on a city board/ commission, why the safeguards and oversights on this project weren't mentioned, reasons to support the city residents, supporting the project, minority outreach in the building trades affiliated with the Indiana Plan, what the history of Flaherty and Collins was. who was the developer and subcontractors where on the LaPorte project, who will overseeing our project in our city, the use of US/American made Steel on this project, percentage of union workers, when the bids are due for both projects, questioning about doing a POA or assurance on this project, being licensed as a contractor in Michigan City to do work, when the bids for these projects are being opened, what our City inspection staff will be doing during this project being short staffed, concerns that each union representative brought to the council, several reason why the approval of purchasing these bonds wasn't brought to this council earlier than at the last minute, discussing that this isn't a "City" project and doesn't have to follow city hiring ordinance/city resident ordinance or procedures.

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

Wayne Wright, 4210 Michigan Blvd., commented on contractors that will be able to work on this project are able to use a 1099 form for their pay and they will be from Texas, California, and bypass what the city is trying to avoid happening.

Earnie Hallahan, 302 Gladys Street, commented about the unions he has worked for in his lifetime; stating that unions are not as large as they were years ago.

John Carr responded to Mr. Hallahan's comments that the unions in LaPorte County building trades are very strong and that we need to start this project on the right foot; advising the gentleman here said that American made steel was not in the bids specs for the private portion of the project and then said he would look into it and that it was too late to have a PLA that bids are due Friday, August 18th. Mr. Carr commented on the ordinance for the bonding is being approved tonight and the bids are being received at the end of this week.

Councilman D. Przybylinski made a motion to TABLE the proposed ordinance on third reading until the next meeting on September 19, 2023 to be able to discuss all the questions that weren't answered this evening, the motion was second by Councilman P.

Przybylinski stating the best watched dogs you can have on a project are union labor and that the city needs a PLA agreement moving forward on this project as well.

The motion failed to TABLE the proposed ordinance until the September 19, 2023 Council meeting by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Dabney, and D. Przybylinski. (4) **NAYS:** Council members Simmons, Tillman, Fitzpatrick, Mack, and Deutch (5)

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

Councilwoman Deutch questioned the time-line that this project isn't something that just happened with Skyler York Planning Director advising Ms. Deutch that we have had two (2) public meetings prior to bringing this to the council, have been working on this document/project plan for approximately one year with Flaherty and Collins and are still under the time gun to get the parking garage started; explaining the financing of the funds and where they are coming from, along with the tax credits that we will be receiving.

Discussion ensued between Council members Zygas, Deutch, P. Przybylinski, and D. Przybylinski regarding the timeframe this council is facing regarding the percentage of union labor being hired, using U.S. Steel, don't want something to happen like it did at LaPorte's project, reasons why we need to move forward, why didn't the Planning Department reach out to any of the council members regarding questions from the last meeting on August 1st, when receiving the bids schedule a meeting with the trades to discuss the oversights one being the PLA and that it is too late to start the bid process over.

Flaherty and Collins representative advised that to redo the bid process would take at least three (3) or four (4) months and that there is a time crunch, but we are open to scheduling a meeting to discuss the bids received moving forward and that the subcontractors purchase the steel, that it is all included in the bids; advising theirs is probably multiple perspectives the delays could potentially impact us, with one standpoint is we want to be under way before we get heavy winter.

Discussion ensued between Redevelopment Attorney Alan Sirinek and Council members D. Przybylinski and P. Przybylinski, regarding the brothers not reaching out to Flaherty and Collins with the information regarding who they should contact.....

Councilman Deutch made a motion to approve the proposed ordinance, motion was second by Councilwoman Zygas, the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members Zygas, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski and Simmons (8) **NAYS:** Council members P. Przybylinski (1).

The Deputy Clerk read the following proposed ordinance on third reading by title only.
CREATING ARTICLE 10 IN CHAPTER 22 ENTITLED "RENTAL INSPECTION PROGRAM"

Introduced by: Dalia Zygas

NOTE: This proposed ordinance was TABLED at the July 18, 2023 Council meeting until the August 15, 2023 Council meeting

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

Councilwoman Zygas stated that the name of the ordinance will be changed to rental registration, the fee per parcel is \$5.00 for registration and is good for five (5) years with the due dates being January 30th and that it involves the contact information on who is the emergency contact and who is the owner; advising that she still hasn't received the final ordinance to date; making a motion to TABLE the proposed ordinance until the

October 3, 2023 meeting, second by Councilman Mack; the motion carried and was approved to TABLE the ordinance until the October 3, 2023 Council meeting by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygas (7) **NAYS:** Council members P. Przybylinski, Tillman (2).

NEW BUSINESS

President Fitzpatrick advised that there was no new business.

UNFINISHED BUSINESS

NOMINATIONS: President Fitzpatrick stated that the Council has one appointment to the Michigan City Police Commission, expiring September 7, 2023. the Incumbent: Lela Simmons (this a two-year term)

President Fitzpatrick opened the nominations (repeating three times) asking "if there were any nominations at this time".

Councilwoman Deutch nominated Lela Simmons, second by Councilwoman Tillman. Councilman D. Przybylinski nominated Mike Palmer reading his reasons for wanting to serve on this commission, no motion to second was made.

President Fitzpatrick (repeated three times) asked "if there were any other nominations at this time", there was no response and nominations were closed.

President Fitzpatrick advised that the vote will take place at the September 5, 2023 Council meeting.

NOMINATIONS: The Council has the following appointment to the Michigan City Social Status of African American Males (Term expired February 15, 2023 and are one (1) year terms) **Incumbent:** vacant - Ministerial Assoc.)

Councilwoman Deutch advised that she move forward and amend this ordinance amended to remove the Ministerial Association appointment and to make these appointments two (2) year terms as well.

President Fitzpatrick read the following contract "Energy System Group (ESG) Year three (3) Performance Guarantee Savings Report for the City of Michigan City advising that there was a joint workshop held on July 27, 2023 regarding same.

Councilman D. Przybylinski stated that he reviewed the 2023 Council Committee Assignments advising there was no committee or subcommittee that was created to review the ESG annual reports and that the Council President is requested to sign these reports each year.

Councilman D. Przybylinski reported on the meeting he had with Interim Engineer Brad Minnick, Attorney J. Harris, and Controller Hoffmaster advising that each of them came out of this meeting with an assignment to gather information regarding this contract, they are going to meet one more time to review what they gathered and then set up a joint workshop with the Council to get questions answered that anyone may have and be aware for the future regarding it.

COMMENTS FROM THE PUBLIC

Ernie Hallahan, 302 Glady Street commented on maintaining the older sidewalks that have weeds and grass growing in the cracks that the bigger the weeds the larger the cracks in the sidewalk get.

Tommy Kulavik, 1316 Ohio Street, read a proclamation from the House of Representatives recognizing his mother Melody Kulavik on her 80th birthday August 2, 2023, congratulated her as a member of the 123 Indiana General Assembly and they opened the new learning center on Woodland Avenue and U.S. Hwy 20 for the first time.

Scott Franco representing Surf Internet located in LaPorte and is expanding to Porter County explaining they provide fiber to communities and highspeed internet; stating that he would like the opportunity to work here in Michigan City.

Wayne Wright, Michigan Boulevard addressed the council regarding the tort claim he filed against Michigan City for the crime that happened by the MCPD regarding the theft of his camper.

NOTE: President Fitzpatrick advised Mr. Wright public comments are limited to three (3) minutes)

Nick Pollock, 211 Ann Street, commented on addendums that have been added to bid documents, just before their deadline and that this council when having their workshop with Flaherty and Collins could have asked them to make that addendum at that time; stating that he doesn't want to make this a union issue but a Michigan City worker issue. Mr. Pollock stated several concerns regarding comments that Flaherty and Collins representatives made that were false.

Rodney McCormick, 617 Union Street, commented on all the illegal dumping going on throughout our community, that he has been helping the Street Department and Vector Control pick up what is being dumped; questioning when the amendments in the ordinance are going to happen so the city will be able to catch the people dumping and fine them; thanking Shong Smith Street Department Director for all he does for the city.

Nancy Moldenhauer, 107 Kay Lane, announced on Friday, September 8, 2023 a Climate Leadership Summit #8 is going to be held at Indiana University Northwest in Gary from 9:00 a.m. to 5:00 p.m.

Dakota Euler, 718 Emma Street, stated he attended the event at Walker Street Garden which is a great asset to our city on Saturday, that it was well attended, but would have liked to of seen both the MCPD and MCFD in attendance to show support from our community.

Wayne Wright, Michigan Boulevard questioned if the city helps predatory lenders; stating several concerns regarding his resident/mortgage.

COMMENTS FROM THE COUNCIL

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

Councilman D. Przybylinski commented on the Walker Street meet and greet last Sunday was very nice, that the neighbors are doing a great job with that organization that there were over eighty (80) people there.

Councilman D. Przybylinski stated that he supports unions and that he had never heard of a PLA; advising that as long as he is sitting on this council before another city project comes before him there will be a PLA attached; advising why he did support the

ordinance and that anything being brought to the council shouldn't be brought to us in the twelfth (12th) hour.

Councilwoman Deutch stated that she did have a discussion with Mr. Pollock as well and that she has shared with Mr. York about contracting a contractor to be a project site manager everyday not our city code inspectors to be responsible to inspect and oversee this large of a project and that we do have a voice after this Friday when the bids come in; advising when she worked at NIPSCO and there was a situation where a Mayor had come and shown up on the site and shut it down; that this was a learning experience.

Councilman P. Przybylinski stated that he wasn't ashamed of his "NO" vote because he believes there is time, agreeing with Mr. Pollock about there could have been an addendum to the bid documents; that everybody knew about the problem in LaPorte and that the Planning Department didn't care enough to think about our workers, even if they're nonunion.

Councilwoman Tillman read the following on behalf of her mother, "Ernestine Tillman was recognized upon the occasion of her eightieth birthday on August 17, 2023 thus a member of the 123 Indiana General Assembly and would like to congratulate you on this joyous occasion with best wishes for more years of health and happiness." Signed Pat Boy, State Representative House District No. 9. Stating that those who know her mother she watches every Council meeting... said: **"I love you, God Bless and Happy Eightieth Birthday."**

ADJOURNMENT

A motion was made by Councilman Dabney second by Councilman P. Przybylinski and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 9:57 p.m.)

Gale A. Neulieb, City Clerk