

REGULAR “HYBRID/ZOOM” MEETING

September 6, 2022

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, September 6, 2022, 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 Deutch.

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

PRESENT: COUNCIL MEMBERS Bryant Dabney, Michael Mack, Angie Nelson Deutch, Don Przybylinski, Paul Przybylinski, Gene Simmons, and Dalia Zygas (7).

ABSENT: COUNCIL MEMBERS Sean Fitzpatrick and Tracie Tillman (2).

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Jewel Harris, Gale Neulieb City Clerk and Stacy Dudley Deputy Clerk.

APPROVAL OF MINUTES

President Deutch stated that we will be approving the Regular “Hybrid/Zoom” Meeting Minutes that were held on August 02, 2022 and August 16, 2022.

President Deutch asked if there were any comments, there was no response

Councilman P. Przybylinski made a motion to approve the minutes of the “Hybrid/Zoom”, Regular meeting held on August 02, 2022 and August 16, 2022; a second was made by Councilman D. Przybylinski.

The Regular Hybrid/Zoom Council meeting held on August 02, 2022 and August 16, 2022 minutes were approved by the following vote: **AYES:** Council members Bryant Dabney, Michael Mack, Angie Nelson Deutch, Don Przybylinski, Paul Przybylinski, Gene Simmons, and Dalia Zygas (7) **NAYS:** Council member None (0).

REPORTS of STANDING COMMITTEES

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

FINANCE REPORT

Councilman P. Przybylinski advised the Michigan City Finance Committee meeting was held today September 6, 2022, with Councilwoman Tillman in attendance; stating that he went over the funds for the litigation for the Park Department; making a motion to approve.

President Deutch stated that it will be voted on under the claims docket.

CLAIMS DOCKET

President Deutch stated the September 6, 2022, claims for the Riverboat Claim Docket Fund #2042 was in the amount of \$17,753.26, no claims for Riverboat EFT and no claims from the Boyd Development fund #2031.

Councilman P. Przybylinski made a motion to approve the September 6, 2022, Riverboat/Boyd Claim Docket in the total amount of \$17,753.26, second by Councilman Gene Simmons.

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Fund #2042 – Riverboat – Claims - \$	17,753.26
EFT \$	00.00
Fund #2031 – Boyd Development - \$	00.00
EFT \$	00.00
TOTAL CLAIMS \$	17,753.26

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

The September 6, 2022, Riverboat/Boyd Claim docket in the amount of \$17,753.26 was approved by the following vote: **AYES:** Council members Dabney, Mack, Deutch, D. Przybylinski, Gene Simmons, Zygas, and P. Przybylinski (7) **NAYS:** Council member None (0)

REPORTS OF SPECIAL or SELECT COMMITTEES

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

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

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

Chief Doug Legault addressed the Council stating that for the month of August we had 343 total calls with 6 of them were fires, further stating that Councilman D. Przybylinski has asked him to complete a running total on Narcan use which we are able to do now and as of August 15 through August 30 Narcan was used on 8 calls out 15 calls.

President Deutch asked if there were any questions, there was no response.

President Deutch stated that notifications were received in the mail about funding for a drug related grant the city is supposed to receive.

Councilman D. Przybylinski thanked Chief Legault for getting this system and information, stating that it is very helpful to the City.

Further discussion ensued with Councilman D. Przybylinski and Chief Legault regarding month-to-month reports.

President Deutch asked if there were any additional comments or questions, there was no response.

PETITIONS

President Deutch asked Clerk Neulieb if there were any petitions this evening.

Clerk Neulieb stated that there are no petitions this evening.

COMMUNICATIONS

President Deutch asked if there was any correspondence received in the Clerk's Office for the Council.

Clerk Neulieb stated correspondence was received in the Clerk's Office from Controller Hoffmaster regarding the cash position (unreconciled) documents for all City funds.

Correspondence was received in the Clerk's Office from Attorney Harris Law Firm regarding concerns relating to provision of services following annexations

Correspondence was received in the Clerk's Office that was sent to the Town of Long Beach from the Sanitary District regarding the proposed Long Beach sewer costs.

RESOLUTIONS

President Deutch stated that there are no resolutions.

ORDINANCE

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

AMENDING MUNICIPAL CODE SECTION 22-606 REGARDING THE RATE OF PAY FOR THE LICENSING BOARD MEMBERS

Introduced by: Angie Nelson Deutch
Dalia Zygas

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

Councilwoman Zygas stated that the proposed ordinance is being brought to the council due to an oversight that they weren't added to the list of board/commission members not being paid to date.

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

President Deutch asked if there were any Council comments, there was no response

President Deutch stated that this proposed ordinance will be held over for second reading at the next Council meeting on September 20, 2022.

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

ORDINANCE OR RESOLUTION FOR APPROPRIATION AND TAX RATES

Introduced by: Angie Nelson Deutch
Dalia Zygas

President Deutch asked if the sponsors had anything to add at this time, there was no response.

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

President Deutch asked if there are any comments from the council, there was no response.

President Deutch stated that this proposed ordinance will be held over on second reading at the next Council meeting on September 20, 2022.

The Clerk read the following proposed ordinance on first reading by title only.
AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2023

Introduced by: Tracie Tillman
Paul Przybylinski
Bryant Dabney
Sean Fitzpatrick

President Deutch asked if the sponsors had anything to add at this time, there was no response.

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

President Deutch asked if there are any comments from the council.

President Deutch stated Councilwoman Tillman provided each member with the Council's Finance Committee 2023 hearings/budget wrap up report with their recommendations.

Councilman Dabney stated that at the top of the document Councilwoman Tillman provided questioned why some of the departments had no recommendation and some did have recommendations/votes for the Councils to consider.

Further discussion ensued between President Deutch, Councilman P. Przybylinski and Councilman Dabney regarding the recommendations proposed on this document.

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

President Deutch stated that the proposed ordinance will be held over on second reading at our next meeting on September 20, 2022.

The Clerk read the following proposed ordinance on first reading by title only.
AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR

Introduced by: Tracie Tillman
Paul Przybylinski
Bryant Dabney
Sean Fitzpatrick

President Deutch asked if the sponsors had anything to add at this time, there was no response.

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

President Deutch asked if there are any comments from the council, there was no response.

President Deutch stated the proposed ordinance will be held over on second reading at our next meeting on September 20, 2022.

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

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK

Introduced by: Tracie Tillman
Paul Przybylinski
Bryant Dabney
Sean Fitzpatrick

President Deutch asked if the sponsors had anything to add at this time, there was no response.

President Deutch asked if there were any questions or comments from the public at this time; setting the annual salary for the City Clerk, there was no response.

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

President Deutch stated the proposed ordinance will be held over on 2nd reading at our next meeting on September 20, 2022.

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

ESTABLISHING THE SALARIES FOR THE MICHIGAN CITY POLICE DEPARTMENT FOR THE CALENDAR YEAR 2023

Introduced by: Tracie Tillman
Paul Przybylinski
Bryant Dabney
Sean Fitzpatrick

President Deutch asked if the sponsors had anything to add at this time, there was no response.

Councilman P. Przybylinski stated as being part of the bargaining committee with the (police) FOP, a good contract was negotiated which led them to be able to recruit eight (8) new officers for our city; thanking Councilmen Dabney and D. Przybylinski and everyone else that was on this negotiating team.

Councilman D. Przybylinski asked to be a Co-Sponsor to this proposed ordinance.

Councilman D. Przybylinski also thanked everyone on the negotiating team for their hard work; stating that with the negotiating and coming up with a good contract it is a great tool for the police department to use to recruit new officers.

President Deutch stated that it was nice to see all eight (8) officers being sworn in with their support of their families and friends at their ceremony

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

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

President Deutch stated that the proposed ordinance will be held over on second reading at our September 20, 2022 meeting.

The Clerk read the following ordinance on 1st reading by title only.

AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2023

Introduced by: Tracie Tillman
Paul Przybylinski
Bryant Dabney
Sean Fitzpatrick

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

Councilman P. Przybylinski stated this also is an ordinance that came out of the city's labor relations negotiating team with the fire department Local 475 negotiating team; thank everyone along with Councilmen Dabney and D. Przybylinski for their input and hard work as well.

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

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

Councilman D. Przybylinski asked to be a Co-Sponsor to the proposed ordinance.

Councilman D. Przybylinski addressed the Council thanking Councilmen D. Przybylinski, and the entire city negotiating team for their hard work on their three (3) year contract with the MCFD Local 475.

President Deutch agreed that this was a good contract and that the Fire Merit Commission has just started with testing to hire additional fire fighters to the department.

The Clerk read the following ordinance on first reading by title only, **AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE COMMON COUNCIL MEMBERS**

Introduced by: Tracie Tillman
Paul Przybylinski
Bryant Dabney
Sean Fitzpatrick

President Deutch asked if any of the sponsors had anything to add at this time, there was no response.

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

Ernie Hallahan, 302 Gladys Street, commented on the proposed ordinance thanking the Council's Finance Committee for doing a great job on the salary ordinance; that he had seen in the paper that LaPorte was losing a lot of their employees leaving for better paying jobs.

President Deutch asked if there were any comments from the council at this time, there was no response; stating that the proposed ordinance will be held over on second reading at our next council meeting on September 20, 2022.

The Clerk read the following proposed ordinance on second reading by title only.
AMENDING SEC. 98-85 OF THE MICHIGAN CITY MUNICIPAL CODE KNOWN AS ADDITIONS TO THE SANITARY DISTRICT TO AMEND THE ANNEXATION CONDITIONS AND PROCEDURES

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

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

Councilman Dabney stated this proposed ordinance and the next ordinance being proposed is something he tried to bring to the council a few years ago; giving developers the incentive to build right out of the city limits of Michigan City, that this is fairness to our city and is long over that Michigan City start collecting taxes; advising that we are providing services to these companies and they are incentivized to build right outside our city limits, so they can connect it to our water and sewer.

Councilman Dabney stated that he is so happy these two ordinances are being proposed this evening.

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

President Deutch asked if there were any comments from the public at this time.

Tommy Kulavik, 1316 Ohio Street agreed with Councilman Dabney's comments on the travel plaza that is being proposed to be built on Hwy 421 south; advising that this property is in the county as a TIFF district, so I don't think the city will be collecting any taxes on this project.

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

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

Councilman Simmons asked to be added as a co-sponsor.

President Deutch commented on the vibrant community that the Unity Foundation along with several others are doing a housing study with it talking about managing the growth at the edge of cities and towns; advising that one item stated is that unmanaged sprawl can understand effective infrastructure and service delivery build acrimonious relationships across political boundaries and constrained new housing development and this applies to development in general; stating that hopefully with this ordinance that people need to understand this is about the future of Michigan City which doesn't mandate development that is not contiguous to our boundaries, but in this case if we're providing water/sewer, in the future it becomes contiguous to our city boundaries, it allows us the opportunity to annex; advising that this isn't new and as Councilman Dabney stated we talked about this a few years back.

Councilman Dabney made a motion to have second and third reading this evening, second by Councilwoman Zygas.

The motion carried to have third reading this evening by the following vote: **AYES:** Council members Dabney, Deutch, D. Przybylinski, Gene Simmons, Zygas, P. Przybylinski and Mack (7) **NAYS:** Council member None (0)

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4637

**AMENDING SEC. 98-85 OF THE MICHIGAN CITY MUNICIPAL CODE KNOWN AS
ADDITIONS TO THE SANITARY DISTRICT TO AMEND THE ANNEXATION
CONDITIONS AND PROCEDURES**

WHEREAS, I.C. 36-9-25-15 provides that *“The [sanitary district] board, on its own initiative, whenever any territory, by its contour and watershed, or because of the extension of sewers by the municipality, is capable of draining sewage into or connecting with the sanitary system, may incorporate any territory, whether platted or unplatted, into the district by adopting a resolution to that effect describing the reason it is to be included. A certified copy of the resolution is conclusive evidence in any proceeding that the territory described was properly incorporated and constitutes a part of the district, subject to this chapter;”* and

WHEREAS, Sec. 98-85 of the Michigan City Municipal Code currently reads as follows:

“Sec. 98-85. - Additions to sanitary district.

“Any territory, addition, platted subdivision and unplatted lands lying within or without the corporate limits of the city, which at any time hereafter shall be taken into or shall be connected with the public sanitation system of the city and the sewage or drainage of which shall discharge into or through the sewage system of the city, shall become a part of the sanitary district at the time the sewage or drainage is discharged into or through the sewage system, in accordance with the procedure established under IC 36-9-25-15”; and

WHEREAS, the Common Council finds that it is in the best interest of the City and residents herein to establish more detailed regulation of additions to the sanitary district to assure that the best interests of the residents of the City of Michigan City and ratepayers of its sanitary district are protected; and

WHEREAS, the Common Council finds that the need exists to now amend Sec. 98-85 of the Michigan City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana that Sec. 98-85 is hereby amended in the Michigan City Municipal Code and shall read as follows:

Sec. 98-85. - Additions to sanitary district.

Any territory, addition, platted subdivision and unplatted lands lying within or without the corporate limits of the city, which at any time hereafter shall be taken into or shall be connected with the public sanitation system of the city and the sewage or drainage of which shall discharge into or through the sewage system of the city, shall become a part of the sanitary district at the time the sewage or drainage is discharged into or through the sewage system, in accordance with the procedure established under IC 36-9-25-15, Sec. 98-86 and Sec. 98-87.

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

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

INTRODUCED BY: /s/ Donald Przybylinski, Member
Michigan City Common Council

INTRODUCED BY: /s/ Sean Fitzpatrick, Member
Michigan City Common Council

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

INTRODUCED BY: /s/ Bryant Dabney, Member
Michigan City Common Council

INTRODUCED BY: /s/ Tracie Tillman, Member
Michigan City Common Council

INTRODUCED BY: /s/ Gene Simmons, Member
Michigan City Common Council

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

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

Ernie Hallihan, 302 Gladys Street, stated that he heard Mayor Parry talk about these two ordinances at the last Sanitary District's meeting; stating that he was against what the council was proposing; stating that he is in favor of both these proposed ordinances especially with the development that is being planned to be located on Highway 421 south.

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

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

Councilman Dabney stated that this is giving us a little bit of authority over some of the ways that the Sanitary District can act and how they can proceed forward with projects get some oversight from the City Council; advising the Councilwoman Tillman brought this up during the 2023 budget hearings, that this council votes on the Sanitary District's budget when we vote on the final 2023 city budget on third reading.

Councilman Dabney stated that some people feel that he is anti-county and that isn't the case and is not anti-county but pro-Michigan City; that he feels the council should have some say so over some items/projects that are being proposed.

Councilman D. Przybylinski wants the public to know that regarding annexations that are proposed to the city and the companies that are building a short distance from the city limits are annexed into the city and want to hook up to our sanitation/water that they will have to pay for when connected.

Councilman D. Przybylinski read the following.

Sec. 98-86. - Waiver of annexation.

The owner of any real property located outside the corporate limits of the City who wishes to connect to the public sanitation system of the City shall execute a waiver of the right to demonstrate or remonstrate against annexation by the City as a condition of connecting to the public sanitation system of the City. Additionally, owners of any such real property located outside the corporate limits of the City, whose real property is already within the corporate limits of an adjacent municipality, shall first petition for disannexation from the adjacent municipality pursuant to IC 36-4-3-17 as a condition of connecting to the public sanitation system of the City.

Sec. 98-87. - Connection of Adjacent Municipality and Consent to Merger.

No adjacent municipality or any part thereof may connect to the public sanitation system of the City without the express approval of a majority of the Michigan City Common Council. Any adjacent municipality that wishes to connect to connect to public sanitation system of the City pursuant to IC 36-9-25-14 or any other provision of the Indiana Code, must first pass a resolution stating that the adjacent municipality agrees to merge into Michigan City, Indiana, and that, at the request of the City, the adjacent municipality's legislative body will take any steps necessary to effectuate the adjacent municipality's merger into Michigan City, Indiana, pursuant to IC 36-4-2-1, *et seq.*

Councilman D. Przybylinski stated that the buck doesn't stop what the Sanitary District or the Water Department the buck stops right here with the city council when it come to a hook up from the city to an agency wanting to be hooked up to city water/sewer.

President Deutch asked if the Council had any additional comments.

President Deutch addressed a comment made by Mr. Hallahan; advising that this does not impact development outside of Michigan City limits, it is a way for us in the future to expand out towards those limits and become contiguous giving us the opportunity to annex them in the future.

Councilman Mack stated that markets shrink and some grow without market is growing in our city; advising that the residents of the city and the city's representatives have a say so in the types of business in the placement of these business and to manage the growth or we allow entities to have these conversations and then bring us the information; similar to the Long Beach situation to where it wasn't transparent or brought to us during the first conversations of this project and is why he is in favor of this ordinance and the next proposed ordinance that we need to be involved in what is being proposed to happen in our community.

Councilman Dabney stated that he received a correction by text from Controller Hoffmaster that the council votes on the refuse/storm water budget not the Sanitary District.

Councilman P. Przybylinski stated that these two proposed ordinances that are going to be adopted this evening will give us transparency in the function of the Water Board and the Sanitary District with control on them because we had a situation with the Long Beach with there being issues were people wanting to squeeze the city council into a corner to vote for the sewer project to be completed, that the engineering/ analysis on this sewer project was over \$500,000; thanked this city council for voting down what the Town of Long Beach wanted us to do, that there were so many false statements that were brought during all the meetings.

Councilman P. Przybylinski stated that these two ordinances when adopted will bring more transparency to our community regarding projects and developments wanting to be done within our city.

Councilman Dabney stated that he wanted to clear up what exactly happened with the Long Beach project; advising the Long Beach Town Council agreed to make an agreement with our Sanitary District to provide sewers along Lake Shore Drive, due to failing septic systems, there was money going to be required to do this project it would cost the citizens \$277 a month in order to move forward on this project; we then found a small amount of money and that monthly fee was lowered slightly. It was their town council (Long Beach) to make a deal with our sanitation department, so it wasn't his vote be able to say "no"; advising that in his mind this council made a deal to do something I wouldn't want another town council to come in and crush it like we did and that as council members we have our own opinions and vote the way we feel is right and that to date we don't know if the Town of Long Beach has paid the \$500,000 to the Sanitary District.

President Deutch advised they have not but there have been several communications.

Councilman D. Przybylinski stated that being the liaison on the Sanitary District and the comments that were made on this entire project, we were being somewhat criticized for making the wrong decision that was going to cost the city over \$500,000 in the long run which wasn't the case we all have an agreement that the Sanitary district put together before we even got involved in this proposed project; advising that the billing to address this proposed budget starting coming in 2019 and why the sanitary district spent that much time in Long Beach when we have issues that need to be dealt with right here in Michigan City, people that don't have water or sewer hookup, backed up sewers, water in their basements and live in our city limits and they spent three (3) years negotiating this project was just a waste of time and not fair to the citizens that pay taxes in our city.

President Deutch stated that we have gotten a little off track this evening acknowledging that all these comments were important, since we are talking about the future of how we deal with water and sewer departments when it comes to annexations; advising we need to get back to business at hand.

Councilwoman Zygus 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 Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Dabney, and Mack (7) **NAYS:** Council member None (0)

The Clerk read the following proposed ordinance on second reading by title only.
CREATING SEC. 98-86 AND SEC. 98-87 IN THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH THE CONDITIONS AND PROCEDURES FOR ADDITIONS TO THE SANITARY DISTRICT

Introduced by: Angie Nelson Deutch
Dalia Zygus
Don Przybylinski
Sean Fitzpatrick
Paul Przybylinski
Bryant Dabney
Tracie Tillman

President Deutch asked if any of the sponsors had anything to add at this time, there was no response.

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

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

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

Councilwoman Zygus stated that she would like to suspend the rules and have second and third reading this evening, second by Councilman P. Przybylinski.

The motion to have second and third reading this evening was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygus, P. Przybylinski, Dabney, Mack, and Deutch (7) **NAYS:** Council member None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4638

CREATING SEC. 98-86 AND SEC. 98-87 IN THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH THE CONDITIONS AND PROCEDURES FOR ADDITIONS TO THE SANITARY DISTRICT

WHEREAS, I.C. 36-9-25-15 provides that “*The [sanitary district] board, on its own initiative, whenever any territory, by its contour and watershed, or because of the extension of sewers by the municipality, is capable of draining sewage into or connecting with the sanitary system, may incorporate any territory, whether platted or unplatted, into the district by adopting a resolution to that effect describing the reason it is to be included. A certified copy of the resolution is conclusive evidence in any proceeding that the territory described was properly incorporated and constitutes a part of the district, subject to this chapter;*” and

WHEREAS, Sec. 98-85 of the Michigan City Municipal Code, *as amended*, reads as follows:

“Sec. 98-85. - Additions to sanitary district.

Any territory, addition, platted subdivision and unplatted lands lying within or without the corporate limits of the city, which at any time hereafter shall be taken into or shall be connected with the public sanitation system of the city and the sewage or drainage of which shall discharge into or through the sewage system of the city, shall become a part of the sanitary district at the time the sewage or drainage is discharged into or through the sewage system, in accordance with the procedure established under IC 36-9-25-15, Sec. 98-86 and Sec. 98-87”; and

WHEREAS, the Common Council finds that it is in the best interest of the City and residents herein to establish more detailed regulation of additions to the sanitary district to assure that the best interests of the residents of the City of Michigan City and ratepayers of its sanitary district are protected; and

WHEREAS the Common Council finds that the need exists to now create Sec. 98-86 and Sec. 98-87 of the Michigan City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana that Sec. 98-86 and 98-87 is established in the Michigan City Municipal Code and shall read as follows:

Sec. 98-86. - Waiver of annexation.

The owner of any real property located outside the corporate limits of the City who wishes to connect to the public sanitation system of the City shall execute a waiver of the right to demonstrate or remonstrate against annexation by the City as a condition of connecting to the public sanitation system of the City. Additionally, owners of any such real property located outside the corporate limits of the City, whose real property is already within the corporate limits of an adjacent municipality, shall first petition for disannexation from the adjacent municipality pursuant to IC 36-4-3-17 as a condition of connecting to the public sanitation system of the City.

Sec. 98-87. - Connection of Adjacent Municipality and Consent to Merger.

No adjacent municipality or any part thereof may connect to the public sanitation system of the City without the express approval of a majority of the Michigan City Common Council. Any adjacent municipality that wishes to connect to public sanitation system of the City pursuant to IC 36-9-25-14 or any other provision of the Indiana Code, must first pass a resolution stating that the adjacent municipality agrees to merge into Michigan City, Indiana, and that, at the request of the City, the adjacent municipality’s legislative body will take any steps necessary to effectuate the adjacent municipality’s merger into Michigan City, Indiana, pursuant to IC 36-4-2-1, *et seq.*

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

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

INTRODUCED BY: /s/ Donald Przybylinski, Member
Michigan City Common Council

INTRODUCED BY: /s/ Sean Fitzpatrick, Member
Michigan City Common Council

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

INTRODUCED BY: /s/ Bryant Dabney, Member
Michigan City Common Council

INTRODUCED BY: /s/ Tracie Tillman, Member
Michigan City Common Council

INTRODUCED BY: /s/ Gene Simmons, Member
Michigan City Common Council

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

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

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

Councilwoman Zygas made a motion to approve the proposed ordinance, second by Councilman D. Przybylinski.

The motion to approve the proposed ordinance was approved by the following vote.
AYES: Council members Simmons, Zygas, D. Przybylinski, Dabney, Mack, Deutch, and P. Przybylinski (7) **NAYS:** Council member None (0).

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

CREATING SEC. 2-410.4 IN THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH A PUBLIC SAFETY LIT FUND

Introduced by: Angie Nelson Deutch
Don Przybylinski
Bryant Dabney
Paul Przybylinski

President Deutch asked if any of the sponsors had anything to add at this time, there was no response.

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

President Deutch asked if there were any comments from the council at this time.

Councilman P. Przybylinski made a motion to suspend the rules and have third reading this evening, second by Councilman Dabney.

The motion carried to have third reading this evening by the following vote: **AYES:** Council members Zygas, D. Przybylinski, Dabney, Mack, Deutch, P. Przybylinski, and Simmons (7) **NAYS:** Council member None (0).

NOTE: Councilman P. Przybylinski requested a five-minute recess.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4639

CREATING SEC. 2- 410.4 IN THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH A PUBLIC SAFETY LIT FUND

WHEREAS, the LaPorte County Council recently enacted a LIT Public Safety tax, wherein the City of Michigan City, Indiana will be receiving a certain percentage of said funds on an annual basis; and

WHEREAS, the need exists to create a Public Safety LIT Fund to deposit and receipt said funds and to specify that said funds can only be utilized for those purposes set forth in I.C. 6-3.6-2-14, as the same may be amended from time to time, and subject to the appropriation as other funds.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana that Sec. 2-410.4 is hereby created in the Michigan City Municipal Code and shall read as follows:

Sec. 2-410.4. Establish Public Safety LIT Fund.

- (a.) There is hereby established a Public Safety LIT Fund #2240 pursuant to I.C. 6-3.6-6-8.
- (b.) The source of funding is from the LIT Public Safety distributions from LaPorte County, Indiana. The Fund shall only be used for purposes set forth in I.C. 6-3.6-2-14 and shall be subject to the same appropriation process as other funds.

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, President
Michigan City Common Council

INTRODUCED BY: /s/ Don Przybylinski, Member
Michigan City Common Council

INTRODUCED BY: /s/ Bryant Dabney, Member
Michigan City Common Council

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

INTRODUCED BY: /s/ Gene Simmons, Member
Michigan City Common Council

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

Councilman P. Przybylinski stated that he feels this is one of the tools that need to be put into place due the LIT tax starting in September and we need to have somewhere to put the monies we are going to receive.

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

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

Councilwoman Zygas made a motion to approve the proposed ordinance, second by Councilman D. Przybylinski.

The motion was carried by the following vote to approve the proposed ordinance; **AYES:** Council members P. Przybylinski, Dabney, Mack, Deutch, D. Przybylinski, Simmons, and Zygas (7) **NAYS:** Council member None (0).

The Clerk read the following proposed ordinance on third reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE FOURTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY’S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR VARIOUS MATTERS, INCLUDING BUT NOT LIMITED TO COMMUNITY GRANT FUNDING FOR SMALL BUSINESS AND NONPROFITS, CITY PROJECTS, AND EQUIPMENT/ IMPROVEMENTS FOR CERTAIN CITY DEPARTMENTS

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

(DECREASE ARP Coronavirus Local Fiscal Recovery Fund 0176 Unappropriated Balance \$7,053,000.00. INCREASE ACCOUNT #0176 000 421.050 \$5,000.00 Supplies – Other Office Supplies. INCREASE ACCOUNT #0176 000 431.050 \$260,000.00 Professional Services – Other Professional Services INCREASE ACCOUNT #0176 000 439.050 \$2,000,000.00 Other Services & Charges – Grants and Subsidies. INCREASE ACCOUNT #0176 000 442.010 \$2,500,000.00 Infrastructure – Water Extension INCREASE ACCOUNT #0176 000 443.050 \$135,000.00 Capital Outlay – Buildings – Other. INCREASE ACCOUNT # 0176 000 444.050 \$200,000.00 Capital Outlay – Improvements Other Than Buildings – Other INCREASE ACCOUNT #0176 000 445.020 \$815,000.00 Capital Outlay – Motor Equipment. INCREASE ACCOUNT #0176 000 445.050 \$1,138,000.00 Capital Outlay – Other Machinery & Equipment)

President Deutch stated that the public hearing was advertised in the Herald Dispatch on August 3, 2022, with the formal public hearing being held at the Council’s August 16, 2022 meeting.

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

President Deutch asked to relinquish the chair to Vice President D. Przybylinski.

President Deutch advised that at each member’s desk there is a copy of the an amendment that is in blue; explaining the following proposed amendment:

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE FOURTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY’S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR VARIOUS MATTERS, INCLUDING BUT NOT LIMITED TO COMMUNITY GRANT FUNDING FOR SMALL BUSINESS AND NONPROFITS, CITY PROJECTS, AND EQUIPMENT/IMPROVEMENTS FOR CERTAIN CITY DEPARTMENTS

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 2022 Annual Budget to fund community grants for small business and not-for-profits, City projects, and equipment and improvements for certain City departments (as detailed in Exhibit A, which is attached hereto and incorporated herein) to be funded by monies the City received from the American Rescue Plan (ARP); and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the ARP Coronavirus Local Fiscal Recovery Fund #0176 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 ARP Coronavirus Local Fiscal Recovery Fund 0176 Unappropriated balance	\$3,803,000	
INCREASE ACCOUNT #0176 000 421.050 Supplies – Other Office Supplies		\$5,000.00
INCREASE ACCOUNT #0176 000 431.050 Professional Services – Other Professional Services		\$260,000.00
INCREASE ACCOUNT #0176 000 439.050 Other Services & Charges – Grants and Subsidies		\$2,000,000.00

President Deutch stated this funding is super important in the proposed ordinance, but we're a situation that she doesn't believe not everyone received the correspondence from Attorney Jewel Harris regarding what was passed about the plan for what is being recommended; stating until we have our full understanding, a fiscal plan on what we're going to do to move forward with the annex property she made a motion to amend this remove the 2.5 million and bring it back later so that we can have a full conversation and workshop to discuss the full plan on how we're going to do the funding for this infrastructure, because we know we have to do it; advising that we don't want to throw money at a project without knowing what the full long term plan is for; making a motion to remove the \$2,500,000 being proposed for water extension (infrastructure), second by Councilman P. Przybylinski.

The motion was approved by the following vote: **AYES:** Council members Dabney, Mack, Deutch, D. Przybylinski, Simmons, Zygas and P. Przybylinski (7) **NAYS:** Council member None (0).

Councilman P. Przybylinski advised President Deutch that there is a workshop scheduled for this Thursday regarding what the City's responsibilities are when annexing property into the City limits.

Councilman P. Przybylinski stated that he handed out his proposed amendment to each member making a motion to remove the \$750,000 for the purchase of a fire truck; stating there is no doubt that we need equipment at this time, that during our budget hearings we asked if the Mayor had any problems with leasing equipment and he said he didn't have a problem with that and that there is a program that we could do that, the motion was second by Councilman D. Przybylinski.

President Deutch asked if there was no objection we will suspend the rules for a few questions, there was no response

Discussion ensued between MCFD Chief Legault and Council members P. Przybylinski, Dabney, D. Przybylinski, and Zygas regarding the number of trucks the fire department needs, pros and cons between purchasing a truck and leasing one, refurbishing, the timeframe on ordering a truck and how long, before it will be delivered verses leasing, the condition of the trucks we are using daily, working together to move forward on getting a truck,

Councilman Dabney questioned if we don't appropriate this money now and we wait, do we have a plan and come back for more money from wherever.

President Deutch advised that this is the ARPA plan is in the resolution the council passed at our last council meeting; but the council would have to bring back an ordinance appropriating the funds to lease or purchase a truck

A motion was made by Councilman P. Przybylinski to remove the \$750,000, second by Councilman D. Przybylinski; with the amendment being approved by the following vote:
AYES: Council members Deutch, D. Przybylinski, Simmons, P. Przybylinski and (5)
NAYS: Council member Mack and Zygas (2).

President Deutch advised that the Council will get back to Chief Legault after the budget is approved to move forward on a new fire truck.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4640

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE FOURTH ADDITION TO THE INITIAL PLAN FOR USE OF A PORTION OF THE CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT TO ALLOCATE MONIES FOR VARIOUS MATTERS, INCLUDING BUT NOT LIMITED TO COMMUNITY GRANT FUNDING FOR SMALL BUSINESS AND NONPROFITS, CITY PROJECTS, AND EQUIPMENT/IMPROVEMENTS FOR CERTAIN CITY DEPARTMENTS

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 2022 Annual Budget to fund community grants for small business and not-for-profits, City projects, and equipment and improvements for certain City departments (as detailed in Exhibit A, which is attached hereto and incorporated herein) to be funded by monies the City received from the American Rescue Plan (ARP); and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the ARP Coronavirus Local Fiscal Recovery Fund #0176 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 ARP Coronavirus Local Fiscal Recovery Fund 0176 Unappropriated balance	\$3,803,000.00	

INCREASE ACCOUNT #0176 000 421.050 Supplies – Other Office Supplies	\$5,000.00
INCREASE ACCOUNT #0176 000 431.050 Professional Services – Other Professional Services	\$260,000.00
INCREASE ACCOUNT #0176 000 439.050 Other Services & Charges – Grants and Subsidies	\$2,000,000.00
INCREASE ACCOUNT #0176 000 443.050 Capital Outlay – Buildings – Other	\$135,000.00
INCREASE ACCOUNT #0176 000 444.050 Capital Outlay – Improvements Other Than Buildings - Other	\$200,000.00
INCREASE ACCOUNT #0176 000 445.020 Capital Outlay – Motor Equipment	\$65,000
INCREASE ACCOUNT #0176 000 445.050 Capital Outlay – Other Machinery & Equipment	\$1,138,000.00
TOTAL FOR FUND	\$3,803,000.00

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/ Angie Nelson Deutch, Member
Michigan City Common Council

INTRODUCED BY: /s/ Bryant Dabney, Member
Michigan City Common Council

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

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

EXHIBIT A		
Program & Purpose	Amount	Eligible Use
Community Grant Fund - Small Business	\$ 1,000,000	2. & 3. Negative Economic Impacts/Services to Disproportionately Impacted Communities
Community Grant Fund - Not-For-Profits	\$ 1,000,000	2. & 3. Negative Economic Impacts/Services to Disproportionately Impacted Communities
Bus Shelter Project (matching funds from Redevelopment)	\$ 200,000	2. Negative Economic Impacts
Project Safe Neighborhood	\$ 15,000	3. Services to Disproportionately Impacted Communities
Flock System	\$ 398,000	3. Services to Disproportionately Impacted Communities
Raven	\$ 125,000	3. Services to Disproportionately Impacted Communities
Engineering for Destination Playground	\$ 250,000	6. Revenue Replacement
Body & Car Cameras (Year 1)	\$ 600,000	6. Revenue Replacement
Animal Control Vehicle	\$ 65,000	6. Revenue Replacement
Expansion of Animal Control Kennels	\$ 135,000	6. Revenue Replacement
	\$	
Community Grant Fund Supplies	\$ 5,000	7. Administrative

Grant Proposal Platform	\$ 10,000	7. Administrative
Total	\$ 7,053,000	

President Deutch asked if any of the sponsors had anything to add, there was no response.

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

President Deutch asked if there were any questions or comments from the council at this time.

Councilman Dabney made a motion to approve the amended ordinance, second by Councilman P. Przybylinski

The amended ordinance was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, Mack, and Deutch (7) **NAYS:** Council member None (0).

President Deutch stated that she will schedule a Public Health and Safety meeting to discuss the amendments.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4641

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX – ECONOMIC DEVELOPMENT (FORMERLY KNOWN AS CEDIT) FUND FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE MICHIGAN CITY HOUSING AUTHORITY HEARINGS

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 2022 Annual Budget to cover the professional services required for the Housing Authority hearings, and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Local Income Tax – Economic Development (formerly known as CEDIT) Fund #2224 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 Local Income Tax (LIT-ED) Fund 2224		
Unappropriated balance	\$30,000.00	
INCREASE ACCOUNT#2224 114.431.050		\$30,000.00
Other Services and Charges – Other Professional Services		
TOTAL FOR FUND	\$30,000.00	

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/ Angie Nelson-Deutch, President
Michigan City Common Council

CO-SPONSOR: /s/ Sean Fitzpatrick, Member
Michigan City Common Council

President Deutch stated that the proposed ordinance was advertised in the Herald Dispatch on August 3, 2022, with the formal public hearing being held at the August 16, 2022 meeting.

President Deutch asked if the sponsors had anything to add at this time, there was no response.

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

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

Councilman Mack addressed the Council advising that this is a difficult ordinance for him, that he believes in paying a person that does the job; stating he believes that this attorney should be paid but doesn't agree on the professional services that he was hired to do during the Housing Authority hearing was not just in removing/terminating four (4) of their board members who are still long-time residents of our city; stating that he has no problem with the four (4) new members that will conduct and move this board forward.

Councilman Dabney advised that he would be abstaining due to his family member serving on this board for so many years.

Councilman P. Przybylinski made a motion to approve the additional appropriation, second by Councilwoman Zygas.

The motion carried with the ordinance being approved by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, (3) **NAYS:** Council member D. Przybylinski, Mack, and Deutch (3) **ABSTAINED:** Council member Dabney (1).

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

MICHIGAN CITY COMMON COUNCIL

Ordinance No. 4642

AN ORDINANCE VACATING A PORTION OF A PUBLIC

STREET IN THE CITY OF MICHIGAN CITY LOCATED

NORTH OF THE INTERSECTION OF

SUPERIOR AVENUE AND NIPPERSINK AVENUE

WHEREAS, Northern Indiana Public Service Company (NIPSCO) (the "Petitioner") is the owner of certain real estate located within the City of Michigan City, Indiana, (the "Property"), more particularly described as follows:

See **Exhibit "B"** (consisting of 2 pages) attached hereto and incorporated herein by reference;

WHEREAS, the Petitioner has petitioned the Common Council of the City of Michigan City, Indiana for the vacation of a portion of a public street bisecting the Property, more particularly shown, and described as follows:

See **Exhibit "A"** (consisting of 1 page) **and Exhibit "B"** (consisting of 2 pages) attached hereto and incorporated herein by reference;

WHEREAS, the Petitioner caused to be mailed on the 25th day of July, 2022, via United States Postal Service, certified mail, return receipt requested, notice of the consideration of its Petition before the Common Council of the City of Michigan City for the vacation to the following abutting property owner of the Property:

City of Michigan City
Attn: Gale Neulieb, Clerk
100 East Michigan Boulevard
Michigan City, IN 46360
South Shore Development Corporation
P.O. Box 526
Beverly Shores, Indiana 46301

WHEREAS, the Clerk for the City of Michigan City has caused notice of the consideration of the Petition before the Common Council of the City of Michigan City for the vacation to be published on the 3rd day of August, 2022, in the Michigan City News-Dispatch, a newspaper of general circulation in LaPorte County, Indiana; and

WHEREAS, the Common Council has conducted a public hearing on August 16th, 2022, with regard to said Petition and determined and the Council now finds that it is in the best interests of the City of Michigan City and its citizens that the herein described portion of the public street should be vacated; and

WHEREAS, the Petitioner will grant appropriate utility easements acceptable to the City of Michigan City, for the use and benefit of the Michigan City Sanitary District and the Department of Water Works for the City of Michigan City, for any existing facilities located in the portion of the street that is to be vacated.

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

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. The City hereby vacates the public way, which is set forth in **Exhibit A** and **Exhibit B** attached hereto and incorporated herein, and more particularly described as follows:
3. Notwithstanding the vacation of said public right-of-way, the City hereby reserves the rights and easements of all utilities to construct and maintain any facilities, including, but not limited to, the following: electric, gas, telephone, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities. These proceedings shall not deprive any public utility of the use of all, or part of the public way herein granted if at the time these proceedings are instituted the utility is occupying or using all or part of the public way for the location and operation of its facilities.
4. The Clerk of the Michigan City Common Council shall furnish a certified copy of this Ordinance to the LaPorte County Recorder and the LaPorte County Auditor in order that same may be placed of record in the records of the Recorder's Office.

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

Introduced by: /s/ Dalia Zygas, Member

Michigan City Common Council

NOTE: EXHIBIT A & B ARE ATTACHED TO ORDINANCE NO. 4642 AND FILED IN 0-196

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

Councilwoman Zygas advised this is a standard utility vacation; stating that NIPSCO wants to secure and put a fence around the substation located there.

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

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

Councilman D. Przybylinski stated that when this vacation first was came to the council he and Skyler went and looked at the parcel that is being requested to vacate; that it is too small to build anything on but Michigan City owns this property and that if NIPSCO wants that piece of property they should pay us for the lot or donate \$50,000 to a youth program, not just give it to them.

Councilman P. Przybylinski agrees with Councilman D. Przybylinski that everyone that petitions to vacate a piece of land thinks the city should just give it to them; and that he

thinks that NIPSCO should donate something to the city a youth program or an organization for this parcel and the next proposed vacation on this agenda. President Zygas stated that she understands that people are upset about NIPSCO proposing another rate hike for cleaning up the coal-ash on the lake's generating station; that making NIPSCO pay for this land, the money isn't going to go to each of NIPSCO's customers; that this land isn't any big deal or worth anything.

Councilman D. Przybylinski said it is a big deal that all he wants is for NIPSCO to be fair to the people that are their customers and that if you want a piece of property that belongs to the city to put a fence up, purchase it, get a permit to put it up just like they require when a customer wants to have something by NIPSCO.

Jeremey McManama, CLS representing NIPSCO advised President Deutch that there has not been any reported vandalism to either one of these generating stations and there is nothing that is being proposed to make these any bigger in the near future.

Councilman Mack tenor what Councilman D. Przybylinski is saying as far as receiving some donation to the youth organizations, money for a city vehicle, equipment for a neighborhood park, something in return; stating the we have been vacating parcels for decades and that most of these parcel are very small and won't appraise for much money if anything, but would be nice to see a request to vacate a parcel to do something for our community.

President Deutch asked if there were any additional comments.

Mr. McManama advised that he just received a response and that there was trespasser on this site and uncovered a natural gas pipeline and they unfortunately had to relocate it at a substantial cost.

President Deutch stated that this is on third reading; asking for a motion.

Councilman Mack made a motion to approve to vacate this parcel to NIPSCO, second by Councilman Dabney.

The motion carried and the ordinance was approved by the following vote: **AYES:** Council members Simmons, Zygas, Dabney, and Mack (4) **NAYS:** Council member P. Przybylinski, Deutch, D. Przybylinski (3)

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

MICHIGAN CITY COMMON COUNCIL

Ordinance No. 4643

AN ORDINANCE VACATING A PORTION OF A PUBLIC

STREET IN THE CITY OF MICHIGAN CITY LOCATED

SOUTH AND EAST OF THE IMPROVED TEMINUS OF EDGEWOOD AVENUE AND

WEST AND NORTH OF THE WEST TE MINUS OF WESTCHESTER COURT

WHEREAS, Northern Indiana Public Service Company (NIPSCO) (the "Petitioner") is the owner of certain real estate located within the City of Michigan City, Indiana, (the "Property"), more particularly described as follows:

See **Exhibit "B"** (consisting of 2 pages) attached hereto and incorporated herein by reference;

WHEREAS, the Petitioner has petitioned the Common Council of the City of Michigan City, Indiana for the vacation of a portion of a public street bisecting the Property, more particularly shown and described as follows:

See **Exhibit "A"** (consisting of 1 page) **and Exhibit "B"** (consisting of 2 pages) attached hereto and incorporated herein by reference;

WHEREAS, the Petitioner caused to be mailed on the 25th day of July, 2022, via United States Postal Service, certified mail, return receipt requested, notice of the consideration of its Petition before the Common Council of the City of Michigan City for the vacation to the following abutting property owner of the Property:

City of Michigan City
Attn: Gale Neulieb, Clerk
100 East Michigan Boulevard
Michigan City, IN 46360

Resetar Kari A. and Aeron T.
350 Westchester Ct.
Michigan City, Indiana 46360

WHEREAS, the Clerk for the City of Michigan City has caused notice of the consideration of the Petition before the Common Council of the City of Michigan City for the vacation to be published on the 3rd day of August, 2022, in the Michigan City News-Dispatch, a newspaper of general circulation in LaPorte County, Indiana; and

WHEREAS, the Common Council has conducted a public hearing on August 16th, 2022, with regard to said Petition and determined and the Council now finds that it is in the best interests of the City of Michigan City and its citizens that the herein described portion of the public street should be vacated; and

WHEREAS, the Petitioner will grant appropriate utility easements acceptable to the City of Michigan City, for the use and benefit of the Michigan City Sanitary District and the Department of

Water Works for the City of Michigan City, for any existing facilities located in the portion of the street that is to be vacated.

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

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. The City hereby vacates the public way, which is set forth in **Exhibit A** and **Exhibit B** attached hereto and incorporated herein, and more particularly described as follows:
3. Notwithstanding the vacation of said public right-of-way, the City hereby reserves the rights and easements of all utilities to construct and maintain any facilities, including, but not limited to, the following: electric, gas, telephone, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities. These proceedings shall not deprive any public utility of the use of all or part of the public way herein granted if at the time these proceedings are instituted the utility is occupying or using all or part of the public way for the location and operation of its facilities.
4. The Clerk of the Michigan City Common Council shall furnish a certified copy of this Ordinance to the LaPorte County Recorder and the LaPorte County Auditor in order that same may be placed of record in the records of the Recorder's Office.

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

Introduced by: /s/ Dalia Zygus, Member

Michigan City Common Council

NOTE: EXHIBIT A & B ARE ATTACHED TO ORDINANCE NO. 4643 AND FILED IN 0-196

President Deutch advised that this was advertised in the Herald Dispatch on August 3, 2022 and there was a formal public hearing held on August 16, 2022.

President Deutch asked if the sponsor had anything to add.

Councilwoman Zygus stated that this is a proposed ordinance to vacate a parcel/property to NIPSCO like the last ordinance that was approved.

Tommy Kulivak, 1316 Ohio Street, commented on what him and couple of friends did in 2007, riding their four-wheelers on these same properties and was given a citation and that these parcels are not deeded to the city. There isn't a parcel assigned or even a title; so what are we doing here.

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

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

Councilman Dabney made a motion to approve the proposed ordinance, second by Councilwoman Zygus.

The motion carried and was approved by the following vote: **AYES:** Council members Zygus, Dabney, Mack, and Simmons (4) **NAYS:** Council member P. Przybylinski, Deutch, D. Przybylinski (3).

Councilwoman Zygas commented that all the departments have signed off on this saying that it is ok, again there will be a fence put around the station to make it more secure.

President Deutch asked if there were any questions or comments from the Public for our Formal Public Hearing.

Tommy Kulavik, 1316 Ohio Street, stated that he researched these properties on Beacon Schneider which shows that the City has no deed or title or any value so it is not transferable, further stating that this should be moved to third (3rd) reading and vacate the property.

President Deutch asked if there were any additional comments from the Public for our Formal Public Hearing.

Jeremy McManama thanked the Council for providing him with the opportunity to clarify the request for the vacation.

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

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

Councilman D. Przybylinski stated that his and Skylar York took a ride out to where the property is supposed to be and the only thing the property looks like is a platform of sand dunes and if NIPSCO wants this property they should have to pay the City, then take that money to improve something for the City.

Councilman P. Przybylinski stated that the correct verbiage is that NIPSCO should make a donation for the property, as Mr. Kulavik stated they have to request the property from the BOW; further explaining that they want to shut down the Shafer Power Plant by going Green.

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

President Deutch stated that this will be held over for third (3rd) reading.

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

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET IN THE CITY OF MICHIGAN CITY LOCATED SOUTH AND EAST OF THE IMPROVED TERMINUS OF EDGEWOOD AVENUE AND WEST AND NORTH OF THE WEST TERMINUS OF WESTCHESTER COURT

Introduced by: Dalia Zygas

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

Councilwoman Zygas commented that this is very similar to the last ordinance.

President Deutch asked if there were any questions or comments from the Public for our Formal Public Hearing.

Tommy Kulavik, 1316 Ohio Street, stated that he agrees with Councilwoman Zygas that he feels the same about this one as the other ordinance.

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

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

President Deutch stated that this will be held over for third (3rd) reading.

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

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE AVIATION FUEL FUND FOR THE PURCHASE OF AVIATION FUEL DUE TO THE DRASTIC INCREASE IN FUEL PRICES

Introduced by: Gene Simmons
Angie Nelson Deutch

(DECREASE Aviation Fuel Fund #2568 Unappropriated balance \$250,000.00
INCREASE ACCOUNT#2568 000.422.015 \$250,000.00 Operating Supplies – Aviation Fuel)

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

Councilman Simmons stated this is the same fight we been fighting at the gas pumps with the high prices of gas this year, they run into a shortage, this is the same source of revenue, and which, they sell gas at the Airport.

President Deutch asked if there were any questions or comments from the Public for our Formal Public Hearing, no comments were made.

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

Councilman Fitzpatrick made a motion to have second and third reading this evening, second by Councilman P. Przybylinski.

President Deutch stated that this will be held over for third (3rd) reading.

NEW BUSINESS

President Deutch advised that there was no new business this evening.

UNFINISHED BUSINESS

NOMINATIONS: President Deutch advised the Council has the following appointments to the Commission of the Social Status of African American Males (term expired 2/15/22)

Incumbents:

Ms. Albertine Allen – Minority Health Partners of LaPorte County
(resigned)
Dr. Wendall McCollum- MCAS

President Deutch advised that we are still working on the amendments to the Social Status of African American Males appointments that are vacant.

COMMENTS FROM THE PUBLIC

President Deutch asked if there were any comments from the public at this time.

Nathan Patrick, MCHA President addressed Councilman Mack's comments as he feels that they were a slap to the face to do process by which those members were removed from the Michigan City Housing Authority for violation of the "Open Door Act" three

times, further explaining that those individuals were given a ceased and desist order by the Mayor.

Rodney McCormick, MCHA Vice President 617 Union Street addressed Councilman Mack’s comments regarding the Housing Authority treating people unjustly and how Councilman Mack had approached him previously, stating that he had tried to get the four (4) members removed due to illegal things happening at the MCHA.

President Deutch announced point of order, asking the City Clerk to go back to the vote on the attorney fees associated with the MCHA hearings, further explaining that there are seven (7) present, four (4) for it, two (2) against it, and one (1) abstention so it passed.

Councilman Mack made a motion to reconsider and seconded by Councilman D. Przybylinski by the following vote: **AYES:** Council members P. Przybylinski, Mack, Deutch, D. Przybylinski, Simmons, and Zygas (6) **NAYS:** Council member None (0) **ABSTAINED:** Dabney (1)

President Deutch apologized to the Public regarding the additional appropriation and the budget for \$30,000.00.

Councilman P. Przybylinski made a motion to adopt and seconded by Councilwoman Zygas by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, and P. Przybylinski (5) **NAYS:** Council member Mack (1) **ABSTAINED:** Dabney (1)

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4641

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX – ECONOMIC DEVELOPMENT (FORMERLY KNOWN AS CREDIT) FUND FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE MICHIGAN CITY HOUSING AUTHORITY HEARINGS

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 2022 Annual Budget to cover the professional services required for the Housing Authority hearings, and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Local Income Tax – Economic Development (formerly known as CREDIT) Fund #2224 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 Local Income Tax (LIT-ED) Fund 2224		
Unappropriated balance	\$30,000.00	
INCREASE ACCOUNT#2224 114.431.050		\$30,000.00
Other Services and Charges – Other Professional Services		
TOTAL FOR FUND	\$30,000.00	

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/Angie Nelson-Deutch, President
Michigan City Common Council

CO-SPONSOR: /s/Sean Fitzpatrick, Member
Michigan City Common Council

President Deutch stated that we are back at Public comments.

Jaqueline Dyer, 421 Lincoln Avenue addressed the Council stating that she is a lifelong City resident explaining that she is very upset with all the violence taking place in Michigan City, further explaining that there was a car bombing recently on her street and how we need to make the people in our community accountable for the violence.

President Deutch thanked Ms. Dyer for her comments and for speaking at the Board of Public Works.

Joan Chumley, 832 Pine Street addressed the Council stating that she is homeless, with part of the reason being because of the lack of accountability of the Administrator of the CDBG Grant, further explaining the unlivable condition her home was left in after Sherry Wilson had applied for the CDBG full grant for lead abatement and the emergency repair grant because they had no heat causing her pipes to freeze asking for an extension of time to get her boys into a safe home.

Attorney Harris made a recommendation to Ms. Chumley regarding whether or not standards were properly met by CDBG.

President Deutch informed Ms. Chumley that she will get the correspondence and forward it to her.

Eric Goold, 610 Oakland Drive asking the Council to become transparent about short term rentals in the community further explaining that there are four (4) within a block of his home where there have been renewed police activity asking if a list of all these rentals could be published for the public.

President Deutch informed Mr. Goold to provide the Council with a phone number.

President Deutch asked if there were any additional Public comments.

Tommy Kulavik, 1316 Ohio Street congratulated the eight (8) new probationary patrol officers, the athletic administration for hosting the MCHS basketball semi-state and addressed that he is working with County Councilman Earl Cunningham about addressing abandoned parcels that are not being maintained and closed businesses that still have their signs up which is a code violation.

Ernie Hallahan, 302 Gladys Street addressed the violence in the MCHS explaining and incident he was in while at the High School helping his great grandson where students were fighting even with several MC Police Officers present.

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

COMMENTS FROM THE COUNCIL

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

Councilman D. Przybylinski stated that the Women's Commission Albertine Allen who had brought up the Minority Health Partners of Porter County who are sponsoring "Real Men Wear Pink Breast Cancer" walk on October 1, 2022 at 10am (contact 219-879-1712) starting at Health Linc, further explaining that Michigan City needs to start doing something to help clean up litter asking the Board of Public Works to put up signs along Cleveland Avenue and also to get striping done on US 12 in front of City Hall and around the islands by Blue Chip Casino thanking Senator Jim Arnold for helping to get this done; also addressed were the ADA compliant bubble pads downtown that are nonexistent on the corners will be completed next spring.

Councilman Dabney stated that he wanted to give shoutouts to our City Street Department after a tree came down on a Nipsco line and the Street Department cleaned everything up Mr. Brandon Brooks 717 N Woodland Avenue sent a letter about what an excellent job they did; Public Information Officer Nick Pavone from the MCFD reached out to a Notre Dame professor who specializes in drone safety who came to our beach to film a commercial showing drones over the lake and how they identify individuals in distress; Code Enforcement goes around to enforce violations/ordinances and are doing a great job keeping up; Terry Greetham did an amazing job with the Oktoberfest and support of the Parks Department; there are no fees getting into the Washington Park since the kids have went back to school and the City has lost thousands of dollars in revenue.

Councilwoman Zygus gave a shoutout to Trail Creek Week starting September 19th through the 23rd for fourth graders all over the City that their schools can sign up and enjoy this event learning about history, biology, and water quality along with getting into the voyager canoes; also there is a race called Creekness States in Trail Creek going on September 24th and you can get that information off her website or contact Shannon Eason in the Parks Department.

Councilman Mack stated that he wanted to make a comment about a constituent that is not in his ward having an issue with NICTD and all of the construction on the one-way streets and it was put quickly on the Board of Public Works agenda, this constitute just went on about Shong Smith, Head of the Street Department who did such a good job.

President Deutch asked if there were any additional comments from the council.

Councilman Simmons commended the MCPD eight (8) new hires.

Councilman P. Przybylinski stated that he hopes everyone received the letter from Attorney Snow, Harris Law Firm that we will be having a workshop on Thursday, September 8, 2022 to find out the City's responsibility for these annexations, thanking Harris Law Firm and the City Clerk's Office, further discussing the ARPA money, the pumper for the Sanitary District, and charging fees for people dumping garbage on the streets; also discussing the Mayor driving a City vehicle and having an unreported accident, he stated he reached out to the Personnel Department to look at the policy about alcohol use with a City vehicle; also discussing the budget hearings about the Tree Board.

Councilman D. Przybylinski commented about the annexation workshop that is coming up thanking Attorney Harris Law Firm for the information and Councilman P. Przybylinski for following through, also he stated that he went to the GAF for their ribbon cutting at the new warehouse facility that was a 30-million-dollar investment in Michigan City employing 187 employees further stating that he appreciates them.

President Deutch asked if there were any additional comments from the council.

President Deutch gave a shout out to the Women's Commission for a wonderful event that was held for their 10-year anniversary and congratulated the MCPD on the eight (8) new recruits.

ADJOURNMENT

A motion by President Deutch, second by Councilman P. Przybylinski and there being no further business to transact, President Deutch declared the meeting **ADJOURNED** (approximately 9:22 p.m.)

Gale A. Neulieb