

REGULAR MEETING – October 5, 2021

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, October 5, 2021 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 Council President Michael Mack.

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, D. Przybylinski, Paul Przybylinski, Gene Simmons, Dalia Zygas and Tracie Tillman (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Attorney Meyer, Dawn Debold Deputy Clerk and Stacy Dudley, Assistant Deputy Clerk

APPROVAL OF MINUTES

President Mack inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Council “Zoom” Meeting of, September 21, 2021; there was no response.

President Mack asked for a motion to approve the Regular Council “Zoom/Hybrid” meeting minutes of September 21, 2021 with a motion made by Councilman D. Przybylinski, second by Councilman Dabney and was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack and Deutch (9). **NAYS:** None (0).

REPORTS of STANDING COMMITTEES

Councilman D. Przybylinski stated the Labor Negotiating Team had a meeting on September 29, 2021 with the Michigan City Firefighters Local #475 to present the City with a counter offer; advising they have a meeting on Wednesday October 6, 2021 at 4:00 p.m. to discuss the contract with the FOP; and there will be a meeting on Thursday, October 7, 2021 at 4:30 p.m. with the Michigan City Firefighters Local #475.

President Mack asked if there were any other reports of standing committees; there was no response.

FINANCE REPORT

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

Councilman Fitzpatrick read the following Finance Committee meeting minutes held on September 30, 201.

The meeting was called to order by Chairman Fitzpatrick at 5:30 p.m. Committee members Tillman, Przybylinski were present.

There was one claim in the amount of \$220,936.35 in the Riverboat fund; advising this was for Rieth-Riley Construction Company; there were also claims in Boyd

Development for the Farmer's Market for sanitation expenses in the amount of \$1,165.65; advising the total claims are \$222,102. A motion was made to recommend that the Council approve the claims by Committee member Tillman, second by Councilman P. Przybylinski and unanimously voted on by the committee.

CLAIMS DOCKET

President Mack read the following claims for the record.

October 5, 2021 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims	\$	220,936.35
EFT	\$	0.00
Fund #2031 – Boyd – Claims-	\$	1,165.65
TOTAL CLAIMS	\$	222,102.00

President Mack asked for a motion to approve the Claims in the amount of \$222,102.00 with Councilwoman Tillman making a motion to approve, second by Councilman D. Przybylinski with the claims being approved by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch and D. Przybylinski (9). **NAYS:** None (0).

Councilman Fitzpatrick addressed the Council stating the Finance Committee had two (2) budget hearing meetings and they have been suspended indefinitely pending receipt of further information.

REPORTS OF SPECIAL or SELECT COMMITTEES

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

REPORTS of OTHER CITY OFFICERS AND DEPARTMENTS

President Mack skipped over this unintentionally; it will be addressed later in the meeting.

PETITIONS

President Mack asked if there were any petitions.

Deputy Clerk Debald advised that there were no petitions this evening.

COMMUNICATIONS

Deputy Clerk Debald read the following correspondence that was received.

Correspondence was received in the Clerk's Office on September 27, 2021 from Mayor Duane Parry regarding his VETO to Ordinance No. 4595; **AN ORDINANCE VACATING A PLATTED PUBLIC WAY WITHIN THE CITY OF MICHIGAN CITY**

Councilman Fitzpatrick made a motion to override the VETO; second by Councilwoman Deutch.

The motion to override Mayor Parry's veto was approved by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (9). **NAYS:** None (0).

President Mack stated Ordinance No 4595 was approved and will be recorded by the Clerk's Office.

Correspondence was received in the Clerk's Office on September 27, 2021 from Nathan Patrick regarding his concerns about who is invited as a panelist to "Zoom/Hybrid" Council meetings.

Correspondence was received in the Clerk's Office on September 21, 2021 from Controller Hoffmaster regarding information on the narrative from the September 20, 2021 workshop that was held.

Correspondence was received in the Clerk's Office from Rodney McCormick on September 28, 2021 regarding invites to Council "Zoom" meetings and how the Clerk's Office/I.T. Department decide how panelists are selected.

RESOLUTIONS

President Mack stated there were no Resolutions this evening.

Mayor Parry called a Point of Order stating that Reports of Other City Officers and Departments did not get read this evening.

REPORTS OF OTHER CITY OFFICERS and DEPARTMENTS

President Mack asked if there were any reports of other City Officers or Departments.

Mayor Parry commented on the 2022 budget hearings that were set up for last week and was suspended indefinitely; stating if Michigan City does not have an approved budget by November 1, 2021 the City will revert back to the 2021 budget which is 5.2 million dollars or nine (9) percent less than the proposed budget; this means there will be 5.2 million dollars less to serve our citizens; explaining the City's tax levies (property taxes the City receives) will remain at the 2021 amount which is approximately 1.2 million less than the 2022 budget; stating all salaries and wages will remain the same and continue to follow the 2021 budget; negotiated wage increases for 2022 for union employees will have to be appropriated from other funds; advising that all City workers should be awarded for the work they do and they need to be given support and resources to do their jobs; commending the previous administration for having the salary study done; asking the Council to remove the Mayor's pay increase for 2022 and that of all elected officials should forfeit their proposed pay increases to the hourly employees.

ORDINANCES

The Deputy Clerk read the following proposed ordinance on first reading by title only, **AN ORDINANCE REGARDING ICE AND SNOW REMOVAL FROM SIDEWALKS AND AMENDING SECTION 94-253: SNOW ROUTES OF THE MUNICIPAL CODE**

Introduced by: Tracie Tillman

President Mack asked if the authors have anything to add.

Councilwoman Tillman stated there has been discussion to implement this ordinance since the end of 2019 and into 2020; advising there isn't an ordinance currently in place for ice/snow removal on sidewalks; hoping her fellow Council members will support the proposed ordinance; explaining the proposed ordinance is not saying that residents will no longer have the responsibility to clear and maintain their sidewalks; only that the specific areas stated in the proposed ordinance within the City will be cleared of snow/ice.

President Mack asked if there was anyone from the public who wished to speak on the proposed ordinance.

Mayor Parry asked that the proposed ordinance be "TABLED" because there are insufficient descriptions of the proposed streets to be evaluated in this proposed ordinance; stating they will respond at 2nd reading in regard to the financial and liability impact of the ordinance.

President Mack asked if there was anyone else from the public who wished to speak on the proposed ordinance; there was no response.

President Mack asked if there were any comments from the Council;

Councilman P. Przybylinski asked to be added as co-sponsor on the proposed ordinance; stating the Council needs to move forward with this because the major thoroughfares in the City need to be taken care of; stating the proposed ordinance shouldn't be "TABLED" that everyone will have a chance to respond at 2nd and 3rd reading.

Councilman D. Przybylinski advised that he has been in communication with Councilwoman Tillman regarding the proposed ordinance advising the snowplows and equipment that will be needed to do the work this winter that this ordinance is pretty descriptive.

Councilman D. Przybylinski read section 94-259- Sidewalk Snow Routes as follows:

The following City sidewalks are designated for snow removal by the City:

- a. from Washington Street to E. U.S. Highway 12-Blue Chip (the Bridge)
- b. from 2nd Street to East Michigan Boulevard to Carroll Avenue
- c. from Carroll Avenue to West – East Michigan Boulevard to 2nd Street
- d. from 4th Street to U.S. Highway 20

Councilman D. Przybylinski stated that Franklin Street is not included in the ordinance and it needs to be added; advising any equipment that is purchased can be used throughout the year; explaining last winter when we had significant snow, the sidewalks and bus stops were not cleared; asking to be added as a co-sponsor on the proposed ordinance.

Councilman Fitzpatrick asked to be added as a co-sponsor on the proposed ordinance.

Councilwoman Deutch asked to be added as a co-sponsor on the proposed ordinance; advising she would like to see this referred to a workshop or committee so they can have a discussion before 2nd reading of the proposed ordinance.

Discussion ensued between Councilwoman Zygas and Councilwoman Tillman regarding what information and data was used to make the decision regarding which streets and sidewalks will get serviced. Councilwoman Tillman stated there are three (3) main routes in Michigan City and it was based on personal observation, visuals and input from constituents and residents in the community. Councilwoman Zygas asked if

the cost of labor has been analyzed. Councilwoman Tillman advised not at this time, but to her understanding there has been conversations with the Mayor and the Refuse Department regarding this; explaining this may tie into the meeting that was held with the Board of Public Works and Safety regarding the twelve (12) bus shelters that are being proposed and are in negotiations with the vendor as to who will maintain and who will be responsible for the ice and snow removal for these shelters.

President Mack stated that he is looking forward to having a workshop to discuss the proposed ordinance; advising there are a lot of businesses that operate on the main thorough fairs; explaining the children throughout the City walk to school, and they are having to walk in the streets because the sidewalks are not cleared; stating this is ridiculous.

Discussion ensued between Councilman Dabney and Attorney Meyer regarding if there is already an ordinance in place that states the homeowner is responsible for clearing their sidewalks on their abutting property. Attorney Meyer stated there is not an ordinance that he is aware of; commenting that the Indiana Court of Appeals stated that the Municipality cannot use an ordinance to impose on a property owner a duty to clear a sidewalk from ice and snow.

Discussion ensued between Councilman Dabney and Councilwoman Tillman if there has been any conversation with the Street Department regarding manpower and resources to clear the sidewalks. Councilman Dabney stated the Street Department needs to be included in the workshop; explaining there will be a cost to purchase the Kubota's they need to do the plowing. Councilwoman Tillman commented that she has had conversations with Michael Kuss, General Manager, Sanitary District; stating the main streets in the City will be plowed and if they have manpower and are able to get to the sidewalks, they will assist along with other departments

Councilman Simmons stated it is an ongoing issue with the kids walking to school having to walk in the streets.

Councilman D. Przybylinski further commenting on the cost of machinery, equipment and manpower to clear the sidewalks; advising they need to sit down in a workshop and discuss this with Shong Smith, Director M.C. Central Services.

Councilman Tillman continued to comment on the seven (7) percent the City is supposed to receive for the advertising on the twelve (12) bus shelters; proposing the City utilizes those funds to contract with a local company within the City to clean the sidewalks and bus shelters.

Discussion ensued between Councilman Dabney and Councilman D. Przybylinski regarding what funding would be used to purchase the Kapotas.

President Mack asked if there were any other comments from the Council; there was no response, stating that the proposed ordinance will be held over to second reading at the October 19, 2021 Council meeting.

The Deputy Clerk read the following proposed ordinance on second reading by title only, **ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES**

Introduced by: Sean Fitzpatrick
Tracie Tillman
Paul Przybylinski

President Mack asked if the authors have anything to add.

Councilman Fitzpatrick thanked everyone for attending the meeting; explaining the budget hearings were suspended so the Council would have time to look over what was presented to them and take the best course of action going forward; advising the Council is in full support of the City staff and they want everyone to have the tools and equipment they need to do their jobs safely and effectively.

Councilwoman Tillman concurred with Councilman Fitzpatrick; stating they need actual facts to do their job and there have been discrepancies in the information that was provided to them; advising she is in favor of employees and departments receiving the proper pay increase.

Councilman Fitzpatrick called a "point of order" stating they are on the proposed ordinance for the ordinance or resolution for appropriations and tax rates.

President Mack stated that there will be a formal public hearing this evening asking if there are there any comments or questions from the public.

Brendon Hollingshed, 908 Pennsylvania Avenue, LaPorte, Driver for the Street Department addressed the Council regarding the Refuse Department removing the snow from the sidewalks; asking for clarification.

President Mack asked three times if there were any further comments or questions from the public; there was no response; and the public hearing was closed.

President Mack asked if there were any further comments from the Council.

Discussion ensued between Councilwoman Deutch and Controller Hoffmaster regarding the Riverboat general fund appropriation and a 3.1 million dollar transfer to the general fund. Councilwoman Deutch stated it is one line item and it is not itemized; asking if that is for salaries? Controller Hoffmaster stated the operating transfers from the Riverboat brings revenue into the operating fund; advising the 3.1 million dollar transfer goes along with the property tax levy that goes into the general fund and all other miscellaneous revenue; explaining there is no specific purpose for the 3.1 million dollars.

President Mack asked if there were any other comments by the Council, there being none the proposed ordinance will be held over to third reading at the October 19, 2021 Council meeting.

The Deputy Clerk read the following proposed ordinance on second 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 2022**

Introduced by: Sean Fitzpatrick
Tracie Tillman
Paul Przybylinski

President Mack asked if there are any comments from the authors.

Councilman Fitzpatrick stated he had prepared amendments that he was going to introduce tonight, but the Council received information this morning that the data they received from the Controller's Office was inaccurate; explaining there are currently thirty- eight (38) positions in the 2021 budget that are making less than \$12.00 per hour; advising one of his proposed amendments was to raise every salary up to at least \$12.00 per hour and up to \$30.00; advising it would be up to the Department Head or Administration to decide their employees hourly wage; explaining the Council is not comfortable with the inequities in the 2022 salary budget; commenting that he was

going to propose a five (5) percent increase for all salaried employees giving the Administration the opportunity to look at it prior to the next meeting or the next time the budget comes around.

Councilman Fitzpatrick made a motion to “TABLE” the proposed ordinance until the next Council meeting; second by Councilman P. Przybylinski.

The motion to TABLE the proposed ordinance until the next Council meeting on October 19, 2021 was approved by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Fitzpatrick, Deutch, D. Przybylinski, and Simmons (6). **NAYS:** Council members, Dabney, Mack and Zygas (3).

President Mack stated the proposed ordinance will be “TABLED” until the next Council meeting on October 19, 2021.

The Deputy Clerk read the following proposed ordinance on second reading by title only, **AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR**

Introduced by: Sean Fitzpatrick
Tracie Tillman
Paul Przybylinski

President Mack asked if the authors had anything to add.

Councilman Fitzpatrick stated this proposed ordinance and the next two (2) are setting the salaries for elected officials; advising the proposed salaries will be addressed at the next scheduled Finance Committee meeting.

Councilman Fitzpatrick made a motion to “TABLE” the proposed ordinance until the next Council meeting; second by Councilman P. Przybylinski.

The motion was approved by the following vote to TABLE the proposed ordinance until the October 19, 2021 Council meeting: **AYES:** Council members Tillman, Fitzpatrick, Deutch, D. Przybylinski, Simmons and P. Przybylinski (6). **NAYS:** Council members, Dabney, Mack and Zygas (3).

President Mack stated the proposed ordinance will be “TABLED” until the next Council meeting on October 19, 2021.

The Deputy Clerk read the following proposed ordinance on second reading by title only, **AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK**

Introduced by: Sean Fitzpatrick
Tracie Tillman
Paul Przybylinski

President Mack asked if the authors had anything to add at this time.

Councilman Fitzpatrick made a motion to “TABLE” the proposed ordinance until the next Council meeting; second by Councilman P. Przybylinski.

The motion to TABLE the proposed ordinance until the October 19, 2021 Council meeting was approved: **AYES:** Council members Fitzpatrick, Deutch, D. Przybylinski, Simmons, P. Przybylinski and Tillman (6). **NAYS:** Council members, Dabney, Mack and Zygas (3).

President Mack stated the proposed ordinance will be “TABLED” until the next Council meeting on October 19, 2021.

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

Introduced by: Sean Fitzpatrick
Tracie Tillman
Paul Przybylinski

Councilman Fitzpatrick made a motion to “TABLE” the proposed ordinance until the next Council meeting; second by Councilman P. Przybylinski.

The motion to TABLE the proposed ordinance until the next council meeting on October 19, 2021 was approved by the following vote: **AYES:** Council members Fitzpatrick, Deutch, D. Przybylinski, Simmons, P. Przybylinski and Tillman (6). **NAYS:** Council members, Dabney, Mack and Zygas (3).

President Mack stated the proposed ordinance will be “TABLED” until the next Council meeting on October 19, 2021.

The Deputy Clerk read the following proposed ordinance on second reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR LEGAL EXPENSES FOR THE CITY’S ESPLANADE**

Introduced by: Don Przybylinski
Dalia Zygas
Bryant Dabney

(DECREASE Riverboat Fund 2042 Unappropriated balance \$175,000.00. INCREASE ACCOUNT#2042 112.431.010 \$175,000.00 Professional Services Legal)

President Mack asked the authors had anything to add this evening.

Councilman D. Przybylinski explained the proposed ordinance is for legal assistance for the City’s Esplanade.

President Mack stated that there will be a formal public hearing this evening asking three (3) times if there are there any comments or questions from the public, there was no response, and the public hearing was closed.

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

Councilman Dabney stated that a homeowner had made their own pathway from their home through the dunes on the beach crossing over the Esplanade; explaining we need to find out what is public and what is City property; stating we need to fund legal services in order to fight this.

Discussion ensued between Councilman P. Przybylinski and Attorney Meyer regarding if a formal survey was done in all areas of the beach to find out what is public and what is City property. Councilman Przybylinski asked if a survey is included in the additional appropriation or is this just for legal expenses? Attorney Meyer stated part of the \$175,000 will be used to do whatever investigation is necessary to figure out who the property belongs to.

Councilman P. Przybylinski stated that he has a problem with the money coming out of the Riverboat fund; advising it will be an ongoing legal battle with ongoing expenses; explaining there are other places the money could come from such as the LOIT fund,

gadget tax, TIF funds from the Redevelopment Commission or the cumulative capital improvement fund (cigarette tax); explaining the rights-of-way needs to be marked so the general public can have access to the beach.

Councilman Dabney advised there are public pathways to get to the beach and they are marked all the way to stop 13.

President Mack stated it would be hard to use TIF monies for this because it is residential property; advising the residents made a path from their backyard straight to the beach.

Councilman P. Przybylinski continued to comment on this matter; explaining the funding mechanism needs to be changed; there are other ways to fund for legal expenses.

Discussion ensued between Councilman Dabney, Council P. Przybylinski and Councilman Fitzpatrick regarding what is the proper use of Riverboat funds.

Councilman D. Przybylinski explained to the public that an individual that lives at Stop 11 hired a contractor with a bulldozer to dig a path ten (10) feet wide from the back of his house through the Esplanade without contacting the City; advising they believe this is against the law which is why the City is entering into an agreement with a law firm; it can then be decided if it is City property or public property; stating the City is trying to protect a valuable ECO system piece of property for generations to come; commenting he understands what Councilman P. Przybylinski is referring to as far as trying to find the right funding mechanism.

President Mack stated the proposed ordinance will be held over on 3rd reading until the next meeting on October 19, 2021.

The Deputy Clerk read the following proposed ordinance on second reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR PREMIUM PAY FOR ALL MUNICIPAL EMPLOYEES, ESSENTIAL EQUIPMENT AND PROFESSIONAL SERVICE**

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

(DECREASE ARP Coronavirus Local Fiscal Recovery Fund 0176 Unappropriated balance \$3,627,000.00. INCREASE ACCOUNT #0176 000.411.013 \$1,650,000.00 Salaries & Wages – Premium Pay INCREASE ACCOUNT #0176 000.431.050 \$100,000.00 Professional Services – Other INCREASE ACCOUNT #0176 0.431.050 \$1,877,000.00 Capital Outlays – Other Machinery & Equipment)

President Mack asked if there were any comments from the authors at this time.

Councilwoman Deutch stated she met with Attorney Meyer, Corporate Counsel, Amber Lapaich-Stalbrink and City Controller Hoffmaster to make sure the language and verbiage was correct; advising she has an amendment that she is going to make on the proposed ordinance; explaining it will clarify the buckets of money and where the money will be coming from for retention and essential workers bonuses for City employees from the Resolution that was adopted.

Councilwoman Deutch made a motion to amend by substitution in its entirety; second by Councilwoman Tillman.

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

President Mack stated that there will be a formal public hearing this evening asking three (3) times if there are there any comments or questions from the public; there was no response; and the public hearing was closed.

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

Councilman P. Przybylinski stated the Council is concerned with getting the City's valuable employees compensated; explaining they didn't want to delay this any longer so the monies were taken out of the ARP fund for the essential equipment that was needed throughout the City instead using Riverboat funds; advising this was the right way to get the funding for the equipment.

Councilman D. Przybylinski commented on the ARP monies; stating he has received many questions from City employees regarding why certain departments (Police, Fire, Refuse and Transit) are receiving \$5,000 versus \$2,500; advising these four (4) groups were identified by the Federal Government as essential workers that will receive the maximum of \$5,000.

Councilwoman Deutch stated the Federal Government identified the four (4) categories of essential workers; advising she had discussions with Controller Hoffmaster regarding the differences in the ARPA Federal guidelines; explaining she received calls from employees in Refuse that made transfers to other departments; commenting that the hours have been shared and submitted by the Sanitary District; further stating in the eyes of the State and the Mayor, all Municipal employees are considered essential, but not as Federal ARPA essential workers.

Councilwoman Deutch made a motion to have third reading tonight; second by Councilwoman Tillman.

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

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. [4597](#)

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR PREMIUM PAY FOR
ALL MUNICIPAL EMPLOYEES, ESSENTIAL EQUIPMENT AND PROFESSIONAL
SERVICES**

WHEREAS, the City of Michigan City, Indiana will receive \$16.5 million dollars from the American Rescue Plan Act of 2021 ("ARP"); and

WHEREAS, the \$16.5 million dollars will be distributed to the City in two (2) tranches of Fifty Percent (50%) in 2021 and 2022, which must be obligated by the end of 2024 and ultimately spent by the end of 2026; and

WHEREAS, on March 18, 2021, in accordance with the requirements set forth in a Memorandum from the Indiana State Board of Accounts, the City enacted an Ordinance 4579 establishing the ARP Coronavirus Local Fiscal Recovery Fund ("ARP Fund"); and

WHEREAS, the City has already received the first distribution of its ARP allocation, in the amount of approximately \$8.25 million dollars, and deposited the monies in the ARP Fund; and

WHEREAS, ARP funds may only be used for the purposes specified in Section 603 of the ARP Act, and the City must adopt a plan detailing the proposed expenditures from said Fund; and

WHEREAS, Section 603 of the ARP Act states that monies may only be used for the following purposes:

“(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

.(D) to make necessary investments in water, sewer, or broadband infrastructure;” and

WHEREAS, on June 17, 2021, the U.S. Department of Treasury issued Compliance and Reporting Guidance for State and Local Fiscal Recovery Funds; and

WHEREAS, pursuant to the U.S. Department of Treasury’s Guidance, the City will have mandatory reporting requirements including categorizing allowable expenditures as directed by the U.S Department of Treasury (see **Exhibit A U.S. Department of Treasury Appendix 1: Expenditures Categories**, which is attached hereto and incorporated by reference herein); and

WHEREAS, for purposes of this Ordinance and any future Ordinance(s) appropriating ARP funds, the City will utilize the Expenditure Categories as set forth by **Exhibit A**; and

WHEREAS, on September 22, 2021, the City adopted Resolution #4813, which detailed the plan to spend a portion of the first tranche of the 2021 ARP Fund expenditures as follows:

The City requires the assistance of a financial advisor regarding the ARP Funds and will appropriate \$100,000 of ARP Funds for that purpose. (**Expenditure Category: 7.1 Administration: Administrative Expense**)

The Mayor has designed all essential employee positions within the City during the COVID-19 pandemic. The City will appropriate \$1,650,000.00 in ARP funds to provide premium pay to said employees; (**Expenditure Category: 4.1 Premium Pay: Public Sector Employees**)

As a direct and proximate result of COVID-19, the City lost revenue in the amount of \$3,923,638.00. The City will spend ARP funds, which replaces revenue lost, to now purchase essential equipment listed in Resolution #4813 totaling \$1,877,000.00; (**Expenditure Category 6.1 Revenue Replacement: Provision of Government Services**) and

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 2021 Annual

Budget to provide premium pay for eligible municipal employees, purchase essential equipment, and professional services 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, as follows:

1. The aforementioned “Whereas” sections are incorporated herein as if fully set forth herein.
2. 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	\$3,627,000.00	
Expenditure Category: 4.1 Premium Pay: Public Sector Employees		
INCREASE ACCOUNT #0176 000.411.013 Salaries & Wages – Premium Pay		\$1,650,000.00
Expenditure Category: 7.1 Administration: Administrative Expense:		
INCREASE ACCOUNT #0176 000.431.050 Professional Services - Other		\$100,000.00
Expenditure Category 6.1 Revenue Replacement: Provision of Government Services		
INCREASE ACCOUNT #0176 000.445.050 Capital Outlays – Other Machinery & Equipment		\$1,877,000.00
TOTAL FOR FUND	\$3,627,000.00	

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/ Angela Nelson-Deutch, Member
Michigan City Common Council

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

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

/s/ Paul Przybylinski, Member
Michigan City Common Council

/s/ Tracie Tillman, Member
Michigan City Common Council

/s/ Bryant Dabney, Member
Michigan City Common Council

Exhibit “A” is in the Clerk’s Office in file O-193 for review

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

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

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

Councilman Dabney made a motion to approve the proposed ordinance; second by Councilwoman Deutch.

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

NEW BUSINESS

President Mack stated that there is no new business this evening.

UNFINISHED BUSINESS

President Mack stated that the Council has one appointment to the Youth Leadership Commission representing "Marquette High School" (term expired 06-01-2021) Incumbent: Mr. Trayvon Moore.

Ms. Debald stated that the Clerk's office didn't receive any correspondence from Marquette High School regarding their appointment to the Youth Leadership Commission.

COMMENTS FROM THE PUBLIC

President Mack asked if there is anyone from the public who wished to speak.

Ernie Hollihan, 302 Gladys Street, addressed the Council regarding the proposed ordinance about snow removal of sidewalks; stating that hardly any residents shovel their sidewalks anymore; also explaining that his neighbors were robbed by two men that said they were there to do some work, with them being in their nineties they pushed their way in and they stole jewelry and money; the officer came out took the report advising that a detective would be coming out to speak to them about what had happened and the detective never showed upsetting this couple and himself.

Mr. Hollihan stated several concerns regarding the joint zoning ordinance that was adopted eight or nine years and is just being enforced this year stating that landlords with rental properties must hire contractors to do any fixing up or repairs to their properties that they usually have done in the past; explaining they can't afford to pay someone to do the work.

Nancy Moldenhauer, 107 Kay Lane, and Chair of the Sustainability Commission introduced and explained the three major projects the commission is currently working on; 1) Round two with Solar United Neighbors (nonprofit cooperative program) 2.) So Smart Program which also has to do with the installation of Solar Panels at homes in our community. 3) Carbon Neutral Indiana and is also nonprofit and is a vehicle that can eliminate their total carbon footprint which is through subscription and an assessment process; asking everyone to contact Carbon Neutral Indiana to set up an appointment to get assessed.

Ms. Moldenhauer announced that there is a session scheduled on Thursday, October 21, 2021 at 6:30 p.m. here at City Hall and you can also go to "My Michigan City"

Facebook Page to attend the “Solar 101” Session which is an educational opportunity to learn more about solar systems and your neighbors.

Councilman D. Przybylinski thanked Ms. Moldenhauer for everything she and the Sustainability Commission does; advising they are truly making a difference within in our community.

President Mack stated that if her board or any other board or commission would like to do a presentation to the Council let him know and we'll add them to the agenda; thanking Ms. Moldenhauer for her dedication and hard work.

Dan Foster, 307 Trail Street, stating that he is a City employee and realizes that this Council is working hard on the 2022 budget addressing several concerns about what City employees' wages are; that when you can get a job at McDonalds and make more there than working for the City Government, something is really wrong.

Nathan Patrick asked if he could read the correspondence that was under correspondence at this time.

President Mack advised Mr. Patrick that he has three minutes to speak.

Councilman D. Przybylinski called “Point of Order” questioning why Mr. Patrick can't read his letter; that he didn't see any reason why he couldn't read it at this time; that you can't deny anyone during public comment to come up to the podium and read something; asking Attorney Meyer his take on this matter.

Attorney Meyer stated that this Council has a three-minute rule to speak under public comment.

President Mack stated he was denying Mr. Patrick's request to go back to “correspondence” and read a letter that has already been addressed earlier in this meeting; but advising him that he has three minutes to make comments.

Mr. Patrick stated he was being mistreated due to this matter being about President Mack and him denying his request moving forward reading part of his letter in its entirety:

Just a few days ago Michigan City Common Council President, Michael Mack, lashed out at a number of people in regard to who has access to PUBLIC meetings via ZOOM. President Mack erupted at a 70-year-old elected official and an IT employee, leaving the Michigan City's Clerk staff deeply offended, and afraid of his outburst. President Mack went to great lengths to silence a voice that most of us are very familiar with and most of us have even been in his path for actions that this man hasn't agreed with including myself. The man I speak of is Rodney McCormick. I can remember when I was in the path of this man; what I did was address him as a man, figure out what his disagreement was about, and we came to a healthy compromise. We left the discussion with more respect for each other than we did going into the disagreement. Turns out, he highlighted something that I did wrong, and I thought was right, I respect him for it. Do I hope to have his voice taken away and not be able to speak on issues that he does not agree with? Absolutely not!

Is Rodney McCormick loud, intimidating at times, brash, unfiltered, rough around the edges, and “in you face”? YES! Does any of those things make him a bad person? Absolutely not! Rodney speaks on issues that not only bothers himself but bothers others, but they are too afraid to stand up and say something, so he does. I can't be upset about that, the man is a voice for the voiceless, and a LOUD one at that! President Mack owes the Michigan City Clerk, Clerk's staff, and IT personnel a huge apology for his communistic tendencies of not wanting to be held accountable being in a PUBLIC position on the COMMON Council whereby he was elected by the PUBLIC. Sometimes the public will disagree with you; deal with it. Listen to what they have to say. When you give socialistic and

communistic tendencies an inch, they take a mile! Our local government has no room for it.

Sincerely, Nathan Patrick, Public Servant

Dan Foster, 307 Trail Street, commented on the situation that just took place, (not taking sides), comparing something similar that took place during a LaPorte County Commission meeting; commenting again on the raises that are going to be proposed for 2022 stating several concerns that need to be looked at by this Council before they make the final decision.

Ed Shinn, Park and Recreation Department Director, commented on salary and wage adjustments to be proposed for 2022; advising that he works closely with all Park and Recreation employees and detects a strong quality of dedication with each of these positions with a unique ability of experience to do their jobs daily; he that he feels that each and every one of them are deserving of the wages being proposed.

Tommy Kulavik,, 1316 Ohio Street, announced that Michigan City High School Senior Taylor Sobinski shot her final round of golf of 81, congratulating her on a great job; stating several scores of the Indiana High School Girls Golf Tournament and thanking Andrew White for being an excellent coach.

Cranston Harris, Director of Central Services stated that when he took this job Mayor Parry wanted us to work as a team and that is what Central Services does; advising that his four guys go through every car the city owns repairing and fixing them 365 days a year; and is only asking for a fair share for these four guys in the 2022 budget that is going to be proposed.

Mr. Harris advised Councilman Fitzpatrick that at this time his title is Superintendent of Central Services and in the near future his title will be Central Services Director.

Shong Smith, Street Department Director, 1801 Kentucky Street commented on the proposed 2022 wage increase for his department; stating that the Mayor had to do an Executive Order this summer to raise the Street Department drivers positions to \$19.00 to get anyone to even apply for these positions, asking for the increase the Mayor proposed to his employees, drivers and other positions at the Street Department be approved so the employees will continue working for the City.

Julie Holbrook, 105 E. Coolspring, Senior Animal Control Officer for Michigan City, stated that currently she is the only Animal Control Officer and she is training a replacement that will replace her partner that is on maternity leave; advising that she has been with the City for four years and has received her national certificate as an animal control officer and other certificates from training through the Police department and has worked 38 straight days to date; advising that she is not going to stay and work all these days and make the same amount of money that you can make at McDonalds or Menards; asking the Council to consider what we are facing in our world since Covid has hit; commenting that she loves her job.

Jillian Ashley, Assistant Chief of Services to the MCPD, stated she is standing here representing every City Civilian that works for our City; especially the staff at the Michigan City Police Department because that is where I work and I see their dedication and hard work they do on a daily bases; explaining that it takes each and every employee to make a team to keep our city running smoothly; asking that the Council please consider what has been said this evening by so many City employees regarding the raise increases for the 2022 budget.

Mayor Parry asked President Mack that in his comments he would consider taking the \$179,000 annually of elected employees and put this amount in the 2022 hourly rates.

COMMENTS FROM THE COUNCIL

President Mack asked if there were any Council comments.

President Mack addressed the comments that were made by Mr. Patrick regarding what was said about Mr. McCormick not being able to be a panelist, stating issues that other leaders in our community have had with Mr. McCormick; explaining why he denied Mr. Patrick's request to read his correspondence.

Councilman P. Przybylinski asked President Mack if he has special privileges because he spoke over three minutes on the comments just made; asking what this letter is really about that it isn't about who can be a panelist; asking again Mr. Mack what this is really about.

Councilwoman Deutch stated that she has every intention to increase the hourly employees wages; that more of her questions are about the salaried positions and that the rate increases that were proposed for the hourly employees she supports; stating several items they are discussing to reach the goal they feel is important; advising that we will have to have second and third reading at our next Council meeting to meet the deadlines; thanking everyone that spoke today on behalf of all City employees.

Councilwoman Deutch stated that she didn't have any issues about what is being proposed for the 2022 budget; asking for the next years proposed budget to be separated by salaried employees and the hourly employees; explaining that it is hard to find employees that want to work for the City when we are competing with restaurants, retail, and other small businesses competing against what the City is offering.

Attorney Meyer advised Councilman Fitzpatrick that there isn't a rule or statute that this Council must have budget hearings with each department; that there has to be a formal public hearing which was held this evening, but not individual meetings.

Councilman Fitzpatrick stated that in June of this year and being Finance Chair, he attempted to put legislation in place to increase the time frame to review the budget and it was opposed against so he withdrew what he was proposing; stating that we are back to the same schedule we have every year, down to the wire and trying to get everything done because we again don't have enough time; and that he is hoping to bring changing the timeframe of receiving the budget back to the Council after the first of year.

Councilman Fitzpatrick stated that he was going to propose an amendment to the 2022 budget this evening that any hourly employee would make no less than \$12.00 per hour and have a rate increase of up to \$30.00 and is the discretion of the administration and the employee's department head of how much they would be proposing with the finance committee passing this proposal back to the administration; stating that it is October 5, 2021 and that he has full confidence in all employees of our City.

Councilman Dabney commented on budget hearings scheduled every year; stating that he sat as Finance Chair last few years and that they would schedule these budget hearings to communicate with each department head and was a curtesy letting them know what the Council was doing as well as having transparency with each department; hoping that we go back to having these hearings/meeting that when we receive the budget we can't increase anything but can propose decreases; explaining how the salary study has affected the proposed budget and to shrink the inequities of employees pay which is in front of this council to review and decide.

Councilman Dabney commented on a development coming south of I94 on Highway 421 on County Road 300 and they will be connecting to City Water and sewer and won't have to annex into the City; that the Sanitation and Water Department will receive money from this development from monthly water/sewage service, but the City won't receive anything; questioning Attorney Meyer, with discussion ensuing between Mr. Dabney and Attorney Meyer regarding a friendly annexation and City water/sewer being connected for this project.

Councilwoman Zygas commented on the proposed budget meeting wanting to speak but the meeting was adjourned so quickly; presenting a presentation that she was going to do at the budget meeting regarding the salary study done in 2019 and how the city got to where they are today regarding city salaries.

Councilman D. Przybylinski commented on the information that was presented to us this evening that this should have been brought to the council back in July, should have scheduled workshops back then and we wouldn't be where we are today, rushing to meet the deadline to approve the 2022 budget; advising that he is 100% behind the hourly city employees for getting what they deserve; stating that whatever the city can afford he would support it.

Councilman D. Przybylinski on the Mayor's comments that all elected officials should give their raises up; that when he was elected ten years ago and he was elected he knew what the salary was and has never received an increase in all those years.

Councilman D. Przybylinski commented on Tommy Kulavik statement about the City purchasing baby boxes and possibly using some of the ARP monies; stating that he and Randy Novak and Mayor Meer researched in purchasing one and then decided at that time not to do it; advising that Coolspring Township Fire Department still has theirs and Franciscan Health has one as well.

Councilman D. Przybylinski thanked each of our Council Members for donating money to buy the Michigan City High School Wolves Football Team dinner during practice and waiting for their game to start; that there is no time to leave and eat so they purchased food for them before their game started with the team and coaches appreciating what they did.

Councilwoman Tillman thanked the Refuse Department for their hard work picking up large items in her ward that weren't able to fit in the weekly garbage pickup.

Councilwoman Tillman commented on the email everyone received from AKA Tom Crown regarding "Eastport" being a junk yard; that she didn't feel the pictures in this email were factual; addressing several of Mr. Crown's concerns in regard to the business he spoke about.

Councilman Simmons commented on the 2022 budget; with his first question was could we afford these raises, yes, the City can afford these raises, with the City Controller presenting the Salary Study from 2019 and that all these years he didn't feel the City employees were paid enough; advising that 25 out of the 34 years he worked for the City he worked two jobs, never complaining just something he had to do. Stating that how we get to the raise is up for discussion and that is what this entire argument is about, how do we there asking for everyone to be patient, this council has your back that City workers are the backbone of the city and they should be rewarded.

Councilman Simmons stated he and his wife attended the 2021 Economic Development Award Dinner in Nashville Tennessee that was hosted by the International Economic Development Corp. with our own Mr. Clarence Hulse, Executive Director of Michigan City Economic Development Corporation receiving the International Award "Fellow Member Destination" award; congratulating Clarence.

Councilman P. Przybylinski thanked each Council member for their deep concern about the 2022 wage package and have received several comments; stating that he made the motion to suspend the budget hearing meeting due to a finger pointing that was being done by our administration; stating that if this happens at any of our meetings moving forward, he will make a motion to adjourn; commenting on the concerns on how the budget was given to the Council; with an email coming to us saying the figures in the proposed budget weren't correct.

Councilman P. Przybylinski commented on last years budget having to decide if there was going to be 26 weeks or 27 weeks which affected the salary people not getting a raise and the hourly employees getting an extra week; letting everyone know that they are working hard and diligently to get the 2022 budget completed with raises being proposed.

Councilwoman Tillman added on to Councilman P. Przybylinski's comments; she had asked Controller Hoffmaster what the base pay was for each city employee with the city not having a base pay was her response, which means if you have been here two months or twenty years and you are doing the same job the person that has been here two months gets paid the same as a person that has been here twenty years; stating it is not right to be able to start on day one and receive the same amount of pay as a person that has been here twenty years; researching to see if the City can get a base pay procedure.

Councilman D. Przybylinski questioned Controller Hoffmaster regarding an article in the newspaper stating that any of the salary raises that are given and that the City can't afford any more than the mid-range; stating he will call Ms. Hoffmaster tomorrow to get an explanation about this; and that he is hoping that the mistakes made in our proposed will be corrected in a hurry so we can move on with the way it is the budget is out of balance.

ADJOURNMENT

A motion by Councilwoman Deutch, second by Councilman P. Przybylinski and there being no further business to transact, President Mack declared the meeting **ADJOURNED** (approximately 9:10 p.m.)

Gale A. Neulieb