

REGULAR MEETING – October 19, 2021

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, October 19, 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, Paul Przybylinski, Gene Simmons, Dalia Zygus, Tracie Tillman and Don Przybylinski (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Attorney Meyer, Gale Neulieb City Clerk and Dawn Debold Deputy Clerk

APPROVAL OF MINUTES

President Mack inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Council “Hybrid/Zoom” Meeting of October 5, 2021; there was no response.

President Mack asked for a motion to approve the Regular Council “Zoom/Hybrid” meeting minutes of October 5, 2021 with a motion made by Councilman Fitzpatrick, second by Councilman P. Przybylinski and was approved by the following vote: **AYES:** Council members Simmons, Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, and D. Przybylinski (9). **NAYS:** None (0).

REPORTS of STANDING COMMITTEES

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

FINANCE REPORT

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

Councilman Fitzpatrick stated that October 14, 2021 the Finance Committee met to discuss the proposed 2022 salaries with Finance members, P. Przybylinski, Fitzpatrick and Tillman all present. There was a lengthy discussion about each individual salary position; stating that for the most part most salaried positions got significant pay increases and that each council member got a copy of the amendments that will be addressed during the employees and official salaries proposed ordinance and that the committee is in favor of these amendments; also advising that there was an increase to the Mayor’s and Clerk’s proposed ordinance with the committee agreeing that the Council’s salary should remain the same amount as it was in 2021.

Councilman Fitzpatrick reported on the Finance Committee meeting held yesterday October 18, 2021 with the Street Department, Police and Fire Department as well as the

Park Department; advising that there were no cuts made at that time with the committee recommending approval of each of their budgets.

CLAIMS DOCKET

President Mack read the following claims for the record.

October 5, 2021 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims	\$	0.00
EFT	\$	0.00
Fund #2031 – Boyd – Claims-	\$	0.00
TOTAL CLAIMS	\$	0.00

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

Controller Hoffmaster reported that on October 8, 2021 the City's 2020 audit reports were release with the Council receiving a copy of each report; advising the city received the highest opinion and entity can receive on its audit and that we did receive two comments on our audit with both of them already corrected and our federal compliance audit report received no finding for 2020. Controller Hoffmaster thanked her staff for all of their continued hard work and making things run smoothly and efficiently.

PETITIONS

President Mack asked if there were any petitions.

Clerk Neulieb advised that there were no petitions this evening.

COMMUNICATIONS

Clerk Neulieb read the following correspondence that was received.

Correspondence was received in the Clerk's Office on September 30, 2021 from Mayor Duane Parry regarding the proposed 2022 City budget.

Correspondence was received in the Clerk's Office on October 5, 2021 from Jim Meyer that was received from Attorney Shaw Friedman regarding Michigan Twp. Trustee Rodney Washington not participating in the eviction rental assistance program.

Correspondence was received on October 6, 2021 from the NCCAA Board of Directors that was presented at their September 20th meeting from North Central Community Action Agencies, Inc. **(requested to read in its entirety for the record)**

Clerk Neulieb read the following correspondence.

North Central Community Action Agencies, Inc.
301 E. 8th Street #109 Michigan City, IN 46360

Dear City Council Members,

We, the Board of Directors of North Central Community Action Agencies, Inc, read the September 11-12 weekend edition of the Herald-Dispatch regarding the September 7, 2021 Council meeting and we would like to clarify some misconceptions that were included in the article about our agency.

North Central Community Action Agencies, Inc. has been in existence for 55 years helping low-income individuals/families of Michigan City. For 40 plus years, the agency has administered a Weatherization Program that promotes energy-efficient, safe and healthy homes for low-income homeowners. To our knowledge, there is no other agency in the past 40 years that performs this type of service. Community Action Agencies are the only agencies that receive the federal funding from the Department of Energy to utilize these funds. We want to clarify again that our agency DID NOT seek funding from the city to provide assistance to low-income local homeowners so their homes could be weatherized. We were asked about our Weatherization Program, and we explained the program. We believed working together to help low-income seniors, disabled persons, families with children under the age of five to live in energy-efficient, healthy and safe homes is a good idea. In addition, our agency utilizes local contractors to perform the work which helps the local economy. Currently the funds we receive are restricted for weatherization expenses only. The problem is when we conduct the initial walk-through, we find there are homes in need of repairs outside the scope of the weatherization funding. Therefore, without funds to perform the repairs, the homes are put on a deferral list until those issues can be corrected. Unfortunately, the population we serve do not have the personal funds to make the repairs and, in many cases, the seniors, do not have family/friends to do the work. With the 0 plus years of our staff's technical experience and knowledge, we have found the majority of the repairs could be as small as cleaning a cluttered basement or a large as a new roof. This is why we stated it would an average cost per home of \$7,500. Lastly, we wanted to clarify, in our years of experience, we have not seen people selling their homes after receiving these services. They are just happy to be able to live in an energy-efficient, safe and healthy environment.

Thank you for the work you and doing and trying to do.

(Submitted by the NCCAA Board of Directors present at the September 20, 2021 meeting:)

Correspondence was received on October 8, 2021 from Controller Hoffmaster regarding the following 2020 State Board of Accounts reports: Federal compliance audit report, supplement compliance report and financial statement audit report

President Mack welcomed the students from South Central High School that attended this meeting this evening to do a assignment that is required for their government class.

RESOLUTIONS

President Mack stated there were no Resolutions this evening.

ORDINANCES

The Deputy Clerk read the following proposed ordinance on second 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
Co-Sponsor: Paul Przybylinski
Don Przybylinski
Sean Fitzpatrick
Angie Nelson Deutch

President Mack asked if the authors have anything to add.

Councilwoman Tillman made a motion to have Sec.94-259 Sidewalk Snow Routes read as follows:

- The following City sidewalks are designated for snow removal by the City:
- a. Sidewalks along Franklin Street from 4th Street to U.S. Highway 20; and
 - b. Sidewalks along U.S. Highway 12 from Washington Street to Blue Chip Casino; and
 - c. Sidewalks along Michigan Boulevard from U.S. Highway 12 to Carroll Avenue

The motion was second by Councilwoman Deutch.

The proposed amendment was adopted by the following vote: **AYES:** Council members Simmons, Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, and Deutch (8).
NAYS: None (0).

Councilwoman Tillman made a motion to have third reading this evening as well, second by Councilman P. Przybylinski.

Tommy Kulivak, 1316 Ohio Street, commented on how he uses his snowblower when it snows doing his entire block; advising that he read the proposed ordinance in his entirety and that a resident isn't liable if they remove the snow off their sidewalks and someone falls.

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

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

Councilman Dabney stated that he attended the workshop prior to this meeting this evening where Shong Smith Street Department Director advising that the Street Department doesn't have the manpower to do this or financial resources at this point; and that to purchase this equipment each one would cost about \$61,000 and we would need two to be able to do the job, but the biggest problem is the man power; stating that he doesn't see why are trying to do this at this time, stating several concerns regarding this ordinance.

Councilwoman Tillman commented on the workshop advising there was information provided at this time from Michael Kuss, Sanitation Superintendent (which she provided to each Council member) with him making other recommendations that would be feasible to make this work explaining some of Mr. Kuss proposals.

Councilman P. Przybylinski stated that as co-sponsor to this ordinance he feels there is a need that we move forward and get something done to address these safety issues for the public; that it would take at least six months to get this equipment, but instead of no addressing this issue we could hire this out until we do have the equipment.

Mayor Parry asked Councilman Dabney that he had stated he was standing behind the Street Directors comments and that means you will be against having third reading this evening; with Councilman Dabney advising that he vote against having third reading.

Councilwoman Deutch agrees with the comments on this snow removal; making a motion to have third reading this evening, second by Councilman P. Przybylinski.

The motion was adopted to have third reading this evening 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).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4604

**AN ORDINANCE REGARDING ICE AND SNOW REMOVAL FROM SIDEWALKS AND
AMENDING SECTION 94-253: SNOW ROUTES OF THE MUNICIPAL CODE**

WHEREAS, the purpose of this Ordinance is to require that the City maintain safe, passable sidewalks for the public to travel upon following winter storms. A Press Release was issued by Mayor Duane Parry on 12/10/2020, under section titled "Residential Walks" Mayor Parry stated, "While there is currently no ordinance in Michigan City that requires residents to clear their walks, it is strongly encouraged to ensure safety to pedestrians or guests at your home;" and

WHEREAS, the residents and property owners are encouraged to **remove snow** from **sidewalks** and public walk ways. Anyone who removes snow **should not** be held liable for injuries that occur as a result of ice or snow removal by owner or occupant of property abutting a public street or sidewalk; and

WHEREAS, in 2007, the Court of Appeals issued the opinion, *Denison Parking Inc. v. Davis*, 86 NE 2d 1276, 120 (Ind. App. 2007) The Court of Appeals stated a municipality, in this case Indianapolis, cannot use an ordinance to impose on a property owner a duty to clear a sidewalk from ice and snow; and

WHEREAS, The Court of Appeals in 2002, in the case of *Lawson v. Lafayette Home Hospital, Inc.* 760 NE 2d 1126, 1129 (Ind. App. 2002), the Court of Appeals said:

It is well settled in Indiana that an owner or occupant of property abutting a public street or sidewalk has no duty to clear those streets and sidewalks of ice and snow. *Hirschauer v C & E Shoe Jobbers, Inc.*, 436 N.E.2d 107, 110-11 (Ind. Ct.App.1982) (citations omitted). Additionally, municipal ordinances that require abutting owners or occupiers to remove snow and ice from public sidewalks do not, as a matter of law, create a duty under which an owner occupier can be held liable to third party pedestrians. *Carroll v. Jobe* 638 N.E.2d 467, 471 (Ind. Ct.App. 1994), trans. denied; *Hirschauer*, 46 N.E.2d at 111 (citation omitted); and

WHEREAS, the current Municipal Code Section 86-4 requires property owners or occupants of abutting lands to keep sidewalks free from any nuisance, which would include snow and ice; and

WHEREAS, typically, the directive to clear sidewalks will be made near the completion of street plowing activities; and

Whereas, the Municipal Code should be amended to include Snow Routes for City Side Walks which the City will clear whenever it snows four inches or more. The City Street Department crews will clear the designated sidewalks, but streets, alleys, and parking lots will have priority.

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

1. The above Whereas clauses are incorporated herein by reference.
2. Owners or occupants will be notified by the City that they should clear the sidewalks adjacent to their property before the City clears the sidewalks. The City will provide one notice per winter storm season to each property owner or occupant. A notice may come in the form of a personal visit, door hanger, and/or media. Such a notice will be given to the property owner or occupant 24 to 48 hours before the City clears the sidewalks and shall state the day and date the City will be clearing the sidewalks.
3. Section 94-259 shall be added to the Municipal Code as follows:
Sec. 94-259. Sidewalk Snow Routes.
The following City sidewalks are designated for snow removal by the City:
 - a. 8Sidewalks along Franklin Street from 4th Street to U.S. Highway 20; and
 - b. Sidewalks along U.S. Highway 12 from Washington Street to Blue Chip Casino; and

- c. Sidewalks along Michigan Boulevard from U.S. Highway 12 to Carroll Avenue
4. City's overall strategy shall be to respond to most major snowstorms with the full deployment of its snow response staff and equipment and to reduce removal operations as conditions improve. However, if initial forecasts only call for isolated flurries or snow showers and limited accumulation, other deployment alternatives should be considered, including a partial deployment of the staff and/or placing crews on standby.

Introduced by: /s/ Tracie Tillman, Common Council

Co-Sponsored by: /s/ Paul A. Przybylinski, Common Council

/s/ Don Przybylinski, Common Council

/s/ Sean Fitzpatrick, Common Council

/s/ Angie Nelson-Deutch, Common Council

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

Councilman P. Przybylinski reiterated that we need to move forward and not ignore what is the best for the safety of the public; stating that we need the administration to move forward to get this addressed before winter is here.

President Mack asked if there any comments from the public.

Cornillius Davis, 706 Ruth Street, addressed the Council regarding the trees that are falling on Karwick and Martin Luther King Road, a telephone pole that has been snapped in half for months and hasn't been fixed; asking when someone from the city is going to address some of these issues out in his area.

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

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

Councilman D. Przybylinski stated that this ordinance is needed; commenting on the kubota tractor plowing up and down Franklin Street and that he was one of the Councilman that pushed to get this done; stating that he purposes to purchase one tractor for this winter, try it out and see how it works explaining how they can get these entire areas done in one eight-hour day.

Councilwoman Zygus questioned who was going to manage what is being proposed, that it doesn't state that in the proposed ordinance; advising that she feels this should be clarified.

Councilwoman Deutch advised Councilwoman Zygus that it was discussed at the workshop today that this will be decided after the proposed ordinance is approved, and we move forward seeing what the best avenue is to take to reach the goal of this matter.

Councilman Dabney stated the final point is the fact is there are two routes we're talking about Michigan Boulevard and Franklin Street with them being big areas and that as someone said how much of this area is actual businesses and how much is residential and that he sees this being a problem with the street department; and that a thought is to keep the seasonal Vector Control employees to do snow removal through the winter.

Councilman Fitzpatrick stated that administrations will change, department heads will change, personnel will change but the need for public safety is always going to persist and that is what we need to be looking at.

President Mack stated that he is in agreement with Councilman Dabney, the proposed routes are high traffic routes primarily the highest pedestrian routes that our children take to and from school but still agrees with Councilman Dabney's comments.

Councilman Simmons stated that he would like to reiterate, having worked at Krueger Middle School that the kids living at Merrihill Apartments have a side walk but can't walk down it when it snow due to the snow being plowed from Karwick Road covers them; so when going to and from work they have to walk in the street, stating again this is a public safety issue.

Councilwoman Tillman stated that she is high concerns is the safety of our children in the city and for right now we need to move forward, if we can contract this out, we will come back and make an amendment.

Councilwoman Tillman commented on the clearing of the sidewalks going over the bridge to Blue Chip Casino and that this isn't the City's responsibility of INDOT; advising that she contact them, and they will be getting back with her regarding this matter.

President Mack asked if there were any other Council comments.

Councilwoman Deutch made a motion to adopt the proposed ordinance, second by Councilwoman Tillman.

There was a motion and second with the proposed ordinance being adopted by the following vote: **AYES:** Council members Tillman, Fitzpatrick, Deutch, D. Przybylinski, Simmons, Zygas and P. Przybylinski (7). **NAYS:** Council members Dabney, Mack (2).

The 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

NOTE: This ordinance was TABLED on second reading at the October 5, 2021

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

Councilman Fitzpatrick presented the following proposed amendments for the 2022 Salaries and Elected Officials.

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Proposed 2022 (Mayor's) Arborist Annual Salary (**new position**) \$62,377.21 to \$44,000.00. Motion made by Mr. P. Przybylinski, second by Ms. Tillman. **2022 Annual Salary \$44,000.00.**

Proposed 2022 (Mayor's) Grant Writer Annual Salary (new position) \$62,377.21 eliminate position for 2022. Motion made by Ms. Tillman second by Mr. P. Przybylinski Vote 3 – 0. **2022 Granter Writer eliminated**

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Proposed 2022 Corporation Council Annual Salary \$101,358.46 to \$95,000.00 (**2021 - \$93,857.82**). Motion made by Ms. Tillman, second by Mr. P. Przybylinski Vote 3 – 0. **2022 Annual Salary \$95,000.00**

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 ઓ-->ગૌરૈવોષુ>ધઠથખઈ>x>-->'>-->~>તવૂવો૧>૧:~...''''-->

Proposed 2022 City Engineer Salary \$92,435.23 to \$77,000.00 (**2021 - \$65,274.05**). Motion made by Mr. P. Przybylinski, second by Ms. Tillman Vote 3 – 0. **2022 Annual Salary \$77,000.00.**

ડોહસ>-'-->ડૂવૂ>ણહોષહ>ખ૦હષોઝિંહ>ચ>તવૂવો૧>૧:~...xઅઅ-->૧>\~...''''-->{-'-->~>
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 ઓ-->થૂવૂ>ધઠથખઈ>x>-->'>-->~>તવૂવો૧>૧:~...''''-->

Proposed 2022 Fire Department Chief, Annual Salary \$85,252.06 to \$70,000.00 (**2021 - \$67,729.17**). Motion made by Ms. Tillman, second by Mr. P. Przybylinski Vote 3 – 0. **2022 Annual Salary \$70,000.00.**

Proposed 2022 Fire Department Deputy Chief, Annual Salary \$76,802.32 to \$65,000.00 (**2021 - \$63,298.34**). Motion made by Ms. Tillman, second by Mr. P. Przybylinski Vote 3 – 0. **2022 Annual Salary \$65,000.00**

Proposed 2022 Police Department Chief Salary \$85,252.06 to \$78,000.00 (2021 - \$72,735.55). Motion made by Mr. P. Przybylinski, second by Ms. Tillman Vote 3 – 0. 2022 Annual Salary \$78,000.00.

Proposed 2022 Police Department Deputy Chief Salary \$76,802.32 to \$70,000.00 (2021 - \$67,977.20). Motion Ms. Tillman, second by Mr. P. Przybylinski Vote 3 – 0. 2022 Annual Salary \$70,000.00.

Proposed 2022 Cemetery Executive I Annual Salary \$66,987.03 to \$62,000.00 (2021- \$60,647.87). Motion made by Ms. Tillman, second by Mr. P. Przybylinski Vote 3 – 0. 2022 Salary 62,000.00

Proposed 2022 Park Executive II Salary \$74,347.93 to \$69,000.00 (2021 - \$65,000.00). Motion made by Mr. P. Przybylinski, second by Ms. Tillman Vote 3 – 0. 2022 Annual Salary \$69,000.00.

Proposed 2022 Park Administration Executive I Salary \$66,987.03 to \$65,000.00. (2021 - \$63,993.96) Motion made by Ms. Tillman, second by Mr. P. Przybylinski Vote 3 – 0. 2022 Annual Salary \$65,000.00.

Proposed 2022 Cemetery Executive II Annual Salary \$66,987.03 to \$62,000.00 (2021- \$60,647.87). Motion made by Ms. Tillman, second by Mr. P. Przybylinski Vote 3 – 0. 2022 Salary 62,000.00

Councilman Fitzpatrick stated that the Finance Committee went through each salary that was proposed individually at their October 14, 2021 committee meeting and that most salaried employees received a pay increase ranging from \$5,000 to \$10,000 with a few a higher paid increase.

Councilman Fitzpatrick offered these amendments in their entirety, second by Councilwoman Tillman.

The amendments were 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).

Councilman Fitzpatrick stated that during this process and what was given to us by the administration we knew that some people were going to be upset not getting what they proposed that we did the best we can and that we still want to work on all salaries and hourly pay going forward and using the salary study that was done in 2019.

Councilman P. Przybylinski stated that he agrees with Councilman Fitzpatrick's comments, that we diligently went over these salaries agreeing that they were in relative proportion and not overly proportioned to the position; commenting on when this council received the proposed drafted budget books twice and then received the corrected draft about a week before we started budget meetings with each department head; that there was no transparency with the administration in regards to what he was proposing.

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

Mary Lynn Wall, Asst. Controller commented on the salary study that was done in 2019 by Wagner, Sheilie and Associates for the salary study and that this company has been used by 80 of 92 counties in Indiana, including LaPorte County; advising that this administration wanted to present to you an unbiased salary proposal, eliminating perceived favoritism; explaining the procedures of this study when it was done, asking there is no perfect study and that every council member and department head will not agree on the classification and compensation; commenting how our finance committee made their adjustment to the salaried position and nothing to the hourly; stating that the City can afford all proposed pay increases.

Jeff Bruder, Fire Marshall of the Michigan City Fire Department commented on the Finance Committee meeting held on October 14, 2021 that he took detailed notes regarding the adjustments they made to salaried employees; stating several concerns he had in regard to the changes made to the salaries for both Police and Fire's Chief's and Deputy Chief's pay stating that he feels this was unfair.

Doug Legault thanked the Budget committee for recommending passing the fire departments budget commenting on how the 2002 Fire Administrations pay rates were handled and proposed; stating that after seeing how this council compared the fire department to the police departments was disheartening and has divided these two city teams.

President Mack asked if there were any other public comments.

Ed Shinn, Park Superintendent addressed the council regarding the salary study stating that it was done with diligence and was done by interacting with the directors and with the people involved, that you say you were equitable, giving an example showing they were not to two of the three directors he has in his department.

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

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

Councilwoman Deutch stated that was going to agree with Chief Legault about a couple things he said, advising from her experience in business and in managing departments across multiple states is that some equity issues it takes time to resolve them, that you don't do it in one fell swoop; repeating again that is usually takes two or three years to get issues resolved and finalized; stating to Controller Hoffmaster that this should have taken a lot more time and effort prior to the budgets even starting, with the study that vast and so much information, advising that you said yourself you spent eighteen months on this, that we should have had a lot of workshops discussing these

differences and changes made and explaining this stuff to us in the end hour it should have been done two or three months ago not when it is time to adopt the budget with no time left.

Councilman P. Przybylinski wanted to agree with Councilwoman Deutch comments and that he will take criticism; but there should have been much more transparency, more workshops, more meetings with the council regarding this study and that for many of past administrations city employees have been undervalued and can not make it up in one year, that it will take time; stating that it takes two to get things done, we got no cooperation.

Councilwoman Zygas stated that this is extremely inequitable unfair and biased, the study is objective that if you didn't know what to do you should have thrown your hands up saying the study was too complicated; asking was the basis you decide on these proposed salaries, some massive increases, some no increases; stating that she was sorry to say that the Finance committees experience is probably not equivalent to the consulting firm the City hired to do this study.

Councilman P. Przybylinski called a "Point of Order" that Councilwoman Zygas doesn't have the right to make comments impeaching other council members intelligence.

Councilwoman Zygas stated that she just mentioned that there was a professionally done study that you could have used, but instead went through item by item that she would like to see the justification for each discussion, that we have a professional document that you could have used to assign the salaries and that we all decided that no elected official should get a raise until next year when the election starts.

Councilman Dabney commented on the salary study, when the numbers came out in an email today about the proposed salaries that the finance committee recommended to the council, he did a quick spreadsheet, just to check what the percentage of the proposed salaries were explaining what he came up with that some employees got a 1% raise and another got 91%, some 2%; advising this isn't equitable; giving an example on how he sees these increases were done, that he believes it all could have been done all in this 2022 budget.

President Mack stated that he wasn't outrageously keen on the salary based study, based on the equity across geographical lines and competitiveness, based on job description, as opposed to the market and where people live; advising at this point, the manner in which this was handed to the Council from the beginning, we would have been spreading knowledge and sharing the theories behind something getting some of this difficult conversation over behind closed door would have been the proper way to have done this, that he knows which direction he would be going and we can't do anything.

Councilwoman Deutch made a motion to move forward and have third reading this evening, second by Councilman Fitzpatrick.

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

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4598

AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2022

WHEREAS, the Mayor must set the salaries and wages of appointed officials and employees of the City of Michigan City; and

WHEREAS, the Common Council of the City of Michigan City must, pursuant to IC 36-4-7-3, set other said salaries and wages by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that:

Section 1. Salaries and wages for appointed officials and employees be set for the year 2022, as follows:
(Positions covered by collective bargaining agreements are marked with *)

	Bi-Weekly Salary or Rate per Hour	Informational 2022 Annualized
<u>CITY EMPLOYEES</u>		
Controller's Office:		
Controller	\$2,730.77	\$71,000.00
Assistant Controller	\$2,307.69	\$60,000.00
2 nd Assistant Controller	\$2,153.85	\$56,000.00
Payroll Administrator	\$22.43	\$46,654.40
Accounts Payable/Receivable Administrator	\$22.43	\$46,654.40
Accounts Payable/Receivable Specialist	\$20.22	\$42,057.60
Clerk's Office:		
Deputy Clerk	\$1,730.77	\$45,000.00
Assistant Deputy Clerk	\$20.22	\$42,057.60
Mayor's Office:		
City Administrator	\$2,019.23	\$52,500.00
Promise Scholarship Executive I	\$1,923.08	\$50,000.00
Special Events Planner	\$2,115.39	\$55,000.00
Administrative Assistant III	\$20.22	\$42,057.60
Arborist	\$1,692.31	\$44,000.00
Planning & Inspection:		
Planning Executive II	\$2,461.54	\$64,000.00
Assistant Planner	\$2,115.39	\$55,000.00
Associate Planner	\$1,923.08	\$50,000.00
Building Commissioner	\$2,115.39	\$55,000.00
Administrative Assistant II	\$19.22	\$39,977.60
Inspector	\$24.21	\$50,356.80
Code Enforcement Officer	\$24.21	\$50,356.80
Code Enforcement Inspector	\$21.18	\$44,054.40
Human Resources:		
Human Resource Executive II	\$2,461.54	\$64,000.00
Central Maintenance:		
Central Maintenance Executive I	\$2,500.00	\$65,000.00
Mechanic*	\$25.86	\$53,788.80
Administrative Assistant II	\$19.22	\$39,977.60
City Hall:		
Maintenance Forman	\$19.80	\$41,184.00
Custodian I (part-time)	\$16.00	\$17,280.00
Attorney:		
Corporation Counsel	\$3,653.85	\$95,000.00
Office Manager	\$22.43	\$46,654.40
MC Transit:		
MC Transit Executive I	\$2,307.69	\$60,000.00

Administrative Assistant III	\$20.22	\$42,057.60
Driver*	\$21.00	\$43,680.00
Administrative Assistant II	\$19.22	\$39,977.60
Washer/Custodian*	\$17.82	\$37,065.60
Engineering:		
City Engineer	\$2,961.54	\$77,000.00
Human Rights:		
Human Rights Executive I	\$2,307.69	\$60,000.00
Fire Department:		
Chief	\$2,692.31	\$70,000.00
Deputy Chief	\$2,500.00	\$65,000.00
Administrative Assistant III	\$20.22	\$42,057.60
Seasonal Lifeguard	\$25.00	\$19,600.00
Seasonal Assistant Head Lifeguard	\$26.00	\$20,384.00
Seasonal Head Lifeguard	\$27.00	\$21,168.00
Administrative Assistant I (part-time)	\$17.29	\$22,477.00
Police Department:		
Chief	\$3,000.00	\$78,000.00
Deputy Chief	\$2,692.31	\$70,000.00
Administrative Assistant III	\$20.22	\$42,057.60
Administrative Assistant II	\$19.22	\$39,977.60
Maintenance Foreman*	\$19.80	\$41,184.00
Custodian II	\$17.82	\$37,065.60
Animal Control Director	\$21.00	\$43,680.00
Animal Control Officer	\$18.14	\$37,731.20
Crossing Guard	\$325.90	\$5,866.20
Vector Control:		
Vector Control Officer	\$22.21	\$46,196.80
Administrative Assistant II	\$19.22	\$39,977.60
Vector Control Assistant	\$17.82	\$37,065.60
Seasonal Laborer	up to \$15.00/hr	
Street Department:		
Street Department Executive I	\$2,288.46	\$59,500.00
Operator*	\$22.21	\$46,196.80
Driver*	\$21.00	\$43,680.00
Helper*	\$17.82	\$37,065.60
Aviation:		
Airport Executive I	\$2,307.69	\$60,000.00
Foreman	\$19.80	\$41,184.00
Laborer (part-time)	\$17.82	\$24,057.00
Cemetery:		
Cemetery Executive I	\$2,384.62	\$62,000.00
Administrative Assistant III	\$20.22	\$42,057.60
Administrative Assistant I (Part-Time)	\$17.29	\$22,822.80
Greenwood Working Foreman	\$19.80	\$41,184.00
Swan Lake Working Foreman	\$19.80	\$41,184.00
Mechanic	\$19.80	\$41,184.00
Laborer/Driver	\$17.82	\$37,065.60
Temporary/Seasonal Laborer	up to \$15.00/hr	
Administrative Assistant I (Seasonal)	\$17.29	\$8,645.00
Park Administration:		
Park Executive II	\$2,653.85	\$69,000.00
Assistant Park Executive I	\$2,500.00	\$65,000.00
Administrative Assistant II Accounts Payable/Receivable	\$19.22	\$39,977.60
Administrative Assistant II Payroll	\$19.22	\$39,977.60
Administrative Assistant II Rec Program Coordinator	\$19.22	\$39,977.60

Seasonal Parking Sticker Clerk	up to \$15.00/hr	
Seasonal Parking Attendant	up to \$15.00/hr	
Seasonal Assistant Parking Supervisor	up to \$15.50/hr	
Seasonal Parking Supervisor	up to \$16.00/hr	
Seasonal Work Study Student	up to \$15.00/hr	
Seasonal Aquatic Facility Operator	up to \$16.00/hr	
Seasonal Assistant Splash Pad Operator	up to \$15.50/hr	
Seasonal Oasis Admission Clerk	up to \$15.00/hr	
Park Recreation:		
Seasonal Day Camp Director	Up to \$17.00/hr	
Seasonal Day Camp Leader	up to \$15.00/hr	
Seasonal Day Camp Supervisor	Up to \$16.00/hr	
Summer Intern	up to \$15.00/hr	
Park Zoo:		
Zoo Director	\$2,192.31	\$57,000.00
Assistant Zoo Director	\$24.21	\$50,356.80
Retail Manager	\$24.21	\$50,356.80
Zookeeper I	\$21.18	\$44,054.40
Education Curator/Zookeeper I	\$21.18	\$44,054.40
Seasonal Maintenance Craftsman	up to \$15.00/hr	
Seasonal Admission Cashier I	up to \$15.00/hr	
Seasonal Zookeeper/Laborer I	up to \$15.00/hr	
Seasonal Zookeeper/Laborer II	up to \$15.50/hr	
Seasonal Education Curator	up to \$15.00/hr	
Seasonal Maintenance Craftsman	up to \$15.00/hr	
Seasonal Train Attendant/Operator	up to \$15.00/hr	
Seasonal Aviary Attendant	up to \$15.00/hr	
Seasonal Dietician	up to \$15.00/hr	
Park Maintenance:		
Maintenance Director	\$2,115.39	\$55,000.00
Operations Foreman	\$23.37	\$48,609.60
Administration Foreman	\$23.37	\$48,609.60
Laborer	\$19.80	\$41,184.00
Seasonal Custodian Laborer	up to \$15.00/hr	
Seasonal Maintenance Laborer	up to \$15.00/hr	
Park Senior Center:		
Senior Center Director	\$2,115.39	\$55,000.00
Administrative Assistant I (Part-Time)	\$17.29	\$17,981.60
Golf:		
Director of Golf	\$2,115.39	\$55,000.00
Assistant Director of Golf	\$23.37	\$48,609.60
Golf Laborer	\$19.80	\$41,184.00
Seasonal Pro Shop Manager	up to \$31,914	
Seasonal Laborer	up to \$15.00/hr	
Seasonal Shift Leader	up to \$15.00/hr	
Seasonal Clerk	up to \$15.00/hr	
Seasonal Cart Laborer	up to \$15.00/hr	
Seasonal Cook/Server	up to \$15.00/hr	
Park Concessions:		
Seasonal Zoo Gift Shop Attendant/Office Assistant	up to \$15.00/hr	
Seasonal Zoo Gift Shop Attendant	up to \$15.00/hr	
Seasonal Peacock Concession Attendant	up to \$15.00/hr	
Seasonal Sandbar Concession Attendant	up to \$15.00/hr	
Seasonal Castaway Concession Attendant	up to \$15.00/hr	
Seasonal Patriot Park Concession Attendant	up to \$15.00/hr	

Section 2. The fringe benefit program provided by the City includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees in the following departments: Mayor, Controller, Clerk, Engineer, Personnel, City Hall, Attorney, Planning & Inspection, Cemeteries, Police, Fire, Aviation, Human Rights, Central Services, Vector Control, Street, Transit, Central Maintenance Park and the Promise Scholarship Director. Also included in the fringe benefit program are the following: the City Engineer, who shall maintain a minimum of thirty (30) hours per week as well as serving on or attending the meetings of the Board of Public Works & Safety and Plan Commission; and the Corporation Counsel, who shall maintain thirty (30) hours per week, represent City departments in grievances, participate in all contract negotiations, represent and attend the meetings of the Board of Public Works & Safety, and prosecute ordinance violations.

Section 3. For the Animal Control Officer, the fringe benefit program provided by the City includes certification pay at the rate of \$500 per year per certification with a maximum of three (3) certifications to be divided and included with the bi-weekly pay.

Section 4. The fringe benefit program is further defined as providing a longevity program for non-contract employees who have worked three (3) or more years in a full-time capacity, the financial increment shall be \$450 for each three (3) years of service to a maximum of \$3,600.

Section 5. Personnel who are subject to emergency calls out outside of regular business hours will be provided with a City take-home vehicle. These include public safety personnel (Police and Fire) and one service employee per department per day when their service calls require tools that are carried in the vehicle (Animal Control, Vector Control, Parks & Recreation and Aviation).

Section 6. For Park Maintenance only, on-call pay shall be provided at an additional \$2.00 per hour as defined in a Park Resolution and approved by the Park Board.

Section 7. Except for salaries included in Section 8 below, all salaries are annual and shall be paid in equal amounts on a bi-weekly basis over the number of bi-weekly periods in the calendar year. Set salaries are in effect for all payrolls issued in the calendar year governed by this ordinance.

Section 8. All salaries and fringe benefits for union workers are subject to the terms, conditions, and limitations specified in the respective labor contracts for the year governed by this ordinance.

Section 9. Members of the following boards and commissions shall receive compensation in the amounts listed for that board or commission, payable the following month. Annual Per Diem are the maximum amounts to be paid for that position, and the columns below in this Section depict if that position is paid monthly or paid per meeting attended. Council Members and Department Heads who serve on these bodies shall not receive the per diem.

	<u>Annual Per Diem</u>	<u>Monthly</u>	<u>Meeting</u>
Police Civil Service Commission:			
Member	\$ 1,800.00	\$ 150.00	
Board of Public Works & Safety:			
Member	\$ 1,200.00	\$ 100.00	
Board of Cemetery Trustees:			
Member	\$ 1,287.00		\$ 107.25
Licensing Board:			
Member	\$ 300.00		\$ 25.00
Plan Commission:			
Member	\$ 600.00		\$ 50.00
Board of Zoning Appeals:			
Member	\$ 600.00		\$ 50.00
Fire Merit Commission:			

Member	\$	1,800.00	\$	150.00
Human Rights Commission:				
Member	\$	600.00	\$	50.00
Secretary	\$	1,800.00	\$	150.00
SSAAM Commission:				
Member	\$	600.00	\$	50.00
Commission Women:				
Member	\$	600.00	\$	50.00
Tree Board:				
Member	\$	600.00	\$	50.00
Fire Pension Board:				
Secretary	\$	2,400.00	\$	200.00
Police Pension Board:				
Secretary	\$	2,400.00	\$	200.00
Park Board				
Member	\$	1,800.00	\$	150.00

Section 10. This ordinance shall be in full force and effect after passage by the Common Council and approval by the Mayor.

INTRODUCED BY: /s/ Sean Fitzpatrick, Member
Michigan City Common Council
CO-SPONSORED BY: /s/ Tracie Tillman, Member
Michigan City Common Council
/s/ Paul Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City this 19th day of October, 2021.

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

Councilman P. Przybylinski stated that the finance committee meetings that were scheduled, any Council member could have attended through "Zoom" asking any questions and sharing their concerns about what was being proposed, that the only council person who attended the majority of them was Councilman D. Przybylinski; again agreeing with Councilwoman Deutch that you can't make up all these inequities in one year, that all we are hearing this evening negative tones.

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

Mayor Duane Parry advised that he heard from several council members stating that you can't make it all up in one year; yes you can when a situation has been bad for twenty-five years since 1996 and your controller who knows the finances of the city says we have the money; you can make it up you do it right then and there and start out with a fresh baseline, where everybody's making what they should; commenting on the independent, professional consultants that have been doing salary studies for forty years, are unbiased but they do know the history of other communities that they've done it for so they have the numbers.

President Mack asked if there were any other comments from the public.

Councilman Dabney stated then the proposals came out for entire budget, as well as the salaries, comments were made immediately that amount of raises were unfair, but when you're on the City Council, you're the Finance committee, these are your options; advising (example: if the administration was asking for a million dollars), the finance committee options are you either accept the million dollar raises that he asked for, or you cut, it's that simple it doesn't matter the dollar amount that he asked for; that it doesn't matter what he is asking for because in the end, the finance committee has control and still doesn't agree that this budget is equitable.

Councilwoman Deutch stated that we all know there has been a lot of financial issues during the pandemic and hearing the doom and gloom stories about not having enough money for different things, a low balance in the riverboat; and now Controller Hoffmaster says we have enough money for these proposed raises, 4.5 millions dollars that we should move forward and will be alright for the next three years; stating several concerns regarding what we have been through the last two years; finances, covid that we all know isn't over and why she thought we should do this over the next several years not in just one year. With tonight being the deadline advising that it isn't her pleasure to TABLE these ordinances and schedule a special meeting to do third reading before the deadline you can.

Councilman Fitzpatrick advising that in June he introduced an ordinance to move this process up and was violently opposed; stating that we could have had all these conversations back in early summer, but nobody had the desire to so at that time.

Councilman Fitzpatrick stated if a person makes \$90,000 a year and you want to give them a 97% raise you can do the math versus someone that makes \$14,000 a year and they get a zero percent, where is the equity.

Councilman D. Przybylinski stated there are people that don't agree with the salaries that were proposed; advising that last week the Finance committee called a workshop, and this would have been the perfect opportunity to make suggestions if you didn't agree with a particular salary; that when he attended the "Zoom/Hybrid finance meetings I made suggestions some were accepted some weren't, but I at least expressed my opinion.

Councilwoman Zygus stated that she had prepared and copied documents for everyone showing a 50% and 30% increase so we could discuss an equitable raise, but I wasn't allowed to speak due the proposed ordinance being TABLED immediately and there were no further comments, that by presenting this to the Council you could of seen what was being proposed and advising what a 30% and 50% increase that would have been more equitable.

Councilwoman Zygus made a motion to TABLE the proposed ordinance, second by Councilwoman Deutch.

Councilwoman Deutch asked Councilwoman Zygus her request to TABLE until what date that the next meeting would be too late; asking Controller Hoffmaster.

Controller Hoffmaster implored the council not to TABLE this; advising that November 1st is the deadline.

Councilwomen Zygus and Deutch withdrew their motions to TABLE the proposed ordinance.

Councilman Fitzpatrick made a motion to adopt the proposed ordinance, second by Councilwoman Tillman

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

The 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

NOTE: This ordinance was TABLED on second reading at the October 5, 2021

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

Councilman Fitzpatrick made a motion to amend the Mayor's salary from \$118,120.14 to \$80,000.00, second by Councilman P. Przybylinski.

The motion to amend the Mayor's 2022 annual salary to \$80,000.00 was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, P. Przybylinski, Tillman, Fitzpatrick and Deutch (6). **NAYS:** Council members Zygas, Dabney and Mack (3).

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

Tommy Kulivak, 1316 Ohio Street, addressed the Council regarding Mayor Snyder in Portage, Indiana was sentenced to 21 months for the 2017 bribery conviction, so let be a warning to everybody not to do anything wrong.

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

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

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

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

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4599

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR

WHEREAS, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

WHEREAS, the Common Council desires to establish the salary for the Mayor for 2022.

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

Section 1. The Mayor of the City of Michigan City shall be paid an annual salary of \$80,000.00 (\$3,076.92 bi-weekly) from the General Fund beginning January 1, 2022. The General Fund is to be reimbursed \$6,000.00 from the Sanitary District Operating Fund to offset the salary of the Mayor.

Section 2. The Mayor will be paid his annual salary based on the number of pays in that year divided by the number of scheduled pays for other employees. Said pays are to be issued at the same time as other pays. If the Mayor leaves his position, prior to the expiration of his tenure, he will be required to repay the City for any prepaid salary. When the salary is not evenly divisible by 26, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

Section 3. The fringe benefit program provided by the City for the Mayor includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement

System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees. In addition, the Mayor shall participate in the longevity program provided to non-contract employees and shall receive a financial increment of \$450 for each three (3) years of continuous full-time service to a maximum of \$3,600.

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/ Sean Fitzpatrick, Member
Michigan City Common Council
/s/ Tracie Tillman, Member
Michigan City Common Council
/s/ Paul Przybylinski, Member
Michigan City Common Council

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

Councilman Fitzpatrick stated that was proposed was \$118,120.14, which would have been increase of around \$38,220, so we did increase it slightly that he doesn't know if it is equitable but was nowhere near what proposed so it was something.

Councilwoman Tillman stated that due to no budget hearings, the Mayor did convey that he didn't want his increase to it back to the city's hourly employees

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 D. Przybylinski commented on the Mayors comments that he made at the last Council meeting October 5, 2021 that he did not want a raise and that we should give it to the City's hourly employees; advising that he talked to the public about the raise that was proposed for \$118.120.14 for that position that he didn't hear one person state that was a good idea and was amazed in the amount that was being proposed.

President Mack asked if there were any other comments from the council.

Councilman P. Przybylinski made a motion to adopt the proposed ordinance, second by Councilman Fitzpatrick.

The Mayor's Annual Salary Ordinance was adopted by the following vote:

AYES: Council members Simmons, P. Przybylinski, Tillman, Fitzpatrick, Deutch and D. Przybylinski (6). **NAYS:** Council members Zygas, Dabney and Mack (3).

The 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

NOTE: This ordinance was TABLED on second reading at the October 5, 2021

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

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

Mary Lynn Wall, Assistant Controller of the City of Michigan City, advising the Mayor proposed a 36% increase for the City Clerk, this increase along with other salary increases are included in the balanced 2022 city budget; stating the City Controllers office has determined the city can afford all salary increases; and that the finance committee has recommended a 35% increase to this position, which is great news if the same consideration was made for the remaining 24 hard worked salaried dedicated workers, some who have lived through, commenting on this positions wage increase and hardly any discussion; stating that there were several positions that had hardly any discussion and not getting the raise increases they deserve.

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

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

Councilman Dabney stated he had the same question in regards that when he became a Councilman he knew what his salary was, so raises for the City Council, and I'm trying to figure out, does that logic apply to all city elected officials; advising that with us as elected officials that we new the salary when we started the job, so we haven't had raises; but now they have another elected official, that they proposed that 35%, repeating equitable, equitable, equitable.

Councilman P. Przybylinski stated that he appreciated the comments Ms. Wall and also appreciate the fact that you consider us not knowing what other departments or individuals do; advising he thinks the Clerk's position is well deserving of that raise as well as the staff in that office; commenting on it is about the individual's performance and not how you have twisted the picture and with being said advising he is in support of this pay increase.

Councilman Fitzpatrick stated if everyone is familiar how this process works. The administration can veto each and everyone of these proposals and no one will get any kind of raise and the City will revert back to the previous budget and if that is the desire that's fine that he doesn't see anyone jumping over to veto what is being proposed. Advising that if he has to be the one that takes the brunt of his hand up, don't shoot, he did the best he could and that we looked at this in the timeframe we had and put our best work into it.

President Mack asked if there were any other comments from the council.

Councilwoman Deutch made a motion to move the proposed ordinance to third reading, second by Councilman P. Przybylinski.

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

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4600

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK

WHEREAS, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

WHEREAS, the Common Council desires to establish the salary of the City Clerk for 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON

COUNCIL, as follows:

Section 1. The City Clerk of the City of Michigan City shall be paid an annual salary of \$70,526.48 (\$2,712.56 bi-weekly) from the General Fund beginning January 1, 2022. The General Fund is to be reimbursed \$1,000.00 from the Sanitary District Operating Fund to offset the salary of the City Clerk.

Section 2. The City Clerk will be paid her annual salary based on the number of pays in that year divided by the number of scheduled pays for other employees. Said pays are to be issued at the same time as other pays. If the City Clerk leaves her position, prior to the expiration of her tenure, she is required to repay the City for any prepaid salary. When the salary is not evenly divisible by 26, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

Section 3. The fringe benefit program provided by the City for the City Clerk includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees. In addition, the City Clerk shall participate in the longevity program provided to non-contract employees and shall receive a financial increment of \$450 for each three (3) years of continuous full-time service to a maximum of \$3,600.

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/ Sean Fitzpatrick, Member
Michigan City Common Council

/s/ Tracie Tillman, Member
Michigan City Common Council

/s/ Paul Przybylinski, Member
Michigan City Common Council

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

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

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

Councilman Fitzpatrick made a motion to adopt the proposed Annual Salary for the City Clerk, second by Councilman P. Przybylinski.

The motion carried and the Annual Salary for the City Clerk was adopted by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Fitzpatrick, Deutch, D. Przybylinski and Simmons (6). **NAYS:** Council members Zygas, Dabney and Mack (3).

The 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

NOTE: This ordinance was TABLED on second reading at the October 5, 2021

President Mack asked if the authors had anything to add.

Councilman Fitzpatrick advised the 2022 annual salary that was proposed by the administration was \$25,671.54 from \$14,553.09; advising at the Finance Committee meeting a motion was made by Councilwoman Tillman and second by Councilman Fitzpatrick to leave the Council salary as it is, vote 3 – 0.

Councilman Fitzpatrick made a motion to amend the Councils annual salary to \$14,553.09, second by Councilman P. Przybylinski.

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

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

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.

There was a motion and a second to have third read and 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 Zygus(3).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4601

AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE COMMON COUNCIL MEMBERS

WHEREAS, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

WHEREAS, the Common Council now desires to set their annual compensation for 2022.

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

Section 1. Each member of the Common Council of the City of Michigan City shall be paid an annual salary of \$14,553.09 (\$559.73 bi-weekly) from the General Fund beginning January 1, 2022.

Section 2. Elected officials will be paid their annual salary based on the number of pays in that year divided by the number of scheduled pays for other employees. Said pays are to be issued at the same time as other pays. Elected officials leaving their position, prior to the expiration of their tenure, will be required to repay the City for any prepaid salary. When the salary is not evenly divisible by 26, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

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/ Sean Fitzpatrick, Member
Michigan City Common Council
/s/ Tracie Tillman, Member
Michigan City Common Council
/s/ Paul Przybylinski, Member
Michigan City Common Council

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

President Mack asked if the public had any questions or comments, there was not response.

President Mack asked if the Council had anything to add this evening.

Councilman D. Przybylinski made a motion to adopt the proposed ordinance, second by Councilwoman Deutch.

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

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

Introduced by: Sean Fitzpatrick
Tracie Tillman
Paul Przybylinski

NOTE: Ordinance No.4602 **ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAXES (FILED IN THE CLERK'S OFFICE FOR REVIEW FILE NO – (0-193)**
President Mack asked if the authors had anything to add at this time, there was no response.

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

Councilman Fitzpatrick stated just so there is clarity and the public knows that this proposed ordinance is the budget for city departments and their operational funds and that we are approving it in its entirety.

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

Councilman D. Przybylinski made a motion to adopt the proposed ordinance, second by Councilwoman Tillman.

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

The Clerk read the following proposed ordinance on third 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 if the authors had anything to add at this time

Councilman D. Przybylinski stated that he explained it at the last council meeting advising that it started with an individual that had hired somebody with a pay loader To dig a trench from the back of his property to the lake located at Stop 16; that with money we are going to engage with a law firm to study all the properties in this area that have encroachment violations to clear up any confusion on what is going on in that part of city.

President Mack asked if there were any other authors comments, there was no response.

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

President Mack asked if the Council had any comments at this time.

Councilman D. Przybylinski made a motion to adopt the proposed additional appropriation, second by Councilman Fitzpatrick.

The proposed ordinance was adopted by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick and Mack (9). **NAYS:** Council members 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. Neulieb 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.

Tommy Kulavik, 1316 Ohio Street addressed the Council sending his condolences to Secretary of State, General Colin Powell; stating he would have made a great President of the United States; expressing his gratitude to Councilman Dabney and the Board of Public Works and Safety for approving the honorary street sign for Kamilion "Milly" Jenkins that is being placed at Holiday and Grace Street; commenting on the sectional draw for the IHSA football tournament; it looks good for the Michigan City Wolves; encouraging everyone to go to the Farmer's Market at 8th and Washington; advising there are only two (2) weekends left for it.

Ron Miller, 3033 Woodrow Avenue addressed the Council to discuss the Joint City's Building & Inspection Ordinance; stating he is disturbed by a number of things that are contained in the ordinance; explaining his perception is that handymen are not allowed

or welcomed in Michigan City; the ordinance states in order to perform work in Michigan City you must be a licensed contractor and pay a fee of \$150.00 to the City; this is for pretty much any realm of work that would be done; advising that basically you can't do anything; explaining that he had an interview with Clarence Hulse who stated the building trades are six (6) months behind; commenting on a broken toilet at WEFM and the steps he would need to take to be able to fix it; further commenting on rental properties that will have the same issues with having to pay the \$150.00 fee; and then rent being increased to cover it; further stating it is admirable that the Council talked about rental assistance and helping property owners for rental properties and tenants, but when the rent goes up because you can't hire a handyman who is going to pay that?

Chief Doug Legault, Michigan City Fire Department commented that he doesn't agree with the Finance Committee and the proposed salary ordinance; he also doesn't agree with the six (6) that voted in favor of it but appreciates the three (3) that voted against it; stating that he will still give 100% to the City and so will his administration and they will continue to run the Fire Department to the best of their ability.

Jeff Bruder, Fire Marshall, Michigan City Fire Department stated the City's Building and Inspection ordinance protects homeowners and renters from shoddy handymen; stating the ordinance is long and can be difficult to understand, but you must look at it on a safety standpoint; explaining the contractor's need to be registered and insured to protect the City.

Macy Allen, 313 Superior Street addressed the Council regarding her pet miniature pig that was bred to be a domesticated household pet; commenting on a neighbor that made a complaint with the City; stating she needs the support of the Council in order for him to stay in Michigan City; advising that Code Enforcement and Animal Control stopped by her house and she was given a verbal warning from Animal Control that she can't have a pig and a fine from Code Enforcement for agricultural and animal related uses; explaining she refuses to give up; advising she has letters from her neighbors stating he is not an issue; asking for permission to keep him.

Ernie Hollihan, 302 Gladys Street addressed the Council asking if chickens are considered livestock; agreeing with Mr. Miller in regard to the joint zoning ordinance; stating he is totally against the ordinance; explaining the ordinance needs tuned up a little bit, some of the language is too strict on rental properties.

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

President Mack asked if there were any online comments; there was no response.

COMMENTS FROM THE COUNCIL

President Mack asked if there were any Council comments.

Councilman P. Przybylinski addressed the issue that Mr. Miller brought forward; commenting on ALL the trees in Michigan City; even trees on private property; stating he asked the Mayor publicly to put a moratorium on the joint zoning ordinance and revert back to the original ordinance; advising he was told this is very difficult to do; but there has been no discussion, or workshop to address it; further commenting on the 100 homes around St. Anthony's Hospital that were re-zoned to Office space; stating that he had spoken to the Planning Director hoping he could initiate the process through the Planning Commission to help these people, but nothing was done; also speaking to the Mayor about this with no response; explaining the ordinance needs to be modified and he will try to get something done.

Council P. Przybylinski continuing to explain that the Council will need to revisit the issue within the joint zoning ordinance regarding domesticated animals.

Councilwoman Tillman commented on the communication received in the Clerk's Office on October 5, 2021 in regard to the Michigan Township Trustees Office not participating in the eviction renewal assistance program; explaining she has been in contact with the Trustee's Office and Rodney Washington; advising there was a question in regard to the Resolution the Council passed to utilize funding from the ARPA; there was no dollar amount set; explaining there was a lack of communication as to whether or not they were participating in the eviction rental assistance program; advising in the email she received, they are participating in the program and appropriated \$10,000 for that purpose; even though LaPorte County issued \$100,000 for all three (3) trustees; that is regulated by Center Township.

Councilwoman Tillman continued to comment on the Air B&B rental fees; asking if they went out in a mass mailing; advising some constituents in her ward did not receive them; advising she just wanted to confirm.

Councilwoman Deutch stated they went out in the Water bill.

Discussion ensued between Councilman Dabney and Attorney Meyer regarding if a special meeting can be called to discuss the salary ordinance. Attorney Meyer stated you can always call for a discussion, but the ordinance has already been passed; advising they could move to amend the ordinance, but there is no time to have readings on it.

Councilman Dabney commenting on the murder of Kamilion "Milly" Jenkins and the street sign dedication sign that was approved at the Board of Public Works and Safety meeting honoring her memory.

Councilman Dabney advised that he wanted to start pointing out, local businesses that are trying to get started here in Michigan City, that it's a lot of hard work and when visiting them the owners are working; stating that he is going to start pointing out at every council meeting at the end local businesses around the neighborhoods giving them a little publicity and advertisement letting our community know what is new and happening in our city.

Councilwoman Zygas announced there is a running for office workshop scheduled for the citizens who are interested in running for a public office in next years election; stating the program will be two hours and will be held on Tuesday, October 26, 2021 at the Healthcare Foundation of Laporte and is sponsored by the League of Women Voters of LaPorte County and the Better Government Study Group in collaboration with the Laporte County Clerk, local political parties, and other elected officials.

Councilwoman Deutch advised that Solar One of Northwest Indiana will be here in the Council Chamber as a Hybrid/Zoom meeting Thursday, October 19, 2021 at 6:30 p.m. and are interested in this project to attend; and that on Sunday October 24, 2021 Ken Fly is doing a trunk retreat from 4:00 p.m. to 7:00 p.m. at Water Tower Park for anyone that would like to participate.

Councilman Fitzpatrick asked Ron Miller to stay afterwards that he would like to work with him regarding the language in the Joint Zoning Ordinance, that it is an issue that needs to be addressed; stating that he has had many calls regarding what has been enforced since this administration has taken over.

Councilman Fitzpatrick stated that when we put ourselves up to run for office to represent the public, we expect public scrutiny, we expect backlash, we expect every decision we make to be challenged, yet no one's going to appreciate the work that it takes to get to the point where we are, we're at the decision point, we can't amongst ourselves agree all the time but we're doing the work we put ourselves up here on Front Street to serve our community; stating that speaking for himself I've done nothing malicious and I know that whatever we do, whatever I do is always going to be in the best interest of the people in Michigan City, this is my city I love to death and I'm always going to work hard for it.

Councilman Fitzpatrick stated in regards to the way the salary went, the proposed dollar (hourly) wages for every department was approved in its entirety; but the way the salaries came with it being so vast and so much work to put into it that we looked at it, and came up with what we had best, with the fact of the matter, we don't have confidence in the administration and would be naïve or ridiculous to say have no confidence in this as administrators, but we're here just to rubber stamp his budget; stating "who would we look like" commenting on how things are going to changing in the next few years and that this administration can come back and amend the salary ordinance if that is his wishes.

Councilman Simmons thanked Mr. Davis for coming this evening stating that he lives in the Sixth Ward and that he has spoken with Mr. Davis several times regarding issues that don't get addressed in the Lakeland area and that the problem from the City's standpoint is follow up, the City doesn't follow up, that a snapped pole from an automobile accident happened back in August, the officer went out to investigate the accident reported the pole and to date the pole is still snapped off, we don't follow up; the trees on Karwick Road, Martin Luther King Drive need trimmed, stating he feels like it's falling on deaf ears.

ADJOURNMENT

A motion by Councilman P. Przybylinski, second by Councilman Fitzpatrick and there being no further business to transact, President Mack declared the meeting **ADJOURNED** (approximately 9:04 p.m.)

Gale A. Neulieb