The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, August 1, 2017 at the hour of 6:30 p.m., local time in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

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

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

PRESENT: COUNCIL MEMBERS Tim Bietry, Pat Boy, Sharon Carnes, Bryant Dabney, Ron Hamilton, Don Przybylinski, Chris Schwanke, Candice Silvas and Allan Whitlow (9).

ABSENT: None (0)

A QUORUM WAS NOTED PRESENT

ALSO PRESENT: Jim Meyer – Council Attorney; Gale Neulieb – City Clerk and Kim Sliwa – Deputy Clerk

APPROVAL OF MINUTES

President Schwanke inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of July 18, 2017.

Councilman Przybylinski made a motion to approve the Regular meeting minutes held on July 18, 2017; second by Councilman Whitlow. The minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

President Schwanke asked if there were any Standing Committee Reports.

Councilman Przybylinski presented the following Finance Committee meeting minutes: Minutes of the Council Finance Committee Meeting for Claims, 6:00 p.m. on August 1, 2017. The Finance Committee met this evening prior to the Council meeting to review claims filed since the July 18, 2017 meeting. Committee members Przybylinski, Silvas and Dabney were all present. Claims reviewed totaled $103,135.89. $90,013.14 is against the Riverboat Fund #9000. $13,122.75 is against the Boyd Development. A motion was made by Councilwoman Silvas to pay the claims and seconded by Councilman Dabney. The Finance Committee voted unanimously 3-0 to recommend to the Council payment of the claims. The meeting was called to order by Chairman Przybylinski at 6:06 pm. The meeting was adjourned at 6:09 pm with a motion by Councilman Dabney, seconded by Councilwoman Silvas, and unanimously approved.

The summary of claims is as follows:

1. $342.75 to Haas & Associates for Floodplain Map Revisions
2. $8,200.00 to Michigan City Mainstreet Association for 2017 Taste of M.C.
3. $1,800.00 to Stages USA Inc. for 2017 Taste of M.C.
4. $1,600.00 to Total EclypzeSoundz for 2017 Taste of M.C.
5. $1,180.00 to Soul Children of Chicago for 2017 Taste of M.C.
6. $13,396.05 to Rieth Riley Construction Co. Inc. for 2017 paving & sidewalks
7. $11,588.40 to Larson-Danielson Construction Co Inc. for Cleveland Park Pay #7
8. $49,062.04 to Matre Arms & Ammunition Inc. for 2017 annual ammunition MCPD
9. $1,668.90 to Enterprise Rent-a-car for 2017 Fleet Rotation MCPD
10. $14,297.75 to Tyler Technologies for New Word ERP Software/Installation;

Councilman Przybylinski updated the Council advising he spoke with the City Controller, Rich Murphy, about the report for 2017 with regards to balances for the Boyd Development and Riverboat Funds; with balances to date in the Boyd Development Fund of $2,091,393.00 and Riverboat Fund #9000 $8,921,417.00 of which there are outstanding encumbrances on both accounts that have yet to be paid; with discussion regarding appropriations and 2016 encumbered amounts in both funds; asking that a spreadsheet be prepared for the Council highlighting the projects that are done in both funds; and that the Controller’s Office will have this prepared for the Council for the next meeting.

President Schwanke asked if there were any other Standing Committee Reports; there was no response.

REPORTS OF SPECIAL OR SELECT COMMITTEES

President Schwanke asked if there were any Reports of Special or Select Committees.

Councilman Bietry presented the following Tax Abatement Select Committee minutes:
The Tax Abatement Select Committee met on Wednesday, July 26, 2017; Present: Chairman Tim Bietry, Committee member Al Whitlow, Economic Development Director Clarence Hulse, Economic Development Manager Katie Eaton

The meeting was called to order at 5:20 p.m. in the Council Study. Mr. Hulse handed out three guideline sheets explaining the process for tax abatement. The sheets will be made available for all council members at our next meeting. There are 21 separate requests for continuance from 12 different companies. They represent a total increase of 79 jobs, over $5.7M in real estate investment, and almost $9M in equipment investment. There are no surprises on the compliance report. The only company that shows a decrease in employees, did not estimate additional employees in the original application which instead promised significant gains in equipment investment and production. All companies represented are valuable contributors to the business sector in our community and almost all have a long established relationship with the city. Mr. Whitlow moved that we recommend that the council certify the compliance reports, seconded by Mr. Bietry. The vote was unanimous. There being no other business to conduct, the meeting was adjourned at 5:41 p.m.

President Schwanke asked if there were any other Reports of Special or Select Committees; there was no response.

REPORTS of OTHER CITY OFFICERS and DEPARTMENT

President Schwanke advised Mr. Clarence Hulse, Director Economic Development Corporation Michigan City was present this evening to update the Council on the 2017 Tax Abatements.

Clarence Hulse, Director Economic Development Corporation Michigan City addressed the Council updating them on the 2017 Tax Abatements.

Discussion ensued between Mr. Hulse; Attorney James Meyer, Councilmembers Przybylinski, and Whitlow regarding the implementation of the 15% fee charged to the companies asking for tax abatements; the implementation of that ordinance being
passed earlier this year and only applying to the Holladay Properties abatement for this year; jobs before abatement and loss of jobs since the abatements were approved; employee numbers changing due to the amount of business/work being produced.

Councilman Bietry made a motion to extend the continuances of the tax abatements for 2017; advising he would be abstaining from the vote as he works part-time for one of the companies.

Discussion ensued between President Schwanke and Attorney Meyer regarding if a motion was needed. Attorney Meyer advised that a motion and second was needed.

Councilman Whitlow made a motion to approve/certify the 2017 Tax Abatements; Councilwoman Boy seconded the motion.

President Schwanke asked if there were any other questions or comments from the general public or Council and hearing none the 2017 Tax Abatements were approved by the following vote: AYES: Council Members Boy, Dabney, Carnes, Hamilton, Przybylinski, Schwanke, Silvas, and Whitlow, (8). NAYS: None (0). ABSTAIN: Bietry (1)

Mr. Hulse addressed the Council advising moving forward he will be coming back to the Council to clean up some abatements from companies who received abatements but never complied; stating legally they have to go back and de-certify them; further advising they will be going back 10 years in this process.

President Schwanke asked if there were any other Reports of Other City Officers and Departments; there was no response.

CLAIM DOCKETS
President Schwanke stated the Claims for Fund #9000 – Riverboat was $90,013.14 and Fund #0417 – Boyd Development $13,122.75.

President Schwanke asked if there were any comments and hearing none, a motion was made by Councilman Dabney, second by Councilwoman Boy and Councilman Przybylinski, and was approved. Motion carried 9 – 0.

PETITIONS
There were no petitions.

COMMUNICATIONS
City Clerk Neulieb advised correspondence was received in the Clerk’s Office on July 19, 2017 from Michael Kuss, General Manager, Sanitary District.

RESOLUTIONS
President Schwanke advised there were no proposed resolutions on the agenda tonight.

ORDINANCE
The Clerk read the following proposed ordinance on first reading by title only, AMENDING ORDINANCE NO. 4343 COMMONLY KNOWN AS THE “2017 SALARY ORDINANCE” TO REMOVE THE POSITION OF SECRETARY I (PART-TIME) IN THE
CLERK’S OFFICE AND TO CREATE THE POSITION OF ASSISTANT DEPUTY CLERK IN THE CLERK’S OFFICE

Introduced by: Chris Schwanke
Ron Hamilton
Don Przybylinski

President Schwanke asked if any of the Author’s had any comments.

Councilman Przybylinski commented on why he believes this position is needed; advising this position was cut back in 2011 when there was an Assistant Deputy Clerk in the Clerk’s Office; that the salary amount will be the same as back then in the amount of $28,350.40 at $13.63 per hour, as is being requested now six years later; further commenting on the importance of having this position for coverage of vacations, illnesses and the work load that there is in the Clerk’s Office; continuing to comment that the part-time secretary was a Band-Aid type approach to try to get out the same type of professional services that the citizens and Council request of the Clerk’s Office, and that the Clerk’s Office is #2 in trying to keep the City running in a proficient and professional manner; that it is critical that they take the opinion and attitude of looking at that office like that and support this ordinance and hire the Assistant Deputy Clerk.

President Schwanke asked if there were any comments from the public regarding the proposed ordinance (repeating three times) and there was no response.

President Schwanke asked if there were any comments from the Council regarding the proposed ordinance.

Councilman Dabney asked to be added as a sponsor on this proposed ordinance.

Councilwoman Boy asked to be added as a sponsor on this proposed ordinance as well.

President Schwanke stated the proposed ordinance would be held over for second reading at the next Council meeting on August 15, 2017.

The Clerk read the following proposed ordinance on first reading by title only, APPROVING ADDITIONAL APPROPRIATION FOR THE SALARY OF AN ASSISTANT DEPUTY CLERK IN THE CLERK’S OFFICE IN THE BUDGET OF THE RIVERBOAT FUND

Introduced by: Chris Schwanke
Ron Hamilton
Don Przybylinski

President Schwanke asked if any of the Author’s had any comments.

President Schwanke advised this is the second step that is required for the budget to create the position that the previous proposed ordinance created.

President Schwanke asked if there were any comments from the public regarding the proposed ordinance (repeating three times) and there was no response.

President Schwanke asked if there were any comments from the Council regarding the proposed ordinance.

Councilman Dabney asked to be added as a sponsor on this proposed ordinance.

Councilwoman Boy asked to be added as a sponsor on this proposed ordinance as well.
President Schwanke stated the proposed ordinance would be held over for second reading at the next Council meeting on August 15, 2017.

The Clerk read the following proposed ordinance on first reading by title only, APPROVING ADDITIONAL APPROPRIATION FOR OVERTIME FOR THE POLICE DEPARTMENT IN THE BUDGET OF THE RIVERBOAT FUND

**Introduced by:** Chris Schwanke

President Schwanke advised that Assistant Chief Royce Williams of the Michigan City Police Department was present this evening.

President Schwanke stated he would be referring the proposed ordinance to the Finance Committee for their review and recommendation.

Asst. Chief Williams commented on the past 13 years and not having to go before the Council for an appropriation for any overtime funds; explaining they usually supplement the overtime with their salary funds, but they just did a major transfer and moved money from salaries to utilities for the new facility this year.

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

Mr. Sam Harnish, 203 Tryon Farm Lane, addressed the Board and commented on the new South Bend casino that will be opening, and the effects it may have on our Riverboat fund and Boyd Development fund; asking if anyone from Michigan City has been studying that impact and how the City of Michigan City is going to adjust to it.

President Schwanke asked if there was any further public comment (repeating three times); there was no response; asking if there were any comments from the Council.

Councilman Dabney addressed Mr. Harnish stating he is aware of the issue, and this will be taken into consideration.

President Schwanke commented that he also has been following that issue very closely, and how that may or may not impact our revenue here.

Discussion ensued between Asst. Chief Williams and Councilmembers Dabney, Boy Schwaneke and Przybylinski regarding the transfer that was just made to cover the expenses at the new Police Department; cost effective measures that can be implemented to reduce the electric costs; not having to utilize the entire amount transferred, which will go back to the general fund; next year’s budget being adjusted to cover the utilities; preparing information for the Council Finance Committee meeting to show the breakdown of the overtime used including increased patrols within the City.
President Schwanke again stated he would be referring this to the Finance Committee for their review and recommendation back to the Council; further stating the proposed ordinance would be held over for second reading at the next Council meeting on August 15, 2017.

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

**APPROVING ADDITIONAL APPROPRIATION FOR OVERTIME FOR THE FIRE DEPARTMENT IN THE BUDGET OF THE RIVERBOAT FUND**

*Introduced by:* Chris Schwanke

President Schwanke advised that Fire Chief Randy Novak of the Michigan City Fire Department was present this evening; stating he has worked very closely with Chief Novak on the overtime issue.

Fire Chief Randy Novak commented on the amount of overtime funding requested; advising he did meet with Deputy City Controller Yvonne Hoffmaster; stating from last year to this year it is about a $156,000.00 decrease; further commenting on the Safer Grant program that the Michigan City Fire Department has applied for, and that they have not received any for the first three rounds awarded, but is hopeful that they may still receive funding; and that the final recipient won’t be notified until sometime in the middle of September; commenting on surrounding areas that did receive funding.

President Schwanke stated that the Safer Grant will allow the Michigan City Fire Department to add six (6) officers, which will eliminate overtime drastically.

Chief Novak commented on conversations he has had regarding increasing the staffing by three (3) firefighters that were removed several years ago, which inflated the use of overtime.

President Schwanke asked if there was any further public comment (repeating three times); there was no response; asking if there were any comments from the Council. Discussion ensued between Fire Chief Novak and Councilmembers Dabney and Przybylinski regarding the amount of funding being proposed in the ordinance being enough to finish this year; increasing the number of firefighters, which will bring the overtime costs down; hiring of the 78th firefighter, which is the minimum manning requirement; new firefighters attending the academy; retirements next year; the Safer Grant and how long it lasts; the Safer Grant last three (3) year for six (6) firefighters paying 75% of the wages and benefits for the first two (2) years and then 35% the third year and after that not being obligated to maintain them or through attrition you can go back down to the number for minimum manning.

President Schwanke stated he would be referring this to the Finance Committee for their review and recommendation back to the Council; further stating the proposed ordinance would be held over for second reading at the next Council meeting on August 15, 2017.

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

**CREATING SECTIONS 2-406 THROUGH 2-408 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH DONATION FUNDS FOR MICHIGAN CITY’S FIRE DEPARTMENT, POLICE DEPARTMENT, AND TREE BOARD & AMENDING SECTION 2-459(f) PERTAINING TO THE WOMEN’S DONATION FUND TO ADD “EDUCATIONAL SCHOLARSHIPS” AS A PERMISSIBLE USE OF SAID FUND**

*Introduced by:* Pat Boy
Sharon Carnes
President Schwanke asked if either of the Author's had any comments.

Councilwoman Boy advised this is cleaning up the language for funds that are already established; and the educational scholarships was permissible it just wasn't included in the original wording.

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

Faye Moore, 515 Grace Street, addressed the Council advising she is on the Women’s Commission; commenting on the commission’s Educational Scholarship procedures; stating the commission is working on them and they will be done when the scholarships are ready to be awarded.

President Schwanke asked if there were any comments from the public regarding the proposed ordinance (repeating three times) and there was no response; President Schwanke asked if there were any other comments from the Council (repeating three times); there was no response, advising the proposed ordinance would be held over for second reading at the August 7, 2017 Council meeting.

UNFINISHED BUSINESS

President Schwanke asked if there was any Unfinished Business; there was no response.

NEW BUSINESS

President Schwanke stated the Common Council has one (1) appointment to the Police Civil Service Commission expiring September 7, 2017; Incumbent: Mr. Michael Buda.

President Schwanke stated the Common Council has one (1) appointment to the Women’s Commission due to Ms. Faye Moore resigning that appointment (term would begin immediately and expire December 21, 2019); further stating the Council would take those under advisement and accept nominations at the next Council meeting on August 15, 2017.

President Schwanke stated Mayor Meer is requesting the advice and consent of the Common Council for the appointment of Mr. Gene Simmons to the Michigan City Historic Review Board to replace Mr. Dale Engquist. Mr. Simmons term would begin immediately and would expire on March 15, 2020.

Councilwoman Boy advised that Mr. Michael Buda representing the Michigan City Police Civil Service Commission was present this evening if anyone had any questions for him.

Councilman Whitlow made the motion to approve the advice and consent of the appointment of Mr. Gene Simmons to the Michigan City Historic Review Board; second by Councilwoman Boy.

President Schwanke welcomed Mr. Simmons to fulfill that position.

COMMENTS FROM THE PUBLIC

President Schwanke asked if there were any comments from the public.
Ms. Demetria Ladalski, 606 Cedar Street #2, addressed the Council regarding her concerns about the rules of the Michigan City Housing Authority and her rights as a tenant of Boulevard Gardens Apartments.

President Schwanke asked if there were any other comments from the Public; there was no response.

COMMENTS FROM THE COUNCIL

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

Councilman Whitlow commented on some of the concerns with the Police and Fire Departments Additional Appropriation requests; advising the Labor Relations Committee, which he chairs is in negotiations with both of those bodies, and they have meetings scheduled with both and will be addressing the Council’s concerns.

President Schwanke commented on the August 7, 2017 Board of Public Works and Safety Agenda regarding items that will be discussed that include the American Red Cross building; advising the City will finally be receiving the building after a lengthy repair that was done by the Red Cross after a water pipe had burst; stating he worked with Corporate Counsel Lapaich and the Emergency Management so they would have a facility to house their operations/equipment; further commenting on the unfortunate incident that occurred at the Water Tower Park and the Mayor’s Park Traffic Safety committee, consisting of Councilman Przybylinski, Councilman Schwanke, City Engineer Charles “Spike” Peller, Park Superintendent Jeremy Kienitz, Police Department Lt. Jeff Loniewski and Board of Works President Steve Janus to address concerns regarding traffic signage and crosswalks around all of our city parks, with Mayor Meer requesting to also include all of the street crossings to school playground areas; further commenting on the committee and its responsibilities that will be reported back to the Board of Public Works and Safety for implementation.

President Schwanke asked if there were any other comments from the Council; there was no response; stating he would entertain a motion for adjournment.

ADJOURNMENT

A motion by Councilman Hamilton, supported by Councilwoman Boy and there being no further business to transact, President Schwanke declared the meeting ADJOURNED (approximately 7:16 p.m.)

Gale A. Neulieb, City Clerk