

REGULAR IN PERSON COUNCIL “HYBRID/ZOOM” MEETING May 6, 2025

FILED
MAY 20 2025
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, May 6, 2025, at the hour of 6:30 p.m., Hosted by “Hybrid/Zoom” and streamed live on “My Michigan City” Facebook Page.

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

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

PRESENT: COUNCIL MEMBERS Tim Bietry, Greg Coulter, Bryant Dabney, Dr. Vidya Kora, Daisy Lee, Joe Nelson, Nancy Moldenhauer, and Tracie Tillman (8)

ABSENT: COUNCIL MEMBERS Don Przybylinski (1)

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Jewel Harris, City Clerk Gale Neulieb and Deputy Clerk Amanda Pickens

APPROVAL OF MINUTES

President Tillman asked if there were any corrections, deletions, or additions to the Regular “Hybrid/Zoom” Council meeting minutes that was held on Tuesday, April 15, 2025.

Councilman Dr. Kora made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting minutes held on April 15, 2025, second by Councilman Bietry, the motion carried, and the Regular April 15, 2025 Council meeting minutes were approved by the following vote: AYES: Council members Tillman, Bietry, Coulter, Dabney, Dr. Kora, Lee, Moldenhauer, and Nelson (8) NAYS: Council member (0).

REPORTS OF STANDING COMMITTEES

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

FINANCE REPORT

President Tillman (Chair) advised the Finance Committee did meet this evening May 6, 2025 at 6:00 p.m.; a quorum was present; stating the following Revised Michigan City Riverboat/ Boyd Claim Docket for May 6, 2025 was as follows; Riverboat fund #2235 \$ was zero ; Riverboat EFT fund #2235 was zero; Rainy Day Fund #2236 \$18,550.00 paying Schneider Geomatics for the Eastside Annexation Sewer Line Project; Boyd Development Fund #2504 zero funds; with the total claims being \$18,550.00

Councilman Dr. Kora made a motion to approve the Riverboat / Boyd Claim Docket for May 6, 2025, second by Councilman Bietry, the motion carried, and the Revised Riverboat/ Boyd Claim Docket for May 6, 2025 was approved by the following vote: AYES: Council members Bietry, Coulter, Dabney, Dr. Kora, Lee, Moldenhauer, and Nelson, and Tillman (8) NAYS: Council member (0).

Councilwoman Tillman reported the Riverboat fund statement of the cash position Riverboat Fund #2235 ending balance for the fiscal year date, May 6, 2025, \$1,886,238.65 and Rainy-Day Fund #2236 - \$1,830,213.71 grand total ending balance \$ 3,716,452.36.

REPORTS FROM BOARDS AND COMMISSIONS

President Tillman asked if there were any reports from any boards or commissions.

Councilwoman Moldenhauer, Liaison to the Sustainability Commission, thanked former chair Andrea Jahnz Davis for her commitment, dedication, and enthusiasm to the Sustainability Commission advising on the Earth Day Extravaganza is continuing growing and held its largest event yet with over 500 participants this year.

REPORTS OF SPECIAL or SELECT COMMITTEES

President Tillman asked if there were any reports from special or select committee, there was no response.

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

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

Al. Walus, Operations & Inspections Manager Sanitary District, presenting the annual MS4 Storm Water Report.

(NOTE: This presentation is filed in the Clerk's Office under 2025 "Council Matters").

Discussion ensued between Mr. Walus, Council President Tillman, and Council members Coulter, Lee, and Moldenhauer regarding Nature Preserve of Striebel Pond and Cheney Run Wetland Project, the Clean Water Act, Unity Foundation Grant that created the Trail Creek Watershed, thanked Mr. Walus for his hard work for our community.

PETITIONS

President Tillman asked Clerk Neulieb if there were any petitions.

Clerk Neulieb advised that there were no petitions this evening.

COMMUNICATIONS

President Tillman asked if there was any correspondence received.

Clerk Neulieb read the following correspondence:

Correspondence was received in the Clerk's Office on April 17, 2025, from Eileen Mark regarding the proposed Substance Abuse Recovery Home for Offenders.

RESOLUTIONS

Clerk Neulieb read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL**RESOLUTION 4956****A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE PLANNING AND INSPECTION DEPARTMENT OF THE GENERAL FUND #1101 FOR THE YEAR 2025 IN MICHIGAN CITY, INDIANA**

WHEREAS, there exist certain circumstances within the budget of the Planning and Inspections Department of the General Fund #1101 of Michigan City which require increasing and decreasing appropriations for certain line items in that Fund for the year 2025, more specifically, the Mayor desires to extend the contract of the consultant, Duneland Consulting, LLC, for six (6) months who is temporarily assist the Michigan City Planning & Inspection Department to provide oversight of the implementation of the City's permitting software,

develop a standard operating procedure, provide daily oversight/management of the inspectors, and establish milestones and deliverables for the Department.

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

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

PLANNING AND INSPECTION DEPT OF GENERAL FUND #1101.106

DECREASE:	A/C #1101.106.411.013	
	Salaries & Wages	\$40,000.00

INCREASE:	A/C #1101.106.439.090	
	Other Contractual Services	\$40,000.00

This Resolution shall be in full force and effect after passage by the Michigan City Common Council and the approval by the Mayor.

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

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

President Tillman stated this proposed resolution is for the Planning and Inspection Department of the General Fund #1101 as the funds have previously been budgeted.

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

President Tillman asked if the Council had any comments at this time

Councilman Dabney made a motion to approve the proposed resolution, second by Councilman Nelson, the motion carried, and the resolution was approved by the following vote: AYES: Council members Coulter, Dabney, Dr. Kora, Lee, Moldenhauer, Nelson, Tillman, and Bietry (8) NAYS: (0).

Clerk Neulieb read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4957

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA APPROVING A DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN OF THE MICHIGAN CITY REDEVELOPMENT COMMISSION AND ORDER OF THE MICHIGAN CITY PLAN COMMISSION IN CONNECTION WITH THE TRYON MEADOW ECONOMIC DEVELOPMENT AREA

WHEREAS, on April 14, 2025, the Michigan City Redevelopment Commission (the "Redevelopment Commission"), the governing body of the Michigan City Department of Redevelopment and the Michigan City Redevelopment District, pursuant to Indiana Code 36-7-14, as amended (the "Act"), adopted Resolution No. 2-25 (the "Declaratory Resolution") which designated an area in the City of Michigan City, Indiana (the "City") known as the Tryon Meadow

Economic Development Area (the “Area”) as an economic development area pursuant to the Act, approved an economic development plan for the Area (the “Plan”), established a residential housing development program for a portion of the Area as a component of the Plan (the “Housing Program”), and designated portions of the Area as allocation areas pursuant to Sections 39 and 56, as applicable, of the Act as depicted on Exhibit E of the Declaratory Resolution, including the designation of (1) the area as described on Exhibit F-1 to the Declaratory Resolution as a new allocation area to be known as Tryon Meadow Allocation Area No. 1 (“Allocation Area No. 1”), (2) the area as described on Exhibit F-2 to the Declaratory Resolution as a new allocation area to be known as Tryon Meadow Allocation Area No. 2 (“Allocation Area No. 2”), and (3) the area as described on Exhibit F-3 to the Declaratory Resolution as a new allocation area to be known as Tryon Meadow Allocation Area No. 3 (“Allocation Area No. 3” and together with Allocation Area No. 1 and Allocation Area No. 2, the “Allocation Areas”); and

WHEREAS, on April 22, 2025, the Michigan City Plan Commission approved and adopted Resolution No. 1-25 (the “Plan Commission Order”), a copy of which is attached hereto as Exhibit A, approving the Declaratory Resolution and the Plan and determining that the Declaratory Resolution and the Plan conform to the plan of development for the City, and has submitted the Plan Commission Order to the Common Council of the City (the “Common Council”) for its approval; and

WHEREAS, the Common Council is the legislative body of the City and now seeks to make the following determination regarding the Declaratory Resolution and the Plan (and Housing Program as a component of the Plan) and to approve the Plan Commission Order in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AS FOLLOWS:

Section 1. The Common Council hereby finds and determines that it will be in the best interest of the City to establish the Area and the Plan as described in the Declaratory Resolution.

Section 2. Pursuant to Sections 16 and 53 of the Act, the Common Council hereby finds and determines that the Declaratory Resolution and the Plan for the Area, in all respects, conform to the plan of development for the City, and approves in all respects the establishment of the Area as described in the Declaratory Resolution, the Plan (and the Housing Program as a component of the Plan), and the designation of the Allocation Areas in accordance with the Act.

Section 3. The Common Council hereby approves the determination that the Area is an economic development area pursuant to Section 41 of the Act.

Section 4. The Common Council hereby approves, in all respects, the Declaratory Resolution, the Plan, and the Plan Commission Order.

Section 5. This Resolution shall be in full force and effect immediately from and after is passage by the Common Council and upon compliance with the procedures required by law.

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

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

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

Councilman Dabney stated this proposed resolution is designed to create a housing TIF in Michigan City which will set up a fund for infrastructure needs for this development.

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

Scott Meland, 200 Kenwood Place, addressed the council stating this is a great step for Michigan City and fully supports this as this will create a Housing TIF that will not affect the General Fund, but will provide affordable housing.

Skyler York, Redevelopment Director, addressed the council stating that this is just the starting point to move forward with this project.

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

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

Councilman Bietry stated that there is a major distinction with the manufacturing TIF the council is familiar with as the city is held responsible, but the new Housing TIF is holding the developer responsible with no risk to the city; advising he supports this project.

Councilman Dabney stated this is something positive coming to Michigan City and is in full support.

Councilwoman Moldenhauer stated this is attainable housing project for the working middle class families.

Councilman Dabney stated this is attainable housing as the developer has committed to hold 75% of the units at the 80% to 120% of the area median income.

Councilman Dr. Kora made a motion to approve the proposed resolution, second by Councilman Nelson, the motion carried, and the resolution was approved by the following vote: AYES: Council members Dabney, Dr. Kora, Lee, Moldenhauer, Nelson, Tillman, Bietry, and Coulter (8) NAYS: (0).

ORDINANCES

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

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AUTHORIZING THE ISSUANCE OF THE CITY'S TAXABLE ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS IN ONE OR MORE SERIES RELATING TO PROJECTS TO BE LOCATED IN THE TRYON MEADOW ECONOMIC DEVELOPMENT AREA, THE PROVISION OF THE PROCEEDS THEREOF TO TRYON MEADOW LLC OR AN AFFILIATE THEREOF, THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT TARGET AREA, AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

Introduced by: Bryant Dabney

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

President Tillman stated for the record that this bond is not a city bond but a developer bond and will not impact the city's TIF funds.

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

President Tillman advised Skyler York, Redevelopment Director that he could address the council at the next meeting additional information regarding this proposed ordinance.

Skyler York, Redevelopment Director, addressed the council advising this is not a city backed bond, but rather a developer back bond that was approved by the Economic Development Commission; this bond will not have an impact on the city's capacity for future bonds for redevelopment nor use of revenues from TIF funds, or will present tax implication on the citizens.

Tommy Kulavik, 1316 Ohio Street, addressed the council stating he is in support of this development as this will help with the enrollment within our school system.

Scott Meland, 200 Kenwood Place, addressed the council stating he fully supports this development, with many new developments taking place in our community due to the 11 Street Double Track Project; this development is different as the developer will be leveraging the "multiplier effect " meaning the developer will fund this part of the project to help boost the city's revenue.

Paul Przybylinski, 1716 Washington Street, addressed the council questioned why this development was not proposed to be built on the 420 acres the city annexed on the eastside of the city where we are spending millions of dollars to run sewers and water to the property where nothing is being developed.

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

Councilman Dr. Kora, stated he is looking forward to new affordable housing development in our city in hopes to draw more people to live in our community.

President Tillman asked if there were any other comments from the council, there was no response, stating that the proposed ordinance will be held over on second reading at our May 20, 2025 Council meeting.

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

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE GOLF
NON-REVERTING FUND #2508 FOR THE PARKS DEPARTMENT**

Introduced by: Bryant Dabney

**(DECREASE Golf Non-Reverting Fund #2508 Unappropriated balance \$75,000.00.
INCREASE ACCOUNT #2508000.429.013 \$75,000.00 Golf Pro Merchandise)**

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

Councilman Dabney advised the proposed additional appropriation in the amount of \$75,000 is in the 2025 golf non-reverting fund and will be transferred to the golf pro merchandise fund to purchase items that will be sold in the golf pro shop this season.

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

Shannon Eason, Park Superintendent, addressed the council stating that in 2023 the golf pro shop was stocked from outsourced merchandisers and generated a profit of \$4,000.00, advising in 2024 an Additional Appropriation was approved by the Common Council for \$75,000.00 to have the inventory purchased in house resulting in a profit of \$26,000.00; this fund was not a line item in the 2025 Budget but moving forward this will be a standard budget line item.

Councilman Bietry thanked Mrs. Eason for the information regarding the proposed transfer she presented and is in support of the proposed ordinance.

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

President Tillman asked if there were any comments from the council, there was no response, stating that the proposed ordinance will be held over on second reading at our May 20, 2025 Council meeting.

The Clerk read the following proposed ordinance on second reading by title only.
AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE REAL PROPERTY LOCATED SOUTH OF TRYON ROAD APPROXIMATELY ¼ MILE WEST OF THE INTERSECTION OF ROYAL ROAD AND TRYON ROAD, AND ½ MILE EAST OF THE INTERSECTION OF SOUTH KARWICK ROAD AND TRYON ROAD FROM THE R1B (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT CLASSIFICATIONS TO R2B (TOWNHOUSE) AND R3A (LOW RISE MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT CLASSIFICATIONS

Introduced by: Bryant Dabney

President Tillman asked if the author had anything to add at this time.

Councilman Dabney stated this this project started in the Planning Commission with re-zoning for this development as this will provide townhouses, apartments and single family homes all in this project.

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

Scott Meland, 200 Kenwood Place, addressed the council stating he fully supports this mixed housing development as this will make for a healthier community.

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

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

Councilman Dabney asked to suspend the council rules making a motion to have second and third reading this evening, second by Councilman Dr. Kora, the motion carried to have second and third reading this evening and was approved by the following vote: **AYES:** Council members Dr. Kora, Lee, Moldenhauer, Nelson, Tillman, Bietry, Coulter, Dabney (8) **NAYS:** Council member None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4762

AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE REAL PROPERTY LOCATED SOUTH OF TRYON ROAD APPROXIMATELY ¼ MILE WEST OF THE INTERSECTION OF ROYAL ROAD AND TRYON ROAD, AND ½ MILE EAST OF THE INTERSECTION OF SOUTH KARWICK ROAD AND TRYON ROAD FROM THE R1B (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT CLASSIFICATIONS TO R2B (TOWNHOUSE) AND R3A (LOW RISE MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT CLASSIFICATIONS

WHEREAS, on March 25, 2025, Tryon Meadow LLC (“Property Owner” and “Petitioner”) filed a Rezoning Application (“Application”) and a Petition for Public Hearing (together the “Petition”), with the Plan Commission (“Commission”) of the City of Michigan City, LaPorte County, Indiana (“City”) to seek an amendment to the Zoning Map of the City for certain real property located at South of Tryon Road approximately ¼ mile west of the intersections of Royal Road and Tryon Road, and ½ mile east of the intersection of South Karwick Road and Tryon Road, with property identification numbers (PIN) of 46-01-26-126-006.000-022, 46-01-26-126-008.000-022, and 46-01-26-126-009.000-022, and as described in Exhibit A attached hereto and referred to as the “Real Estate”; the Petition seeks to rezone said Real Estate from its current R1B

(Single Family Residential) Zoning District classification to R2B (Townhouse) and R3A (Low Rise Multiple Family Residential) Zoning District classifications; and,

WHEREAS, the Plan Commission assigned the Petition as filed as Petition # P-100-25 and scheduled a public hearing on the Petition for March 25, 2025; and,

WHEREAS, the Commission found that the Petitioner properly provided the necessary notice to the persons, organizations, or entities via USPS certified mail/return receipt: (i) who own property within a 300 foot radius of the Real Estate (the "Affected Parties") which the Petitioner requested to be rezoned and (ii) who were required to be given notice of the filing of the Petition pursuant to the Plan Commission's Application for Public Hearing with such notice identifying the date and time of the hearing thereon pursuant to I.C. 5-3-1-1 et seq., upon submission of the Petitioner's Affidavit of Service as notarized and the USPS return receipts; and

WHEREAS, prior to the public hearing, the Commission found that the Petitioner properly gave the necessary notice of the filing of the Petition and of the date and time of the public hearing thereon by publication in the LaPorte County Herald-Dispatch two times (on February 15, 2025 and March 19, 2025) in the manner prescribed by the Plan Commission's Application for a Public Hearing and I.C. 5-3-1-1 et seq.; and,

WHEREAS, upon proper notification and publication the Plan Commission conducted the public hearing on the Petition to rezone the Real Estate pursuant to the Petition, and following said public hearing, determined that an amendment to the Zoning Map is appropriate for the Real Estate as described in Exhibit A to be rezoned from the current R1B zoning classification to R2B and R3A zoning classifications, all as permitted by the Joint Zoning Ordinance and Indiana law; and, on March 25, 2025, the Plan Commission certified the Commission's findings and determinations, including those required by IC 36-7-4-603, and this proposed Ordinance to the City's Common Council with a favorable recommendation for passage; and

WHEREAS, the City Clerk, on behalf of the City's Common Council, provided the necessary public notice of the Council's intention to consider the proposed change to the Zoning Map as required by IC 5-14-1.5-5; and

WHEREAS, the City's Common Council has paid reasonable regard, consideration, and attention to the recommendation of the Plan Commission, to the documentation and other evidence presented to the Common Council regarding the proposed zoning and zoning district classification amendment and change, and to the legal requirements applicable to the Common Council's decision, including, as required by IC 36-7-4-603, the City's comprehensive plan; the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth.

NOW, THEREFORE, BE IT ORDAINED by the City of Michigan City Common Council, pursuant to applicable laws, including IC 36-7-4-608, that:

The Common Council finds, based on all the evidence presented before it, that:

The requested amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A is compatible with the City's comprehensive plan, the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth; and

The requested amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A will provide for the most reasonable use of land for which the Real Estate is adapted, and the proposed land use will not have an adverse effect on surrounding land; and

The amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the City; and

The amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A will promote orderly and responsible community growth and development and will not adversely affect the community; and

The topography, soil condition, and other physical features of the Real Estate are suitable for the proposed land use and the amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A; and

The amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A is not “spot zoning” which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and

The amendment to the Zoning Map and the change in zoning district classification will not disrupt or destroy any official neighborhood plan of the Plan Commission.

The Common Council finds and determines that it is in the best interests of the City and its citizens that the Common Council accept and approve the recommendation of the Plan Commission that the Petitioner’s request for an amendment to the Zoning Map and the change in zoning district classification be approved by the Common Council.

The zoning district classification for the Real Estate (located in the City of Michigan City, LaPorte County, State of Indiana, commonly known as south of Tryon Road approximately ¼ mile west of the intersection of Royal Road and Tryon Road, and ½ mile east of the intersection of South Karwick Road and Tryon Road with PINs of 46-01-26-126-006.000-022, 46-01-26-126-008.000-022, and 46-01-26-126-009.000-022, be changed from its current R1B zoning district classification to R2B and R3A zoning district classifications.

And further, that the official Zoning Map of the City shall be amended to reflect this change in the zoning district classification for the Real Estate; and the amended zoning map shall hereafter be available in the office of the Plan Commission and the City Clerk for public inspection, review and copying.

The City Clerk shall furnish a certified copy of this Ordinance to the LaPorte County Recorder in order that the same may be placed of record in the records of the Recorder’s Office.

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

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

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

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

Councilman Dabney made a motion to approve the proposed ordinance, second by Councilman Bietry, the motion carried, and the proposed ordinance was approved by the following vote: **AYES:** Council members Lee, Moldenhauer, Nelson, Tillman, Bietry, Coulter, Dabney, and Dr. Kora (8) **NAYS:** Council member None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4763

**AMENDING SEC. 102-1 IN THE MICHIGAN CITY MUNICIPAL CODE TO
COMMONLY KNOWN “REMOVAL OF WEEDS, GRASS, AND RANK
VEGETATION”**

WHEREAS, I.C. 36-7-10.1-3 allows a legislative body of a municipality to adopt an ordinance to require the owners of real property located within the municipality to cut and remove weeds and other rank vegetation growing on the property; and

WHEREAS, by virtue of the authority provided by I.C. 36-7-10.1-3, the City has established Sec. 102-1 entitled "Removal of Weeds, Grass, and Rank Vegetation" in the Michigan City Municipal Code; and

WHEREAS, before the City can enter property of another and remove weeds, grass, or rank vegetation over six (6) inches in height, Sec. 102-1 requires the City to provide the property owner with a written Notice & Order to abate the nuisance within ten (10) days; and

WHEREAS, the Vector Control Department and the City Forester reasonably believe that Sec. 102-1 needs to be amended to reduce the time frame for a property owner to abate weeds, grass, or rank vegetation on their property from ten (10) days to five (5) days (A joint letter from the Vector Control Department and City Forester is attached hereto and incorporated herein as "**Exhibit A**"); and

WHEREAS, the Common Council reasonably believes that the aforementioned recommendation of the Vector Control Department and the City Forester are in the best interest of the City and residents herein.

THEREFORE, BE IT ORDAINED by the Common Council for the City of Michigan City, Indiana that Sec. 102-1(d)(1) and Sec. 102-1(f)(1) are hereby amended in the Michigan City Municipal Code and shall read as follows:

1. Sec. 102-1(d)(1) of the Michigan City Municipal Code is hereby amended to now read as follows:

(d) *Notice of violation.*

- (1) *Initial notice to owner/content.* For any property found to be in violation of this section, the department shall issue an initial notice to the owner to cut, remove, and/or dispose of weeds, grass, and/or rank vegetation within five (5) calendar days of service of the notice. The notice is final when given unless the owner makes a written request for a hearing before the Michigan City Board of Public Works and Safety regarding the notice and the written request is delivered to the department and the clerk for the board of public works and safety's office before the end of the (five) day period.

2. Sec. 102-1(f)(1) in the Michigan City Municipal Code is hereby amended to now read as follows:

(f) *Bill for costs incurred to abate the violation.*

- (1) The department shall issue a bill to the owner of the real property for the costs incurred by the department in bringing the property into compliance with this section, including administrative costs and abatement costs. The expenses incurred by the department to bring compliance constitute a lien against the property. The person to whom the bill is issued may appeal that determination to the board of public works and safety within five (5) days from the date said bill was mailed.

The only grounds for an appeal which the board of public works and safety may consider are as follows:

- a. The work was not performed on the noticed property;
- b. Work was performed before the five (5) days' notice had expired; or
- c. The owner was not served legal notice of the violation.

The board of public works and safety shall consider such appeals and may adjust or waive said costs as individual circumstances may warrant. The decision of the board of public works and safety is final.

3. Sec. 102-1(g) is hereby created in the Michigan City Municipal Code and shall read as follows:

- (g) **Penalty.** Nothing in this section shall prohibit the City from also assessing a fine in an amount established in Sec. 1-7 (General Penalty; Continuing Violations) to a property owner for allowing the weeds, grass, and rank/vegetation to exceed the height requirement imposed by subsection (c) above.

This Ordinance shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

INTRODUCED BY: /s/ Nancy Moldenhauer, Member
Michigan City Common Council

President Tillman asked if the author had anything to add at this time.

Councilwoman Moldenhauer advised that this proposed ordinance is ready to be passed.

President Tillman asked if there were any comments from the public regarding this ordinance.

Paul Przybylinski, 1716 Washington Street, addressed the council stating there needs to be a uniform notification system, not just picking and choosing from the code singling out homeowners; asking where the appointed officials that are recommending this change from (10) ten days to (5) five to appeal the violation; advising the council that everyone has a right by the constitution for due process.

Ernie Hollihan, 302 Gladys Street, questioned who notifies the owner of a vacant house that their grass is overgrown, and who is responsible for paying the fine when the city cuts the grass if the owner isn't mailed the violation.

Scott Meland, 200 Kenwood Place, advised that this is not a new problem as there is a legal owner for every property, the city will try and notify the owner, if unable to, the city will cut the grass and then put a lean on their property.

Brian Gross, 830 W. 6th Street, stated that these ordinances shouldn't apply to just city residents but also should include the city taking care of the property they own

Tommy Kulavik, 1316 Ohio Street, addressed the council stating the city needs to establish a compost site so the residents of our city have a place to take excess yard waste.

Sel Dunlap, 729 E. Michigan Blvd, addressed the council stating he agrees with Mr. Meland's comments regarding a property owner should be sent a certified letter giving them a certain amount of time to cut their grass; if it isn't done in a timely manner cut the city will cut the grass and the owner will be charged up to \$500

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

President Tillman asked if there were any council comments.

Councilwoman Lee made a motion to approve the proposed ordinance, second by Councilman Nelson, the motion carried to have second and third reading this evening and was approved by the following vote: **AYES:** Council members Moldenhauer, Nelson, Tillman, Bietry, Coulter, Dabney, Dr. Kora, and Lee (8) **NAYS:** Council member None (0).

NEW BUSINESS

Clerk Neulieb stated Mayor Angie is requesting the advice and consent of the Michigan City Common Council regarding her new appointments of Gertrude Grahane Farmer replacing Jessica O'Brien as a member of the Michigan City Human Rights Commission with her term beginning immediately and expiring November 2, 2025 and Sherese Mailcy replacing Jamie Llorences with her term begins immediately and expiring November 2, 2025.

Councilwoman Moldenhauer made a motion to approve the Mayor's request for advice and consent of the council to appoint Gertrude Grahane Farmer to the Human Rights Commission, second by President Tillman, the motion carried to appoint Gertrude Grahane Farmer to the Human Rights Commission by the following vote: **AYES:** Council members Nelson, Tillman, Bietry, Coulter, Dabney, Dr. Kora, Lee, and Moldenhauer (8) **NAYS:** Council member None (0).

President Tillman asked for a motion on the mayor's request for advice and consent of the council to appoint Sherese Mailcy to the Human Rights Commission

Councilman Kora made a motion to approve the Mayor's request for advice and consent of the council to appoint Sherese Mailcy to the Human Rights Commission, second by Councilman Nelson, the motion carried and was approved by the following vote: **AYES:** Council members Tillman, Bietry, Coulter, Dabney, Dr. Kora, Lee, Moldenhauer, and Nelson (8) **NAYS:** Council member None (0).

UNFINISHED BUSINESS

Clerk Neulieb stated the Council has one (1) appointment to Michigan City Commission on Sustainability with vote being taken this evening – Incumbent Andrea Jahn Davis term expires May 1, 2025

President Tillman stated the following were nominated at the April 15, 2025 Council meeting:

- Kameesha Williams
- Eileen Mark (nomination withdrawn)
- Julie Smith

Councilwoman Moldenhauer withdrew her nomination for Eileen Mark as she withdrew her application.

Council Attorney Harris advised President Tillman that the Clerk's Office has not received the notification that Eileen Mark withdrew her application for the record.

Julie Smith addressed the council stating her qualifications and background to serve on this Commission.

Julie Smith was nominated to the Michigan City Commission on Sustainability by the following vote:

Kameesha Williams – 1
Julie Smith -7

President Tillman congratulated Julie Smith on her appointment to the Sustainability Commission.

COMMENTS FROM THE PUBLIC

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

Ernie Holland, 302 Gladys Street, addressed the council stating his concerns with the Refuse Department not picking up his compost.

Vivian Ott, 105 Felton Street, Diane Vo, 138 Fogerty, Angie Longoria, and Jan McDonald, 213 Felton Street, addressed the council regarding what they are dealing with regarding short term rentals in Sheridan Beach from March through November:

- affecting the safety and quality of life for the community members around this area
- asking the council to revisit the short-term rental ordinance that was passed in 2021 and put some tougher regulations and fines into this ordinance.

Tommy Kulavik, 1316 Ohio Street, addressed the council stating the Michigan City Area School Board unanimously renamed the LaPorte County Educational Center to be "Dr. Barbara Eason Watkins Education Center".

Sel Dunlap, 729 E. Michigan Blvd., commented about the several empty lots we have in our community stating his views on the vacant lots when entering our city on Michigan Boulevard and what they say to our visitors.

President Tillman stated the following will be the last (2) two public comments.

Tom Namizke, 214 Ann Street, reiterated what Councilwoman Moldenhauer stated that Striebl Pond was created for floodwaters and it has turned into a beautiful natural resource, a recreational walking trail that draws migratory birds; commenting on the proposed rehabilitation center they plan for the corner of Ann and Wabash Street and that he attended the "Town Hall" meeting stating that the neighbors living near and around Ann and Wabash Street are against this being built at this location; stating several concerns and reasons why.

President Tillman advised Paul Przybylinski that public comment would conclude after this speaker as she asked for "Public Comments" three (3) times.

Eileen Mark, advised why she withdrew her application to serve on the "Sustainability Commission", as she is a resident across the street from the proposed Rehabilitation Center and will be possibly moving due to her concerns, she has with this going into the neighborhood asking the council for advocacy, consideration, and an impact study with a independent third party to determine if this is a sound location.

President Tillman stated public comment are closed.

COMMENTS FROM THE COUNCIL

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

Councilman Bietry stated he was previously a high school principal and had the opportunity give a diploma to Megan Brosowski who currently holds LaPorte County first female Indiana Basketball Hall of Fame inductee; advising on the ribbon cutting ceremony for the LaPorte County Carrer and Tech Education Facility that provides 8 new programs located at this campus , 6 programs at the AK Smith and that Michigan City Area Schools are doing a great job for our students.

Councilwoman Moldenhauer, invited the public to join the presentation on "Harriet Colfax and Ann Hartwell", presented by Brian Forest, Thursday, June 5, 2025, at 6:30 p.m. live on "Save The Dunes" Facebook Page or a Zoom link which can be requested at EM@SAVEDUNES.ORG

Councilman Coulter stated the Eastport area was missed during spring cleanup, stated he will be calling a workshop to discuss the issue and a possible solution with the short term rentals in Sheridan Beach.

President Tillman stated the council was presented with a flyer this evening that stated on Sunday, May11, 2025, Mother's Day , a local band known as Plus One will be giving

a concert at Krueger Memorial Hall. Plus one consist of two brothers Jimmy and Joey Biela. These boys lost their mother cancer 2 ½ years ago and the performance Sunday is intended to honor mothers. Any mother attending with a paying guest will be admitted free of charge. Doors open at 5:30 and the show begins at 6:00 p.m.

President Tillman invited the public to attend the following events: the next Mayor's "Town Hall" meeting that will be on May 22, 2025 at Skwiat American Legion 451 at 5:30 pm.; the Water Tower Park ribbon cutting ceremony on Saturday, May 31, 2025 at 11:00 a.m.; and the Peace Police Memorial Service held at the FOP Dunes Lodge #75 at 11:00 a.m.

Councilman Dabney reminded the public that beach sticker are available May 1, 2025-July 3, 2025 at the North Pointe Pavillion in Washington Park Tuesday through Friday from 10:00 a.m. to 6:00 p.m.

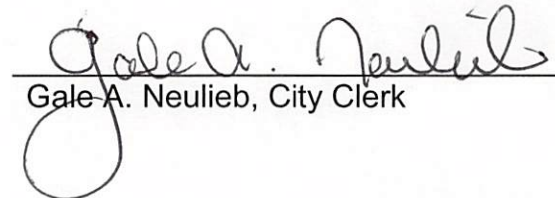
ADJOURNMENT

A motion by Councilman President Tillman, second by Councilman Nelson and there being no further business to transact, President Tillman declared the meeting **ADJOURNED** (approximately 8:39 p.m.)

These minutes are a summary of actions taken at the Michigan City Common Council meetings. The full video archive of the meeting is available for viewing at:

<https://www.youtube.com/watch?v=SXvIKUI20xw&list=PL8L8Y5g9S6bqw-rohSfvSUA8dwegrb6st>


Tracie Tillman, President


Gale A. Neulieb, City Clerk