

REGULAR IN PERSON COUNCIL “HYBRID/ZOOM” MEETING May 20, 2025

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, May 20, 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, Daisy Lee, Joe Nelson, Nancy Moldenhauer, Don Przybylinski, and Tracie Tillman (8)

ABSENT: COUNCIL MEMBER Dr. Vidya Kora (1)

President Tillman stated that Councilman Dr. Kora did indicate his absence from this meeting and is excused.

A QUORUM WAS NOTED PRESENT

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

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, May 6, 2025.

Councilman Przybylinski made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting minutes held on May 6, 2025, second by Councilman Coulter, the motion carried, and the regular May 6, 2025 Council meeting minutes were approved by the following vote: AYES: Council members Bietry, Coulter, Dabney, Lee, Moldenhauer, Nelson, Przybylinski, and Tillman (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) stated the Finance Committee did not meet this evening as there were no claims to approve for May 20, 2025.

Councilwoman Tillman reported the Riverboat fund statement of the cash position Riverboat Fund #2235 ending balance for the fiscal year date, May 20, 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, there was no response.

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.

Councilwoman Moldenhauer introduced Sacha Gee Burns as a passionate advocate for Recycling in LaPorte County and is here to help educate our community on proper recycling practices with the goal of reducing both the volume of waste and the financial burden associated with landfill use.

Sacha Gee Burns, Environmental Educator and Public Outreach of LaPorte County Solid Waste District, presenting "Recycle Smart: Do Your Part"

Discussion ensued between Ms. Burns, President Tillman, Council members Moldenhauer, Przybylinski, Bietry, Coulter, thanked her for a great presentation, educating the community to recycle and the items that can be recycled, stating her contact information for the public email address: sgeeburns@solidwastdistrict.com advising the website and telephone number is listed on the side of your recycling cans.

Chief Corley, MCPD, addressed the council providing them with information/laws regarding golf carts being driven on city streets.

Discussion ensued between Chief Corley and President Tillman, Council members Przybylinski, Bietry, Dabney, Moldenhauer, thanking him for the information on golf carts, reminding the public that it is illegal to drive golf carts on city streets; while the town of Long Beach does have an ordinance allowing golf carts to be used please be advised that golf carts are not permitted to cross onto city streets; underage driving of golf carts can result in traffic offenses, Officers will be actively enforcing these regulations to ensure public safety.

Chief Corley, MCPD, advised that monthly stats will be provided to the council regarding short term rentals violation complaints for loud music or disturbances; advising that there has been a total of (35) thirty five calls for the Sheridan Beach area from January 1, 2024- May 16, 2025, and the department is more than willing to help address the issues.

Discussion ensued between Chief Corley, Council member, Coulter, Moldenhauer, Bietry regarding some of their concerns about short term rentals, thanking him for the stats, how often a resident can make a call or report, how to resolve the problems, teenagers renting them during prom, putting owners on notice that they are in violation.

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 May 9, 2025, from Chad Reidl regarding the proposed Substance Abuse Recovery Home.

A notice was received in the Clerk's Office on May 5, 2025, from IDEM regarding preliminary findings for the renewal of a minor source operating permit (MSOP).

RESOLUTIONS

Clerk Neulieb read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4958

WAIVING THE BUILDING PERMIT FEE AND INSPECTION FEES FOR ST. STANISLAUS CATHOLIC CHURCH

WHEREAS, St. Stanislaus Catholic Church (hereinafter referred to as "Church"), which is located at 109 Ann Street in Michigan City, Indiana, is currently in the process of significant restorations to its' building that will be completed in phases (hereinafter referred to as "Project"); and

WHEREAS, the first phase of the Project involves cleaning and restoration of the Bell towers; and

WHEREAS, the Church is requesting that the City waive the building permit fee and inspection fees for Phase 1 of Project to lessen the financial burden on the Church for the Project; and

WHEREAS, the Michigan City Planning & Inspection Department has advised that the building permit fee for the Project (Phase 1-Bell Towers and Alternate 1-Cleaning the Towners) is \$14,490.00 with additional inspections not expected to exceed \$1,000.00 for an anticipated total waiver amount not to exceed \$15,490.00; and

WHEREAS, the Michigan City Common Council, having considered the request, has determined that the waiving of the building permit fee and inspection fees will encourage and assist Church in serving the families in Michigan City, Indiana.

NOW, THEREFORE, BE IT RESOLVED the Common Council of Michigan City, Indiana, as follows:

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. The building permit fees and inspection fees for Phase 1 of the Project in the amounts set forth above are hereby waived.

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

INTRODUCED BY: /s/ Daisy Lee, Member
Michigan City Common Council

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

Councilwoman Lee stated this proposed resolution is to wave the permit fees for St. Stans Church repairs.

Camille Hickden, representing St. Stans, provided the council on the background of the church and how it impacts our community; asking for the permit fees to be waived to start on Phase I of repairs to the church.

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

Councilwoman Lee stated the building permit fees they are requesting is Phase I for repairs to the bell tower with the alternate is for \$14,490.00 with additional inspections to not to exceed \$1,000.00 with the total being requested is \$15,490.00.

Ms. Hickden advised Councilman Bietry that they haven't received a bid on the Phase II repair project and not sure of a date even when it will start.

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

Tommy Kulavik, 1316 Ohio Street, advised that he supports this resolution and encourages the council to approve waiving the permit fees.

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

Councilman Przybylinski stated he sits on the Board of St. Stans Church and will be abstaining from the vote on this proposed resolution.

Councilman Dabney advised that due to the 2025 city finances and this being a large amount of revenue that goes into our general fund, he will not be supporting to waive these fees.

President Tillman agreed with Councilman Dabney's statement as well and realizes that as St. Stans Church being a pillar in our community and due to our 2025/2026 city finances, she will also not be supporting this resolution.

Councilwoman Lee made a motion to approve the proposed resolution, second by Councilman Bietry, the motion carried, and the resolution was approved by the following vote: **AYES:** Council members Coulter, Lee, Moldenhauer, Nelson, and Bietry (5) **NAYS:** Council members Dabney, Tillman (2). **ABSTAINED** Councilman Przybylinski (1)

President Tillman stated the resolution to waive the permit fees for St. Stans Church are approved.

Clerk Neulieb read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION 4959

A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE PROMISE SCHOLARSHIP FUND #2312 FOR THE YEAR 2025 IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of Promise Scholarship Fund #2312 of Michigan City which require increasing and decreasing appropriations for certain line items in that Fund for the year 2025, and more specifically, a need exists to transfer monies from the contractual services to the salaries/wages within the Promise Scholarship Fund.

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 Promise Scholarship Fund of the City, the Common Council approves the following transfer of appropriations, as listed, to-wit:

PROMISE SCHOLARSHIP FUND #2312:

DECREASE: A/C # 2312.000.439.090
Contractual Services

\$13,952.00

INCREASE:	A/C #2312.000.411.013	
	Salaries/Wages	\$12,960.00
INCREASE:	A/C #2312.000.413.001	
	Employers share of FICA	\$ 992.00

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/ Bryant Dabney, Member
Michigan City Common Council

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

Councilman Dabney advised that they are just transferring dollars inside the Michigan City Scholarship funds from contractual services into the salary and wages/FICA fund to be able to pay the summer interns that are coming back to work for the city from last year.

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

President Tillman asked if the council had any questions or comments.

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

ORDINANCES

The Clerk read the following proposed ordinance on first reading by title only.
**AMENDING SEC. 78-6 IN THE MICHIGAN CITY MUNICIPAL CODE
KNOWN AS DRINKING IN PUBLIC AND PRIVATE AREAS**

Introduced by: Greg Coulter

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

Councilman Coulter gave an update on the “DORA” program; stating the next step is the application to be sent to the state for their approval/license for the “DORA” program and not sure that will happen in time for the boat race or for the 2025 summer season; advising that his proposed amendment is to Sec. 78.6; Public Drinking in Public and Private Areas

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 questions or comments, there was no response; stating that the proposed ordinance will be held over to second reading at our June 3, 2025, Council meeting.

The Clerk read the following ordinance on second 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 author had anything to add at this time.

Councilman Dabney stated as we discussed at our last meeting, this is money that is coming out of their golf non-reverting fund and what they're doing is moving funds out of the non-reverting fund to their Golf Pro merchandise account, so they can purchase items to sell in the pro-shop.

President Tillman stated that there will be a formal public hearing this evening; advising that this was advertised in Herald Dispatch on May 7, 2025.

President Tillman opened the formal public hearing asking (repeating three times) "If there was anyone from the public that wished to comment on this proposed ordinance", there was no response, and the formal public hearing was closed.

President Tillman asked if anyone from the council had any comments.

Councilman Dabney made a motion to suspend the rules this evening and have second and third reading, Councilman Przybylinski second the motion; the motion carried and was approved to have second and third reading this evening by the following vote: **AYES:** Council members Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter, and Dabney (8) **NAYS:** None (0)

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4764

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

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2025 Annual Budget for the Golf Non-Reverting Fund #2508 for the Parks Department; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Golf Non-Reverting Fund #2508 for the Parks Department to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Golf Non-Reverting Fund #2508 Unappropriated balance	\$75,000.00	
INCREASE ACCOUNT #2508000.429.013 Golf Pro Merchandise		\$75,000.00
TOTAL FOR FUND	\$75,000.00	

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

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

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

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

President Tillman asked if the Council had any comments.

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

Clerk Neulieb read the following proposed ordinance on second 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: Tracie Tillman
Bryant Dabney**

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

Councilman Dabney stated that this will let us issue the developer his own revenue bond and also, we are creating a housing TIF district where the development is going to happen; with the TIF money coming back to help the developer do the infrastructure that will be happening around the development; stating again that this bond is not the responsibility of the city.

Skylar York, Director of Redevelopment, stated that Councilman Dabney is correct regarding his comments about this proposed ordinance; advising that Andy Mouser and Randy Rompola from BakerTilly are online this evening to answer any questions the council may have.

President Tillman asked if the public if they had any questions or comments at this time.

Tommy Kulavik, 1316 Ohio Street, stated that this development is going make a big change on the east side of our city and is hoping that the council does third reading this evening to get this approved and start moving forward.

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

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

President Tillman made a motion to suspend the rules and have second and third reading this evening, Councilman Przybylinski second the motion, the motion carried and was approved to have second and third reading this evening by the following vote: **AYES:** Council members Nelson, Przybylinski, Tillman, Bietry, Coulter, Dabney, Lee and Moldenhauer (8) **NAYS:** None (0)

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4765

**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**

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Michigan City, Indiana (the "City") is authorized to issue revenue bonds for the purpose of financing, reimbursing, or refinancing the costs of acquisition, construction, renovation, installation, and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, Tryon Meadow LLC, an Indiana limited liability company, and/or one or more subsidiaries, affiliates, designees, joint ventures, and/or related entity thereof (collectively, the "Developer"), desires to finance a residential housing project in multiple phases and related improvements and infrastructure consisting of the construction of: (i) approximately four rental buildings (each with approximately 16 units) in Allocation Area No. 1 (as defined below) ("Project 1"), (ii) approximately four rental buildings (each with approximately 16 units) in Allocation Area No. 2 (as defined below) ("Project 2"), and (iii) approximately thirty-four (34) for-sale single-family homes and fifty-six (56) for-sale townhome units in Allocation Area No. 3 (as defined below) ("Project 3") and together with Project 1 and Project 2, the "Projects"), with the total investment for the Projects of approximately \$51,100,000; and

WHEREAS, the Michigan City Redevelopment Commission (the "Redevelopment Commission") has established the Tryon Meadow Economic Development Area (the "Area") and has designated portions of the Area as "allocation areas" in accordance with Indiana Code § 36-7-14-39 and Indiana Code § 36-7-14-56, as applicable, including designation of (i) the Tryon Meadow Allocation Area No. 1 ("Allocation Area No. 1"), (ii) Tryon Meadow Allocation Area No. 2 ("Allocation Area No. 2"), and (iii) 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") for the purposes of capturing incremental ad valorem property taxes levied and collected on all taxable real property in each of such Allocation Areas; and

WHEREAS, each of the Allocation Areas has been designated for the purpose of capturing incremental ad valorem property taxes levied and collected on all taxable real property in each of such Allocation Areas (the captured incremental property taxes from each, the "Allocation Area No. 1 Revenues," the "Allocation Area No. 2 Revenues," and the "Allocation Area No. 3 Revenues," respectively); and

WHEREAS, Developer has advised the City, the Commission, and the Redevelopment Commission concerning the Projects, and has requested that the City authorize and issue its taxable economic development tax increment revenue bonds pursuant to the Act in multiple series as follows: (i) one or more series of economic development tax increment revenue bonds to be designated as the “City of Michigan City, Indiana Taxable Economic Development Tax Increment Revenue Bonds, Series 202_A (Tryon Meadow, LLC Project)” (to be completed with the appropriate year of issuance, or different series designation as determined to be necessary or appropriate) (the “Series A Bonds”), (ii) one or more series of economic development tax increment revenue bonds to be designated as the “City of Michigan City, Indiana Taxable Economic Development Tax Increment Revenue Bonds, Series 202_B (Tryon Meadow, LLC Project)” (to be completed with the appropriate year of issuance, or different series designation as determined to be necessary or appropriate) (the “Series B Bonds”), and (iii) one or more series of economic development tax increment revenue bonds to be designated as the “City of Michigan City, Indiana Taxable Economic Development Tax Increment Revenue Bonds, Series 202_C (Tryon Meadow, LLC Project)” (to be completed with the appropriate year of issuance, or different series designation as determined to be necessary or appropriate) (the “Series C Bonds” and together with the Series A Bonds and the Series B Bonds, the “Bonds”), and provide (or be deemed to provide) the net proceeds of each series of the Bonds to the Developer for the purpose of financing a portion of the costs of each of the Projects, respectively, paying capitalized interest (if necessary), and to pay all incidental expenses on account of the issuance of each series of the Bonds; and

WHEREAS, as an inducement to the Developer to undertake the development of each of the Projects, the City proposes to issue each series of the Bonds consistent with the terms of this Ordinance, and pursuant to a Trust Indenture for each series of the Bonds, each to be dated as of the date of issuance of the applicable series of the Bonds (each a “Trust Indenture”), by and between the City and a corporate trustee to be selected by the City (the “Trustee”), in order to secure funds necessary to provide (or be deemed to provide) for the financing of a portion of the costs of each of the Projects in accordance with the terms of a separate Financing Agreement with the Developer for each series of the Bonds, each to be dated as of the date of issuance of the applicable series of Bonds (each a “Financing Agreement”), by and between the City and the Developer with respect to the use (or deemed use) of the proceeds of the applicable series of Bonds for the completion of each of the respective Projects; and

WHEREAS, the Michigan City Economic Development Commission (the “EDC”) has rendered its report regarding the proposed financing of a portion of certain economic development facilities for each of the Projects to be undertaken by the Developer; and

WHEREAS, the EDC has heretofore (i) conducted a public hearing in accordance with Section 24 of the Act and (ii) adopted a resolution subsequent to such public hearing, which resolution has been transmitted hereto, finding that the financing of a portion of certain economic development facilities to be developed by the Developer through the issuance of the Bonds in multiple series complies with the purposes and provisions of the Act, and that such financing will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens; and

WHEREAS, the EDC has heretofore approved and recommended the adoption of this form of ordinance by this Common Council of the City (the “Common Council”), has considered the issue of adverse competitive effect and has approved and has transmitted for approval by this Common Council, the forms of a Financing Agreement, a Trust Indenture, and the Bonds (collectively hereinafter referred to as the “Financing Documents”) to be used as models for the issuance of each series of the Bonds; and

WHEREAS, the Redevelopment Commission has agreed to pledge a portion of the Allocation Area No. 1 Revenues to the repayment of the Series A Bonds (the “Pledged Project 1 TIF Revenues”); and

WHEREAS, the Redevelopment Commission has agreed to pledge a portion of the Allocation Area No. 2 Revenues to the repayment of the Series B Bonds (the “Pledged Project 2 TIF Revenues”); and

WHEREAS, the Redevelopment Commission has agreed to pledge a portion of the Allocation Area No. 3 Revenues to the repayment of the Series C Bonds (the “Pledged Project 3 TIF Revenues” and collectively with the Pledged Project 1 TIF Revenues and the Pledged Project 2 TIF Revenues, the “Pledged TIF Revenues”); and

WHEREAS, no member of this Common Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds

authorized herein, which pecuniary interest has not been fully disclosed to this Common Council, and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, the EDC also recommended that the Common Council designate a portion of the Area identified and described on Exhibit A attached hereto and incorporated herein by reference (the "Target Area"), as an "economic development target area" pursuant to Indiana Code § 6-1.1-12.1-7, as amended; and

WHEREAS, the Common Council has reviewed such recommendations and determined that such designation will further the economic development and redevelopment purposes of the City.

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

Section 1. The foregoing recitals are fully incorporated herein by this reference.

Section 2. It is hereby found that the financing of a portion of the economic development facilities for the Projects previously approved by the EDC and described herein, the issuance and sale of the Bonds, the use (or deemed use) of the proceeds of each series of the Bonds by the Developer for the financing of a respective portion of the costs of each of the Projects, the payment of each series of the Bonds from the applicable Pledged TIF Revenues and other sources pursuant to the Financing Documents, and the securing of the Bonds under a Trust Indenture comply with the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

Section 3. At the public hearing held before the EDC, the EDC considered whether the Projects would have an adverse competitive effect on any similar facilities located in or near the City. This Common Council hereby confirms the findings set forth in the EDC's resolution, and concludes that the Projects will be of benefit to the health, prosperity, economic stability and general welfare of the citizens of the City. The proposed financing of a portion of the costs of the Projects by the issuance of the Bonds under the Act, in the form that such financing was approved by the EDC, is hereby approved.

Section 4. The substantially final forms of the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk of the City (the "Clerk"). In accordance with the provisions of Indiana Code § 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

Section 5. The City shall issue the Bonds in multiple series as follows: (i) the Series A Bonds shall be issued in one (1) or more series in the maximum aggregate principal amount not to exceed Three Million Two Hundred Thousand Dollars (\$3,200,000) with a final maturity of not later than twenty-five (25) years after the date of issuance of such series and shall bear interest at a per annum rate not exceeding nine and five tenths percent (9.5%) per annum; (ii) the Series B Bonds shall be issued in one (1) or more series in the maximum aggregate principal amount not to exceed Three Million Two Hundred Thousand Dollars (\$3,200,000) with a final maturity of not later than twenty-five (25) years after the date of issuance of such series and shall bear interest at a per annum rate not exceeding nine and five tenths percent (9.5%) per annum; and (iii) the Series C Bonds shall be issued in one (1) or more series in the maximum aggregate principal amount not to exceed Nine Million Five Hundred Thousand Dollars (\$9,500,000) with a final maturity of not later than twenty (20) years after the date of issuance of such series and shall bear interest at a per annum rate not exceeding nine and five tenths percent (9.5%) per annum. Each series of Bonds authorized hereby shall (i) be dated as of the date of their delivery, (ii) be issuable in the denominations of One Hundred Thousand Dollars (\$100,000) or any integral multiple of One Thousand Dollars (\$1,000) in excess thereof or as set forth in the Financing Documents, (iii) be issuable only in fully registered form, (iv) be subject to registration on the bond register as provided in the Trust Indenture, (v) be subject to optional redemption at any time prior to maturity with the consent of the holder or holders thereof or as otherwise provided in the Financing Documents, and (vi) contain such other terms and provisions as may be provided in the Financing Documents. Each series of the Bonds are to be issued for the purpose of procuring funds to pay (or be deemed to pay) (a) the costs of a portion of the acquisition and construction of each of the respective Projects, as more particularly set out in the Financing Documents, (b) capitalized interest on the Bonds (if necessary), and (c) costs of issuance of the Bonds. Each series of the Bonds shall be numbered R-1 upward. The Bonds of a series shall be special and limited obligations of the City, payable solely from the revenues and other amounts derived from the Financing Documents, including any modifications and additions to the Financing Documents as authorized by Section 6 hereof, and the respective trust estate created and established under the respective Trust Indenture for each series of the Bonds (the "Trust Estate"), which Trust Estate shall consist of the funds and accounts created under the applicable Trust Indenture together with a pledge of the respective Pledged TIF Revenues and other sources pursuant to the applicable Financing Agreement and upon such terms and conditions as otherwise provided in the Financing

Documents and this Ordinance. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

Section 6. The Mayor, Clerk and Controller of the City (the “Controller”) are, and each of them is, authorized and directed to execute, attest and affix or imprint by any means the seal of the City to the Financing Documents approved herein on behalf of the City and any other document which may be necessary or desirable prior to, on or after the date hereof to consummate or facilitate the transaction, including the Bonds authorized herein. The Mayor, Controller and Clerk are, and each of them is, hereby expressly authorized to approve any modifications or additions to the Financing Documents which take place after the date of this Ordinance without further approval of this Common Council or the EDC if such modifications or additions do not affect the terms set forth in this Ordinance or the terms required to be addressed in the Financing Documents pursuant to Indiana Code 36-7-12-27(a)(1)-(10). The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof. The signatures of the Mayor and Clerk on the Bonds may be either manual or facsimile signatures. Each of the Controller and the Clerk is authorized to arrange for delivery of such Bonds to the Trustee, and payment for the Bonds will be made (or deemed to be made) to the Trustee, and after such payment, the Bonds will be delivered by the Trustee to the purchaser thereof. If the Bonds of a series are sold to a purchaser that so agrees, the City may receive payment for such series of Bonds in installments (or deemed installments), and principal shall not be payable and interest shall not accrue on such series of Bonds until such principal amount has been advanced pursuant to requests made by, or on behalf of, the City to such purchaser. In the event that the total principal amount of the Bonds sold to such purchaser is not advanced to the City, the principal amount of such series of Bonds shall be reduced accordingly.

Section 7. The provisions of this Ordinance and the Financing Documents securing the Bonds shall constitute a contract binding between the City and the holders of the Bonds, and after the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders of the Bonds so long as the Bonds or the interest thereon remains unpaid.

Section 8. This Common Council does hereby acknowledge and approve the pledge of the respective Pledged TIF Revenues to the payment of the applicable series of Bonds pursuant to the respective Trust Indenture. Pursuant to Indiana Code 5-1-14-4, the pledge of the respective Pledged TIF Revenues pursuant to the respective Trust Indenture is intended to be binding from the time the pledge is made, with such Pledged TIF Revenues so pledged and thereafter received by the City to be immediately subject to the lien of the pledge without any further act, and the lien of such pledge to be binding against all parties having claims of any kind, in tort, contract, or otherwise against the City, regardless of whether the parties have notice of any such lien.

Section 9. This Common Council hereby finds that (a) each of the Projects and the related financing assistance for each such Project as described herein are consistent with the economic development plan for the Area; (b) the Developer would not develop each of the Projects in the respective Allocation Areas, and the Allocation Areas could not be developed pursuant to the economic development plan, without the financing assistance provided herein; (c) each of the Projects furthers the economic development and redevelopment of the Area; and (d) the Projects will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

Section 10. The Common Council hereby finds that the Target Area has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors that have impaired value or prevent normal development of property.

Section 11. The Common Council further finds that the designation of the Target Area as an economic development target area will not cause the City to exceed the fifteen percent (15%) limit on the geographic territory in the City that may be so designated.

Section 12. The Common Council hereby designates the Target Area as an economic development target area for purposes of Indiana Code § 6-1.1-12.1-7, as amended.

Section 13. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 15. It is hereby determined that all formal actions of the Common Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Common Council, that all deliberations of the Common Council and of its committees, if any, which resulted in formal

action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

Section 16. The Mayor, Controller and Clerk and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

Section 17. This Ordinance shall take effect, and be in full force and effect immediately upon adoption and compliance with Indiana Code § 36-4-6-14.

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

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

Note: Exhibit "A" is attached to Ordinance No. 4765 in the Clerk's Office.

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

President Tillman asked if the public had any questions or comments at this time, there was no response.

President Tillman asked if the Council had any comments.

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

NEW BUSINESS

President Tillman stated that there was no new business this evening.

UNFINISHED BUSINESS

President Tillman stated that there was no unfinished business to be addressed this evening.

COMMENTS FROM THE PUBLIC

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

Tommy Kulavik, 1316 Ohio Street stated that long time business owner Tony Dick of "Lucky Stop" passed away; also wanted to wish the best to former Councilman Sean Fitzpatrick and his family on their move to the state of "Utah" and that golf carts that can drive on city streets have to have a \$25,000 insurance policy.

Gary Burnham, 605 Washington Park Boulevard, stated that he received a letter from B F & S Civil Engineering a few weeks ago; advising that they want to update Washington Park Boulevard to reclaim (10) feet of from each home owners properties along their street; questioning why no one from the city, county, or state came to talk anyone about what was being proposed; that his first call was to his Councilman Greg Coulter, next call was to Mayor Angie who referred him to the City Engineer and

Planning Department and neither knew anything about it; that this isn't a City project but state project; asking for some answers from someone.

Ernie Hollihan, 302 Gladys Street, announced that Joyce Gaston passed away, who was the director of the Housing Authority for many years and will be missed; commented about the last council meeting on May 6th when a few citizens wanted to speak under public comment but didn't get the chance to.

Faye Moore, 515 Grace Street, announced that the NAACP State President Sadie Hopper Scott will be at the Hope Center May 7th at 6:00 p.m. to announce what is happening at the state and national levels.

Tom Namizke, 214 Ann Street, advised that he attended St. Stans School that this has produced one (1) Mayor, three (3) Police Chiefs and at least five (5) members of this council; stating several safety concerns they have regarding the location of the proposed rehab facility they want to build at the corner Ann and Wabash Street, stating several reasons why it should be built at another location.

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

COMMENTS FROM THE COUNCIL

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

Councilman Przybylinski announced the Humanitarian Award will be held on June 12, 2025 at the Michigan City Senior Center with Lynn Haverstock being the 2025 award winner; the tickets are \$25 each and can be purchased at the Controller's Office or contact him; reminded everyone that Memorial Day is coming and that he would like to see everyone have an American Flag hanging from their homes; thanked the City for doing a great job on the 2025 Spring Cleanup; announced again that your yard waste/compost is being done the same day as your garbage; President Tillman asked him when the Council Workshop regarding the Lafayette/Barker Street sewer project was going to be scheduled, stating that it will right after Labor Day Weekend in September; commented on the headlines in our local paper advising the Republicans cut the E coli funding for Michigan City from \$24,000 to \$8,000 annually with the Park Department looking for a grant to cover the other \$16,000 to be able to do the testing for E coli daily (3 times), advising that the Park needs to propose an additional appropriation to the City Council for those funds.

Councilwoman Moldenhauer thanked Faye Moore another member of the Sustainability Commissioners who made it to this meeting tonight and is our newly elected Vice Chair; announced there is a new law that was passed in Indianapolis which bans marijuana advertising on billboards, mailers, mobile trucks and digital ads in Indiana is due to her belief that control of issues on drugs and alcohol was better legislated at the State or Federal level; commented on her abstained vote to the resolution that was adopted regarding advertisements of marijuana in Indiana; and also announced about Northwest Indiana Green Drinks, inviting everyone on Thursday, June 5th at 6:30 p.m., Brian Forrest who is an IU professor and a national park ranger for the summer will be presenting Harriet Colfax, our lighthouse keeper and Ann Hartwell a Michigan City teacher who lived here in Michigan City in the 1800's presentation can be watched on Save the Dunes Facebook Live or you can "Zoom" link it from EM@SAVEDUNES.ORG

Councilman Dabney announced that you can get your Park Stickers in Washington Park in the North Point Pavillion, Closed – Mondays; Tuesday – Friday 10:00 a.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 1:00 p.m. and that the last day to get your 2025 Park Sticker is Thursday, July 3, 2025.

Councilman Coulter responded to the comments from the resident on Washington Park Boulevard; advising that you can get the information about the "Washington Park Beautification Project" from the Planning Department; they're good plans and will be

held on May 13, 2025 regarding short term rentals/Airbnb's; stating that on Fogerty Street there are three (3) houses with one of them advertised as a Party House that sleeps fifty (50) and it has two (2) other houses attached to it encouraging you to rent all three and move in between them, which is a problem; advising that there is another workshop scheduled for June 10, 2025 in the EOC Room at 6:00 p.m.

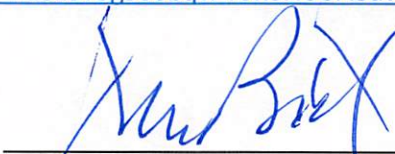
President Tillman reminded everyone about "Let's Talk Solutions", the Michigan City Matters Town Hall meeting that is scheduled for Thursday, May 22, 2025 at 5:30 at the Skwiat Legion Post, Skwiat Legion Ave; and that Memorial Day is this weekend asking everyone to be mindful and safe.

ADJOURNMENT

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

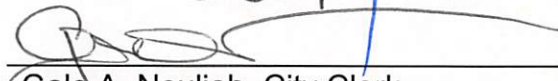
These minutes are a summary of actions taken at the Michigan City Common Council meetings. The full video archive of the meeting is available for viewing at:

<https://www.youtube.com/watch?v=Mijw70FvENY&list=PL8L8Y5g9S6bgw-rohSfvSUA8dwegrb6st>



Tracie Tillman, President

Tim Bietry VP



Gale A. Neulieb, City Clerk