



FILED

MAY 29 2025

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

## **A G E N D A**

### **COMMON COUNCIL – IN PERSON - REGULAR MEETING**

**Tuesday, June 3, 2025**

Meeting to be held at **6:30 p.m.**, local time,  
in the Council Chambers, City Hall 100 E. Michigan Blvd.  
and Hosted by “Hybrid/Zoom” and **streaming live on the**  
**Access LaPorte County Facebook page**  
See attached to connect to “Hybrid/Zoom.”

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#### **CALL TO ORDER BY COUNCIL PRESIDENT**

#### **PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER**

#### **ROLL CALL**

#### **APPROVAL OF MINUTES**

Regular Council (Hybrid/Zoom) May 20, 2025

#### **REPORTS OF STANDING COMMITTEES**

#### **FINANCE COMMITTEE MEETING**

## **CLAIMS DOCKET**

**June 3, 2025**

Fund #2235 – Riverboat – Claims -	\$	37,799.86
EFT	\$	0.00
Rainy Day (Fund 2236)	\$	0.00
Fund #2504 – Boyd Development -	\$	0.00
EFT	\$	0.00
<b>TOTAL CLAIMS</b>	<b>\$</b>	<b>37,799.86</b>

## **REPORTS FROM BOARDS AND COMMISSIONS**

## **REPORTS OF SPECIAL or SELECT COMMITTEES**

## **REPORTS from MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS**

## **PETITIONS**

## **COMMUNICATIONS**

Correspondence was received from Clarence Hulse, Executive Director Michigan City Economic Development Corporation on May 19, 2025 appointing Beverly Mack Martin, as the EDCMC appointee for the Michigan City Sustainability Commission

## **RESOLUTIONS**

**A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA OF THE CITY OF MICHIGAN CITY, INDIANA BE DESIGNATED AS COOPER ECONOMIC REVITALIZATION AREA TO WHICH DEDUCTIONS FROM ASSESSED VALUE MAY BE REQUESTED BY AN APPLICANT TO THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY PURSUANT TO INDIANA CODE. 6-1.1-12.1**

**Introduced by: Tim Bietry**

## **ORDINANCES**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AMENDING SEC. 78-6 IN THE MICHIGAN CITY MUNICIPAL CODE  
KNOWN AS DRINKING IN PUBLIC AND PRIVATE AREAS (DORA)**

**Introduced by: Greg Coulter**

## **NEW BUSINESS**

**FYI:** Mayor Angie is requesting the advice and consent of the Michigan City Common Council regarding her reappointment of Dennis Brittain as a member of the Michigan City Tree Board with his term beginning immediately and expiring 7/1/2027

**FYI:** Mayor Angie is requesting the advice and consent of the Michigan City Common Council regarding her new appointment of Harshini Ratnayaka (replacing James Mellowitz) as a member of the Michigan City Tree Board with his term beginning immediately and expiring 7/1/2027

**FYI:** Mayor Angie is requesting the advice and consent of the Michigan City Common Council regarding her new appointment of Denise Blau (replacing Dominique Edwards who resigned) as a member of the Michigan City Tree Board with his term beginning immediately and expiring 8/1/2025

**FYI:** Mayor Angie is requesting the advice and consent of the Michigan City Common Council regarding her new appointment of Kathryn Mitschelen (replacing Robin Kohn who retired) as a member of the Michigan City Art Committee with her term beginning immediately and expiring 2/28/2026

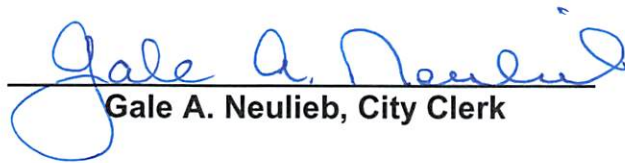
**FYI:** Derald Borton, Chair of the Human Rights Commission advised the Human Rights appointed Kameesha Williams to represent their board on the Michigan City Social Status of African American Males Board (replacing Pastor Carroll) term expiring February 15, 2027

### **UNFINISHED BUSINESS**

### **COMMENTS FROM THE PUBLIC**

### **COMMENTS FROM THE COUNCIL**

## **ADJOURNMENT**



Gale A. Neulieb, City Clerk

You are invited to a Zoom webinar.

When: **Tuesday, June 3, 2025, 6:30 PM** Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84298000057?pwd=RXVRUkhobXI2aVE2R1lIR0VEVTI3dz09>

Passcode : 463601

Webinar ID: 842 9800 0057 Passcode: 463601 Or One tap mobile:

# MICHIGAN CITY COMMON COUNCIL

## RESOLUTION NO.: \_\_\_\_\_

**A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA OF THE  
CITY OF MICHIGAN CITY, INDIANA BE DESIGNATED AS COOPER ECONOMIC  
REVITALIZATION AREA TO WHICH DEDUCTIONS FROM ASSESSED VALUE MAY BE  
REQUESTED BY AN APPLICANT TO THE COMMON COUNCIL OF THE CITY OF MICHIGAN  
CITY PURSUANT TO INDIANA CODE 6-1.1-12.1**

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**WHEREAS,** A Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code ("IC") 6-1.1-12.1 *et seq.* (the "Act") in the form of deductions of assessed value for: (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8 of the Act, each as a result of new development, redevelopment and/or rehabilitation; and

**WHEREAS,** The Common Council of the City of Michigan City, Indiana ("Common Council") desires to offer assessed valuation deductions to the gross assessment of tangible property (real property and depreciable personal property) in a certain area of the City of Michigan City, Indiana (the "City") to stimulate private investment of new construction, development, redevelopment, and rehabilitation including the installation of depreciable personal property in order to: (i) attract, retain and expand equipment related to industrial, manufacturing, research and development, logistical distribution, or information technology production or services, (ii) increase and/or diversify the City's assessed valuation base, and (iii) provide employment opportunities for residents of the City, northwest Indiana and the State of Indiana; and

**WHEREAS,** The Act provides for assessed valuation deductions as an incentive resource, also known as tax abatement ("Tax Abatement"), to encourage private enterprise to: (i) develop, redevelop and rehabilitate real property and/or (ii) install depreciable personal property within the City as a means to attract, retain or expand private enterprise and economic development in the City through the designation of certain areas within its jurisdiction to be Economic Revitalization Areas (an "ERA"); and

**WHEREAS,** The Act provides that an ERA is an area as defined under Section 1(1) of the Act "...which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character or occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent normal development of property or use of property" for which said term also includes "any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenue;" and

**WHEREAS,** The City's Department of Planning and the Economic Development Corporation of Michigan City ("EDCMC") through coordination with the City's Legal Department have in accordance with Section 2.5(a) of the Act have: (i) prepared maps identifying an ERA and a simplified description of the boundaries of an ERA by describing its location in relation to public ways, streams, or otherwise, attached hereto as **EXHIBIT A** and (ii) submitted said documents to the City Clerk for Common Council for review and consideration as to the designation of an ERA in the City; and

**WHEREAS,** The Common Council has: (i) reviewed said documents as submitted as it relates to the designation of an ERA in the City and (ii) desires to take formal action in order to designate a certain area of the City as an ERA for the purpose of providing for assessed valuation deductions to qualified applicants as an incentive resource to encourage private enterprise to: (a) invest in the development, redevelopment, and rehabilitation of real property and (b) purchase and install qualified depreciable personal property within the City as a means to attract, retain or expand private enterprise and economic development.

**NOW, THEREFORE, BE IT RESOLVED,** by the Common Council of the City of Michigan City, Indiana, that based upon all of the evidence presented and a presentation by the City's Department of Planning and the EDCMC pursuant to the Act, the Common Council hereby finds that a certain area of the City as described and detailed in **EXHIBIT A** as attached hereto is determined to be, established as, and designated the **Cooper Economic Revitalization Area** (the "Cooper ERA") as defined under Section 1(1) of the Act.

**BE IT FURTHER RESOLVED** that the Cooper ERA is located within the Eastside Economic Development Area (the "Eastside EDA") designated pursuant to Section 41 of the Act with an Economic Development Plan for the Eastside EDA as approved in accordance with Sections 15 through 17.5 the Act, (by Declaratory Resolution No. 3-15 approved on February 23, 2015 as amended by amending Declaratory Resolution No. 1-22 as approved on January 24, 2022) is a redevelopment project area defined as "an area needing redevelopment," being undesirable for, or impossible of, normal development because of deterioration of improvements, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent normal development of property or use of property; therefore, meeting the criteria and findings required for the designation of an ERA pursuant to Section 1(1) of the Act.

**BE IT FURTHER RESOLVED** that the Cooper ERA is located in an allocation area (as defined in IC 36-7-14-39) pursuant to and in accordance with Section 2(l) of the Act, namely the Eastside Allocation Area (also known as the "212 East Economic Development Area Allocation Area") designated pursuant to Declaratory Resolution No. 3-15 approved on February 23, 2015 as amended by amending Declaratory Resolution No. 1-22 as approved on January 24, 2022.

**BE IT FURTHER RESOLVED** that in accordance Section 2(i)(1) of the Act, the Cooper ERA designation shall be limited to a period of forty (40) years such that said ERA designation shall expire on the earlier of: (i) forty (40) years from the date of the confirming resolution of this Declaratory Resolution or (ii) December 31, 2065.

**BE IT FURTHER RESOLVED** that in accordance Section 2.5(b) of the Act, a determination of the number of years a deduction under Sections 3, 4.5 and 4.8 of the Act (as it relates to qualified real property, depreciable personal property, and/or vacant building assessed valuation deductions) is allowed and shall not exceed 10 years, as based upon the "Cost" and "Assessed Value" of "Estimated Total Cost and Value of Proposed Project" that may be found in Section 4 of a Statement of Benefits (FORM SB-1), as submitted to the Common Council for consideration and approval.

**BE IT FURTHER RESOLVED** that pursuant to Section 11.3(b) of the Act a property owner or an applicant for an assessed valuation deduction is not exempt from filing the appropriate FORM SB-1 with the City for submission to the Common Council for consideration.

**BE IT FURTHER RESOLVED** that the Common Council by an appropriate resolution approving a FORM SB-1 may impose a fee in accordance with Section 14 of the Act on any development, redevelopment

and rehabilitation of real, installation of depreciable personal property, or for the occupation of a qualified vacant building within the Cooper ERA, for which said imposed fee shall be distributed to one or more identified public or non-profit entities established to promote economic development in the City.

**BE IT FURTHER RESOLVED** that the Common Council directs the City's Planning Development to file this resolution including all exhibits attached hereto (the "Declaratory Resolution"), with the: (i) Office of the LaPorte County, Indiana Assessor in accordance with Section 2.5(b) of the Act, and (2) the Office of the Michigan Township Assessor for informational and reference for annual assessment activities.

**BE IT FURTHER RESOLVED** that in accordance Sections 2.5(c)(1) of the Act, the Common Council directs and authorizes the City Clerk to publish notice of the adoption and substance of this Declaratory Resolution in accordance with IC 5-3-1 for a public hearing scheduled of the Common Council for a date, time and place to be determined by the Common Council.

**BE IT FURTHER RESOLVED** that in accordance Section 2.5(c)(2) of the Act, the Common Council directs the Department of Planning to file the following information with each taxing unit that has authority to levy property taxes in the geographic area where the Cooper ERA is located:

1. A copy of the notice published in accordance with IC 5-3-1; and
2. A statement containing substantially the same information as a statement of benefits filed with the Common Council (a "Report on Economic and Tax Impact Analysis") before a public hearing required by Sections 2.5 of the Act under Sections 3, 4.5 and 4.8 of the Act.

**BE IT FURTHER RESOLVED** that this Resolution shall have full force and effect from and after its passage by the Common Council, execution and signing by the Common Council President thereof, and approval by the Mayor, all as attested by the Clerk of the City including compliance with the procedures required by law.

\* \* \* \* \*

**INTRODUCED BY:**

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**Tim Beitry, Member**  
Common Council, City of Michigan City, Indiana

**PASSED and ADOPTED** by the Common Council of the City of Michigan City, Indiana, this 3<sup>rd</sup> day of June, 2025 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

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**Tracie Tillman, President**  
Common Council, City of Michigan City, Indiana



(Approved) (Vetoed) by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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**Angie Nelson Deutch, Mayor**  
City of Michigan City, Indiana

**ATTEST:**

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**Gale A Neulieb, City Clerk**  
City of Michigan City, Indiana

## **EXHIBIT A**

### **Cooper Economic Revitalization Area: Boundary Description and Map**

A general description of the boundaries of the **Cooper Economic Revitalization Area** (the “Cooper ERA”) predominantly includes industrially zoned land under the M1 (light Industrial) Zoning Classification pursuant to the Joint Zoning Ordinance effective October 13, 2016, as amended under Article 09 titled Industrial Districts. A general boundary description and map is provided below.

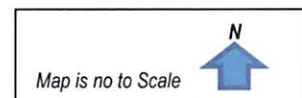
#### **General boundary description of the Cooper ERA as follows:**

Located north of Warnke Road, west of Royal Road, and southeast of the CSX railroad corridor in the City of Michigan City, LaPorte County, Indiana, more specifically a parcel in the W 1/2 SE 1/4 & E 1/2 SW 1/4 S OF SH RR CMG NE corner W1/2 SE 1/4 of Section 26 Township 38 Range 4 consisting of approximately 67.348 acres with a common address of 402 Royal Road.

#### **Real Property Key Number(s) within the Cooper ERA**

<b>Real Property Key Number</b>	<b>Owner (as of January 1, 2025)</b>
46-01-26-400-008.000-022	Phoenix Michigan City Industrial Investors LLC

**MAP 1:** Cooper ERA Boundary



**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING SEC. 78-6 IN THE MICHIGAN CITY MUNICIPAL CODE KNOWN AS  
DRINKING IN PUBLIC AND PRIVATE AREAS**

**WHEREAS**, the Michigan City Common Council adopted an ordinance which became codified within the Municipal Code of the City of Michigan City under Sec. 78-6; and

**WHEREAS**, this ordinance makes it unlawful for any person to drink any malt, spirituous, or vinous liquor containing more than one-half of one percent of alcohol by volume, or to hold or to exercise dominion and control over any opened container containing such beverage in specified public areas of the City of Michigan City; and

**WHEREAS**, Sec. 78-6 states, in part, as exceptions to the general prohibition of the ordinance:

*“This section shall not be deemed to make punishable any act which is expressly prohibited or expressly permitted by any law of the State of Indiana; provided further that the provisions of this section shall not prohibit holding, exercise of dominion over, or consumption of such beverages upon any premises licensed for the consumption of such beverages on the premises; or upon any sidewalk wherein the board of works has approved outdoor dining for a restaurant; or at an organized private event upon public premises when a permit has been obtained from the administering authority upon finding that the consumption or sale of such beverages at the particular event will be under sufficient supervision or control and will not be detrimental to the public interest.”*

; and

**WHEREAS**, the Michigan City Common Council has, pursuant to Ind. Code § 7.1-3-31-1 *et seq* has established Designated Outdoor Refreshment Areas which allow for alcohol consumption in curtained named public areas within Sec. 78-6; and

**WHEREAS**, the City has determined it is in the best interest of the City, its residents, and guests to amend the above quoted paragraph to use language making it clear that the DORAs are exceptions to the prohibition; and

**WHEREAS**, the Common Council finds that the need exists to now amend Sec. 78-6 of the Michigan City Municipal Code in line with that determination.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Michigan City, Indiana, that Sec. 78-6 is hereby amended in the Michigan City Municipal Code and shall read as follows:

*“This section shall not be deemed to make punishable any act which is expressly prohibited or expressly permitted by any law of the State of Indiana; provided further that the provisions of this section shall not prohibit holding, exercise of dominion over, or consumption of such beverages upon any premises licensed for the consumption of such beverages on the premises; or upon any place wherein the board of works has approved outdoor dining for a restaurant; or within the boundaries of any Designated Outdoor Refreshment Area; or at an organized private event upon public premises when a permit has been obtained from the administering authority upon finding that the consumption or sale of such beverages at the particular event will be under sufficient supervision or control and will not be detrimental to the public interest.”*

All portions of Section 78-6 not specifically referenced within this Ordinance shall remain as written.

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

**INTRODUCED BY:** \_\_\_\_\_,  
Greg Coulter, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2025 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Tracie Tillman, President  
Michigan City Common Council

Approved/Vetoed (circle appropriate action) by me, this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Angie Nelson Deutch, Mayor  
City of Michigan City, Indiana

ATTEST:

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City, Indiana

*Prepared by Harris Law Firm, P.C. upon Request*