

REGULAR IN PERSON COUNCIL “HYBRID/ZOOM” MEETING September 2, 2025

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, September 2, 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, Nancy Moldenhauer, Joe Nelson, Don Przybylinski, and Tracie Tillman (9)

ABSENT: COUNCIL MEMBER None (0)

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, August 19, 2025.

Councilman Przybylinski made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting minutes held on August 19, 2025, second by Councilman Dabney, the motion carried, and the regular August 19, 2025, were approved by the following vote: AYES: Council members Dabney, Dr. Kora, Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter (9) 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 meet this evening September 2, 2025 at 6:00 p.m.; a quorum was present and the Michigan City Riverboat/ Boyd Claim Docket for September 2, 2025 was as follows; Riverboat fund #2235 claims zero(0); Riverboat EFT fund #2235 claims were \$250,000.00 for the transfer of bricks streets; Rainy Day fund #2236 claims were \$138,480.10 paying Reith and Riley Construction \$112,557.60 and Schneider Geomatics \$25,922.50; and Boyd Development fund #2504 was zero (0) with the total claims being \$388,480.10.

Councilman Dabney made a motion to approve the September 2, 2025, Riverboat/Boyd Development Claim Docket in the total amount of \$388,480.10 second by Councilman Dr. Kora, the motion carried and the September 2, 2025, Riverboat/Boyd Development Claim Docket in the total amount of \$388,480.10 was approved by the following vote:

AYES: Council members Dr. Kora, Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter, and Dabney (9) **NAYS:** None (0)

President Tillman advised the statement of the cash position for September 2, 2025, Riverboat Fund #2235 was \$4,798,819.44 and the Rainy-Day Fund #2236 was \$1,167,490.42 with the fiscal grand total ending balance on September 2, 2025 was \$5,966,309.86.

President Tillman provided the 2026 Budget timeline:

- Mayor's Budget Presentation- Thursday, September 11, 2025 at 5:30 p.m. located in the EOC room.
- Ordinance on 1st Reading and Mayor handout for the public- Tuesday, September 16, 2025 Council meeting in the Council Chamber 6:30 p.m.
- Council Public Workshop with City Departments – Wednesday, September 24, 2025 at 5:30 p.m. in the EOC; advised if an additional night is needed it will be scheduled for Thursday, September 25, 2025.
- Mayor's Budget Workshop follow up- Tuesday, September 30, 2025, in the EOC room
- Ordinance on 2nd Reading and Formal Public Hearing- Tuesday, October 7, 2025 Council meeting at 6:30 in the Council Chamber
- Ordinance on 3rd Reading will be held on Tuesday, October 21, 2025 Council meeting at 6:30 p.m. (if not adopted at the October 7, 2025 Council meeting)

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, stated that Beverly Mack Martin, Julie Smith and herself will be attending the "Climate Leadership Summit 10" in Indianapolis on Friday, September 5, 2025; as a previous class was inspired to write an ordinance.

Councilwoman Moldenhauer advised the public that the Northwest Indiana Green Drinks will be meeting on Thursday, September 4th, 2025, at 6:30 p.m. and you can join on Save the Dune's Facebook Live, or a zoom link can be obtained em@savedunes.org; "Recycle Smart, Do Your Part", presented by Shasha G. Burns, : LaPorte County Recycling District.

Councilman Bietry liaison to the Veterans Commission reported on the "Military Stand Down" event that he attended on Saturday, August 23, 2025 and will be holding this event here in Michigan City next year.

President Tillman asked if there were any other reports from Boards and 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.

Skylar York, Director of Redevelopment stated that all four (4) resolutions that are on this evening Council agenda regarding the DATA Center were TABLED at the August 4, 2025 Council meeting, a public workshop has taken place along with fieldtrips to "Data Centers" in Hammond and Ohio; introduced John Pere Phoenix Investors.

John Pere, Phoenix Investors LLC who represents the owner and the developer of 402 Royal Road/Data Centers proposed project; did a presentation regarding "Project Maize" introduction; doing a presentation regarding the sites overview, FAQs, Economic Development, NIPSCO and Michigan City Water Works and Sanitary Districts.

Rick Kolinsky, Director of Economic Development and Public Affairs at NIPSCO, stated this site has been reviewed by NIPSCO contractors and that there is an existing NIPSCO substation across the street from this proposed site; confirming that there will be no impact to the current customers regarding the rates; advising that NIPSCO has a generation company that will handle large load projects, that the developer and "end user" are responsible for the cost of power to this site; stating that a study has been done with Phoenix Investors LLC and that NIPSCO advised that the "end user" will need to sign the Parental Guarantee Agreement to finance the investment of this project.

Chris Johnson, Michigan City Superintendent of the Water Department, stated that their Department currently puts out nine (9) million gallons of water a day and is capable of putting out a maximum of twenty (20) million gallons daily; advising that the water department can handle both the Data Center and the Indiana State Prison with no problems or any additional costs to his department; that any additional chemicals used to treat the "end user" water will be paid for by the "end user" and that there will be no increase for current customers.

Skyler York, Redevelopment Director, advised that the Sanitary District will be correcting a "pinch point" which will take the load off the downstream by connecting two (2) manholes which will solve a few issues that they have regarding new developments happening in this area.

Mr. Pere, Phoenix Investors, LLC, stated the "end user" wants to be a good neighbor to the community and is excited to see the impact this project will have.

President Tillman asked if any Councilmember had any questions for Mr. Pere.

Discussion ensued between Mr. Pere, Skyler York - Redevelopment Director, Rick Hall - Barnes and Thornburg, Wendy Vachet - Director of Public Works, Rick Kolinsky - NIPSCO, Chris Johnson - Superintendent of M.C. Water Department, and Dan Boitch - Financial Adviser - Phoenix, President Tillman, Council Members Przybylinski, Dr. Kora, Coulter, Moldenhauer, Nelson, Lee, and Dabney regarding the amount of money the city will receive in taxes after the 10 year abatement with 48% coming to the city; the creation of the "Economic Revitalization Area" (ERA) to allow a 40 year tax abatement; concerns with the impact and the low frequency inaudible sounds with it being close to two (2) schools ;NIPSCO customer rate base, the impact of retiring the NIPSCO coal plant in 2028; worst case scenarios and emergency plans for the "Data Center"; fiber infrastructure; sustainability studies; development programs in our local schools; generators can only run a maximum of 31 hours per year; and solar panel energy.

NOTE: President Tillman called a five (5) minute recess.

President Tillman called the meeting back to order.

Discussion continued regarding the local union workers and how many currently are working on this project; partnership with the local school for STEM education; Data Center would not be prioritized during a power outage; chemical testing, coolant water and discharge will be part of the permit that will be requested; development project timeline; surrounding residential property value around the "Data Center"; and the M1 Zoning Code of the building.

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

President Tillman thanked those who came forward this evening to address the questions and concerns regarding the proposed DATA Center; advising the council has received numerous emails from the public regarding research, videos, additional information; they took trips to other data centers as the council does not take this decision lightly and that in order to make the correct vote on the following proposed four (4) resolutions that are on the agenda.

President Tillman read the following that will be addressed next on this evening's agenda.

"COMMENTS FROM THE PUBLIC"

Note Regarding Public Comment – Proposed Data Center Project

This evening, four resolutions related to the **proposed data center project "Maize"** will be presented to the Council. Public comments on **all four (4) resolutions** will be held before **all resolutions have been read**.

- **Individuals wishing to speak must sign up in advance.**
- **Each speaker will be limited to three minutes.**
- **One hour will be allotted for public comments. After this time, public comments will be closed.**

President Tillman stated that she received the sign in sheet that was available to sign in to speak this evening from 6:00 p.m. – 6:30 p.m. and will call the names according to the list; asking when you come to the podium, please state your full name and address; and that the Councilwoman Moldenhauer will be timing the public comments; stating that you have three (3) minutes to speak and that she has set aside one (1) for public comments.

President Tillman advised that if you are the list and unable to address the council with your comments, please provide your questions or comments to the Clerk's office and she will distribute to the council; asking if there is anyone who has a public comment non related to the data center project to speak first.

President Tillman asked (repeating three times) if anyone from the public had any comments not related to the DATA Center at this time, there was no response.

President Tillman called "Point of Order" to move back on the agenda to petitions.

PETITIONS

President Tillman asked Clerk Neulieb if there were any petitions.

Clerk Neulieb advised that there were no petitions received in the Clerk's Office.

COMMUNICATIONS

President Tillman asked if there was any correspondence received.

Clerk Neulieb read the following correspondence that was received:

Correspondence was received in the Clerk's Office on August 27, 2025, from Minority Health Partners of LaPorte County regarding the purposed "Data Center".

Correspondence was received in the Clerk's Office on August 27, 2025, from Ashley Williams, regarding the purposed "Data Center".

Correspondence was received in the Clerk's Office on August 27, 2025, from Donald Babcock, regarding the purpose "Data Center".

Correspondence was received in the Clerk's Office on August 26, 2025, from Nick Sommer, regarding the purpose "Data Center".

Correspondence was received in the Clerk's Office on August 25, 2025, from St. Andrews Products, regarding the purposed "Data Center".

Correspondence was received in the Clerk's Office on August 25, 2025, from Scott Meland, regarding the council's support to serve on the Michigan City Police Civil Service Commission.

Correspondence was received in the Clerk's Office on August 25, 2025, from Patti Messina, regarding the purpose "Data Center".

Correspondence was received in the Clerk's Office on August 25, 2025, from Jeff Bennett, regarding the purposed "Data Center".

Correspondence was received in the Clerk's Office on August 22, 2025, from Jesse Baldwin, regarding the purposed "Data Center".

A notice was received in the Clerk's Office on August 19, 2025, from IDEM regarding the receipt of an Air Permit Application.

COMMENTS FROM THE PUBLIC

President Tillman opened public comments for any comments that does not pertain to the proposed "Data Center", repeating three times, stating public comments are now closed.

President Tillman stated public comments are open regarding the proposed "Data Center" project.

Councilman Dabney wanted to speak before "public comments" regarding the DATA Center; explaining the finances that the city will receive and what these funds could possibly do for our community.

The following residents addressed the council with questions, comments and concerns regarding the proposed "Data Center" project Andrew Skwiat, Larry Levendowski, Joe Schultz, Jason Andrews, Michael Doremus, Johnny Gonzales, Debra Shore, Michael Sclick, Mark Yagelski, Amy Loninski, Kelly Losinski, Ashley Williams, Eileen Mark, Corey Campbell, John Watson, Carey Johnson, Tommy Kulavik, John Carrington, Tea Koonce, Marcella Kunslek, Angie Henizman, Heather Ennis, Matt Eggers, Don Babcock, and Ray Maloney.

President Tillman called the following residents on the list: (repeating three times) Dan Radtke, Robert Kordus, Paul Kysel, Matt Citola, Sally Yanke, Thomas Jockmon, Mellin Armstrong, Tom Donegan, Sharon Burdett, and Donnita Scully, there was no response.

President Tillman stated the hour set aside for public comments has lapsed; advising there were only five (5) people left on the list; Cheryl Chapman, Brian Gross, Ted Burdett, Scott Meland, and Steven Kornacki; advising them to feel free to send their comments/questions to the Clerk's Office and she will forward them to each council member.

RESOLUTIONS

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4971

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY,
INDIANA GRANTING PHOENIX MICHIGAN CITY INVESTORS LLC AN
ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR A
VACANT BUILDING DEDUCTION PURSUANT TO INDIANA CODE 6-1.1-12.1**

WHEREAS, Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 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, Resolution No. 4960 (the “Cooper ERA Declaratory Resolution”) of the Common Council of the City of Michigan City, Indiana (the “Common Council”), as approved and adopted on June 3, 2025 and as confirmed by resolution on August 4, 2025, that designated and established a certain area located within the City of Michigan City, Indiana (the “City”), as the Economic Revitalization Area (the “Cooper ERA”); and

WHEREAS, the Cooper ERA Resolution remains in full force and effect as adopted, approved, and confirmed such that the designation of the Cooper ERA and the effectiveness of the Cooper ERA Resolution expires on December 31, 2065; and

WHEREAS, **Phoenix Michigan City Investors LLC** (the “Company”) pursuant to Section 4.8(a) and (b) of the Act has filed with the Common Council a **Statement of Benefits Vacant Building Deduction (FORM SB-1/VBD)** (the “Statement of Benefits”) dated June 17, 2025 (reference **EXHIBIT A** attached hereto) which proposes the occupation and use of an eligible and qualified vacant building located at 402 Royal Road (Real Property Key Number: 46-01-26-400-008.000-022) by the Company as defined pursuant to Section 1(17) of the Act for the adaptive re-use for occupation of a vacant 387,581 square foot structure former manufacturing facility on approximately 67 acres currently zoned M1 (Light Industrial) for which the adaptive re-use has the opportunity to include the construction of an additional buildings and structures in the future, subject to public and utility infrastructure as well as business and market demand needs of the end user (the “Project”); and

WHEREAS, the Company anticipated initiation of the Project upon approval of economic development incentives by the City, with completion to be fully assessed no later than December 31, 2026 for the January 1, 2027 assessment date (the “First Assessment Date”); and

WHEREAS, the Economic Development Corporation, Michigan City, Indiana (“EDCMC”) submitted to the Common Council, as the designating body, before the occupation and use of an eligible and qualified vacant building the following documents related to the Company’s request for an assessed valuation deduction of an eligible and qualified vacant building within the Alliance ERA: (i) an Application for Designation as an Economic Revitalization Area (the “Application”), including the necessary application fee; the Statement of Benefits as completed, and (iii) other supplemental information related to said request and the Application; and

WHEREAS, the Common Council has confirmed that the facility located at located at 402 Royal Road (Real Property Key Number: 46-01-26-400-008.000-022) is within the boundaries of the Cooper ERA; and, therefore the Common Council may make a determination pursuant to Section 4.8(b) and (e) of the Act based upon the evidence as to whether Company shall be allowed an assessed valuation deduction of an eligible vacant building.

NOW, THEREFORE, BE IT RESOLVED that the actions of the Common Council of the City of Michigan City, Indiana are based upon the evidence as presented by the Company after review of the Statement of Benefits as well as other pertinent information provided by the Economic Development Corporation, Michigan City, Indiana (the “EDCMC”) and upon the following findings in the affirmative also pursuant to Section 4.8(e) of the Act, such that:

- (1) The estimated number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the Project and the occupation of the eligible vacant building;

- (2) The estimated annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the Project and the occupation of the eligible vacant building;
- (3) The Project and the estimates and expectations contained in the FORM SB-1/VBD are reasonably expected to result from the Project and the occupation of the eligible vacant building;
- (4) The occupation of the eligible vacant building will increase the tax base of the City and assist in the redevelopment, rehabilitation and development of the ERA; and
- (5) The totality of the benefits is sufficient to justify an assessed valuation deduction on the Project.

BE IT FURTHER RESOLVED that the facility structures located at 402 Royal Road (Real Property Key Number: 46-01-26-400-008.000-022) are real property currently zoned for industrial purposes M1 (Light Industrial).

BE IT FURTHER RESOLVED that the Company has proposed the occupation and use of an eligible and qualified vacant building as defined pursuant to Section 1(17) of the Act M1 (Light Industrial) for the purposes and occupancy of the eligible vacant building as part of the Project is a permitted land use, pursuant to the City's Zoning Requirement under the Permitted Uses-Processing of the M1 (Light Industrial) zoning district.

BE IT FURTHER RESOLVED that the structures and facilities M1 (Light Industrial) have been unoccupied and vacant for at least one (1) year before the Company purchased said real property for proposed occupation of the eligible vacant building.

BE IT FURTHER RESOLVED that pursuant to Section 2(k) of the Act, the Common Council acknowledges that the Project is located within a designated allocation area of the Redevelopment Commission of Michigan City, Indiana under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26, 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 the Common Council has considered the following factors under Section 17 in connection with the Project: (i) the total amount of investment in real and personal property; (ii) the number of new full-time equivalent jobs to be created as a result of the Project; (iii) the average wage of the new employees resulting from the Project compared to the state minimum wage; and (iv) the infrastructure requirements for the investment in the Project.

BE IT FURTHER RESOLVED that the Common Council hereby grants an assessed valuation deduction (Tax Abatement) from of an eligible vacant building for a period of **ten (10) years** to **Phoenix Michigan City Investors LLC** in accordance with Section 4.8(f), (g) and (h) and Section 17(b) of the Act as it relates to the Project and as identified on the Statement of Benefits.

BE IT FURTHER RESOLVED that the final determination of the amount of assessed valuation deduction of the Project of an eligible vacant building shall be made by the appropriate local Michigan Township Assessor, the LaPorte County Assessor, Indiana agency, review board, or State of Indiana agency.

BE IT FURTHER RESOLVED that pursuant to Sections 4.8(h) and 17 of the Act, the Common Council, based upon its affirmation of criteria pursuant to Sections 4.8(e) and 17 as stated previously hereby approves a deduction percentage schedule applicable to the amount of assessed valuation deduction of the Project of an eligible vacant building over said a ten (10) year period as more specifically identified in **EXHIBIT B** attached hereto.

BE IT FURTHER RESOLVED that the assessed valuation deduction percentages as set forth as identified in **EXHIBIT B** shall begin upon full assessment of the Project on the First Assessment Date (anticipated to be January 1, 2027) by the appropriate assessing authority, regardless of the expiration date of the Cooper ERA as established by the Cooper ERA Resolution.

BE IT FURTHER RESOLVED that the Company has agreed to the following imposed reasonable condition for approval of an assessed valuation deduction for an eligible vacant building as herein specified and authorized under Section 2(i)(6) of the Act and to be included under Item B (page 2) of the approved FORM SB-1/VBD:

Condition #1: The Company understands and agrees that the annual deduction to be applied **shall be limited annually to \$500,000 of assessed valuation** during the ten (10) year abatement period as a result of ERA assessed valuation deductions from an eligible vacant building. The City from the first year of the abatement period for which a real property vacant building assessed valuation deduction is applied and for the duration of the ten (10) year abatement period shall annually cause to be prepared a schedule monitoring the annual, total and cumulative tax savings realized. This Resolution and the real property tax deductions granted herein shall be subject to the terms and conditions of the Taxpayer Agreement, between the City and Lavendar Fields Holdings LLC.

BE IT FURTHER RESOLVED that the Common Council waives the imposition a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction.

BE IT FURTHER RESOLVED that the Common Council as the designating body at its discretion may impose a claw back provision attached hereto under **EXHIBIT C** for tax savings for any tax years in which the Company does not reasonably comply with the Statement of Benefits (FORM SB-1/VBD), the annual filings required pursuant to the Act, and the conditions of this Resolution during the 10 (ten) year abatement period for which an ERA assessed valuation deduction is applied.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the Michigan Township Assessor and the Office of the LaPorte County, Indiana Auditor as it applies to this Resolution and the approval of the Company's ERA assessed valuation deduction related specifically to the Project of an eligible vacant building, which includes the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the meeting minutes which approved this Resolution and the Statement of Benefits.

BE IT FURTHER RESOLVED that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon the signature of the Mayor of the City as the executive of the City.

INTRODUCED BY: /s/ Tracie Tillman, President
 /s/ Tim Bietry, Member
 /s/ Dr. Vidya Kora, Member
 /s/ Bryant Dabney, Member
 /s/ Greg Coulter, Member

NOTE: Exhibit's "A, B, C" is attached to Council Resolution No. 4971 in file CR-114.

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

Councilman Dabney commented on the economics and how the proposed tax abatement (10 year) works and how it can affect the city financially; advising the public to know how hard this vote is for everyone on the council; stating several reasons why and they must consider the short falls happening in our local government.

Councilman Bietry stated the easiest thing to do is to cave and vote "no" to everything and the easiest thing is not always the best thing to do; advising there has been a lot of

research done on DATA centers and that he has done his best to identify what will be best for our city; commenting on some of the statements that were made this evening.

Councilman Dr. Kora stated that it is a difficult vote that he sees the passion on both sides and did some of his own research in Ohio regarding healthcare providers that live in the community that has a DATA center, they had no concerns, but also saw an economic boom in their community; stating one concern is the hiring of local workers and local union works.

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

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

Councilman Nelson made a motion to TABLE this resolution for one month, second by Councilman Przybylinski, the motion failed by the following votes: AYES: Council members Lee, Moldenhauer, Nelson, and Przybylinski, (4) NAYS: Council members Tillman, Bietry, Coulter, Dabney, and Dr. Kora (5).

President Tillman stated the motion failed to TABLE this resolution for one (1) month.

Councilwoman Lee stated several reasons why this vote is hard one for her that she is an educator, environmentalist, a union member and also a part of the fiscal body for this city; advising that she would never vote for something that she would know would be harmful; that if these pass this evening it's not the end of negotiations.

Councilman Przybylinski explained the process he did; commenting on his visit to the Data Center in Ohio was very impressive that it was a campus of building of several different data centers located on 10,000 acres; no noise, no air pollution, no low frequency sound waves and a city of fifteen thousand (15,000) people, embrace these companies; they provide STEM education for high school, they donate to public works projects, sewers, streets, parks, and it is economic development for our city; stating that he feels the data center is good and is trying to weigh the good and not so good.

Councilman Coulter, thanked the other council members for their comments; stating that they all feel the same way that this is an extremely hard vote and that he agrees with everyone here this evening that this development needs to use local labor; advising that in the next few months he will be submitting to the council a community workforce proposed ordinance that anyone receiving public funds will use local labor in their projects; advising that he has listened to every persons comments.

Councilwoman Lee stated that she does understand that the public feels we are being rushed and haven't taken enough time to gather more information; advising that she believes this project is going to be a positive thing Michigan City.

Councilwoman Lee made a motion to table the proposed resolution until the next council meeting on September 16, 2025 in order to give more time for the public to gather more information, second by Councilman Przybylinski, the motion failed to table the proposed resolution for two weeks by the following vote: AYES: Council members Moldenhauer, Nelson, Przybylinski, and Lee (4) NAYS: Council members Bietry, Coulter, Dabney, Dr. Kora and Tillman (5).

President Tillman stated the motion failed to TABLE this resolution for two (2) weeks.

President Tillman asked for a motion to adopt the proposed resolution.

Councilman Dabney made a motion to approve the proposed resolution second by Council Bietry, the motion carried and was adopted by the following vote: AYES:

Council members Przybylinski, Tillman, Bietry, Coulter, Dabney, Dr. Kora, and Lee (7)
NAYS: Council members Nelson and Moldenhauer (2).

President Tillman stated the resolution has passed.

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4972

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY,
INDIANA GRANTING PHOENIX MICHIGAN CITY INVESTORS LLC AN
ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR REAL PROPERTY,
PURSUANT TO INDIANA CODE 6-1.1-12.1**

WHEREAS, a Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 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, Resolution No. 4960 (the "Cooper ERA Declaratory Resolution") of the Common Council of the City of Michigan City, Indiana (the "Common Council"), as approved and adopted on June 3, 2025 and as confirmed by resolution on August 4, 2025, that designated and established a certain area located within the City of Michigan City, Indiana (the "City"), as the Economic Revitalization Area (the "Cooper ERA"); and

WHEREAS, the Cooper ERA Resolution remains in full force and effect as adopted, approved, and confirmed such that the designation of the Cooper ERA and the effectiveness of the Cooper ERA Resolution expires on December 31, 2065; and

WHEREAS, **Phoenix Michigan City Investors LLC** (the "Company"), pursuant to Section 3(a) of the Act has filed with the Common Council a **Statements of Benefits Real Property (FORM SB-1/Real Property)** (the "Statement of Benefits") dated June 17, 2025, **EXHIBIT A** attached hereto, which proposes an adaptive re-use of a vacant 387,581 square foot structure and former manufacturing facility for occupation on approximately 67 acres currently zoned M1 (Light Industrial) such that the adaptive re-use has the opportunity to include the construction of an additional buildings and structures in the future, subject to public and utility infrastructure as well as business and market demand needs of the end user (the "Project"); and

WHEREAS, the Company, upon approval of economic development incentive(s) by the City, intends to implement redevelopment and rehabilitation improvements to facilities and structures related to the Project during the period of July 1, 2025 through December 31, 2065 in a total amount anticipated to be **\$257,000,000** for the Project, with the existing structure improvements to be fully assessed by **January 1, 2027** (the "Assessment Date"); and

WHEREAS, the Economic Development Corporation, Michigan City, Indiana ("EDCMC") submitted to the Common Council, as the designating body pursuant to Section 3 of the Act, the following documents related to the Company's request for an assessed valuation deduction of qualified real property within the ERA: (i) the Statement of Benefits ("FORM SB-1/Real Property") as completed and (ii) other supplemental information related to said request for an ERA assessed valuation deduction; and

WHEREAS, the Common Council has confirmed that the facility located at located at 402 Royal Road (Real Property Key Number: 46-01-26-400-008.000-022) is within the boundaries of the Cooper ERA; and, therefore the Common Council may make a determination pursuant to Section 3 of the Act, based upon the evidence, as to whether Company shall be allowed an assessed valuation deduction of qualified real property investments made within the ERA.

NOW, THEREFORE, BE IT RESOLVED that the actions of the Common Council of the City of Michigan City, Indiana pursuant to Section 3 of the Act are based upon the evidence as presented by the Company after review of the Statement of Benefits as well as other pertinent information provided by the EDCMC and upon the following findings in the affirmative also pursuant to Section 3(b) of the Act, that:

1. The value of the Project is reasonable for a project of its nature;
2. The estimated number of individuals who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project;
3. The estimated annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project; and
4. The totality of the benefits is sufficient to justify an assessed valuation deduction as a result of the Project.

BE IT FURTHER RESOLVED BE IT FURTHER RESOLVED that pursuant to Section 2(k) of the Act, the Common Council acknowledges that the Project is located within a designated allocation area of the Redevelopment Commission of Michigan City, Indiana under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26, 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, and that this Resolution shall constitute the approval required by Section 2(k) of the Act.

BE IT FURTHER RESOLVED that the Common Council hereby grants the Company an assessed valuation deduction (Tax Abatement) from qualified real property investments limited to a cost of \$257,000,000 for redevelopment and rehabilitation activities to structures and facilities by the Company between July 1, 2025 and December 31, 2065, with the existing vacant building and its real property improvements to be fully assessed by **January 1, 2027 (the "Assessment Date")**, all in accordance with the Act as it relates to the Project and as identified on the Statement of Benefits.

BE IT FURTHER RESOLVED that the final determination of the amount of assessed valuation deduction of the Project for investments in qualified real property shall be made by the appropriate Michigan Township Assessor, LaPorte County, Indiana review board, or State of Indiana agency.

BE IT FURTHER RESOLVED that the Common Council has considered the following factors under Section 17 in connection with the Project: (i) the total amount of investment in real and personal property; (ii) the number of new full-time equivalent jobs to be created as a result of the Project; (iii) the average wage of the new employees resulting from the Project compared to the state minimum wage; and (iv) the infrastructure requirements for the investment in the Project.

BE IT FURTHER RESOLVED that pursuant to Sections 3(c) and 17 of the Act, the Common Council, based upon its affirmation of criteria pursuant to Sections 3(b) and 17 of the Act as stated above, hereby grants the Company an assessed valuation deduction period of **ten (10) years** on fully assessed real property improvements from the Assessment Date of each new structure for which said deduction percentage schedule for qualified real property applies over said ten (10) year abatement period, more specifically identified in **EXHIBIT B** attached hereto.

BE IT FURTHER RESOLVED that the assessed valuation deduction percentages as set forth in **EXHIBIT B** during the ten (10) year abatement period is attached hereto in order to meet the requirements of Sections 3(c) and 17 of the Act.

BE IT FURTHER RESOLVED that the assessed valuation deduction percentages as identified in **EXHIBIT B** shall begin upon the completion and the full assessment of real property improvement as a result redevelopment and rehabilitation activities related to the Project (anticipated to be not later than January 1, 2066 as the Assessment Date) by the appropriate assessing authority, regardless of the expiration date of the Cooper ERA as stated the Cooper ERA Resolution.

BE IT FURTHER RESOLVED that the Company has agreed to the following imposed reasonable conditions during the abatement period upon approval of an assessed valuation deduction for

real property as herein specified and authorized under Section 2(i)(6) of the Act and to be included under Item D (page 2) of the approved FORM SB-1/Real Property:

Condition #1: The Company understands and agrees that the annual deduction to be applied **shall be limited to \$257,000,000 of private investment or cost of real property improvements** as assessed on the Assessment Date during the 40 year period of the Project as a result of ERA assessed valuation deductions from incremental real property improvements assessed. The City from the first year of the abatement period for which a real property improvement assessed valuation deduction is applied and for the duration of the ten (10) year abatement period shall annually cause to be prepared schedules monitoring the annual, total and cumulative tax savings realized of each real property improvement deduction applied as layered for each Project investment. This Resolution and the real property tax deductions granted herein shall be subject to the terms and conditions of the Taxpayer Agreement, between the City and Lavendar Fields Holdings LLC.

BE IT FURTHER RESOLVED that the Common Council waives the imposition of a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction.

BE IT FURTHER RESOLVED that the Common Council as the designating body at its discretion may impose a claw back provision attached hereto under **EXHIBIT C** for tax savings for any tax years in which the Company does not reasonably comply with the Statement of Benefits (FORM SB-1/RE), the annual filings required pursuant to the Act, and the conditions of this Resolution during each of the 10 (ten) year abatement periods for which an ERA assessed valuation deduction is applied.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the Assessor for Michigan Township, Indiana and the Office of the LaPorte County, Indiana Auditor as it applies to this Resolution and the approval of the Company's assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the minutes of the meeting at which the Common Council approves this Resolution and the Statement of Benefits.

BE IT FURTHER RESOLVED that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

This Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon the signature of the Mayor of the City as the executive of the City.

INTRODUCED BY: /s/Tracie Tillman, President
 /s/Tim Bietry, Member
 /s/Dr. Vidya Kora, Member
 /s/Bryant Dabney, Member

NOTE: Exhibit's "A, B, C" is attached to Council Resolution No. 4972 in file CR-114.

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

President Tillman reminded everyone that this land/property at 402 Royal Road is privately owned, the "end user" private; advising that if this proposed resolution moves forward or not the "end user" still has the discretion to move forward, that the only request from the city is regarding the tax abatement; stating that they are still abiding by required permits, regulations, and emissions, that they don't need the city or to honor any of our requests, due to they are a private development and they already own the land that has been properly zoned.

Councilman Dabney added that we are voting for the proposed tax abatement, as well as the funds that will be coming into the city.

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

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

Councilwoman Lee made a motion to TABLE the proposed resolution for two (2) weeks, second by Councilwoman Moldenhauer, the motion failed by the following vote: AYES: Council members Przybylinski, Lee, Moldenhauer, and Nelson (4) NAYS: Council members Tillman, Bietry, Coulter, Dabney, and Dr. Kora (5).

President Tillman stated the motion to table the proposed resolution has failed.

President Tillman asked for a motion.

Councilman Bietry made a motion to adopt the proposed resolution, second by Councilman Dabney, the motion carried and was approved by the following vote: AYES: Council members Tillman, Bietry, Coulter, Dabney, Dr. Kora, Lee, (6) NAYS: Council members Moldenhauer Nelson and Przybylinski (3).

President Tillman stated the resolution is approved.

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4973

A RESOLUTION OF THE CITY OF MICHIGAN CITY COMMON COUNCIL CONFIRMING RESOLUTION NO. 4960 THAT DESIGNATED AND ESTABLISHED A CERTAIN AREA OF THE CITY OF MICHIGAN CITY, INDIANA AS AN ECONOMIC REVITALIZATION AREA TO WHICH DEDUCTIONS OF 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

WHEREAS, 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 qualified real property improvements and the installation of qualified personal property that results from development, redevelopment and rehabilitation; and

WHEREAS, On June 3, 2025 the Common Council (“Common Council”) of the City of Michigan City, Indiana (“City”) adopted and approved Resolution No. 4960 (the “Declaratory Resolution”) that designated and established a certain area of the City as the Cooper Economic Revitalization Area (the “Cooper ERA”) for the purpose of providing for assessed valuation deductions as an incentive resource to encourage private enterprise: (i) to occupy vacant buildings, (ii) to develop, redevelop and rehabilitate real property and/or (iii) to install qualified personal property within the City as a means to attract, retain or expand private enterprise and economic development in the City; and

WHEREAS, A boundary description and map identifying the Cooper ERA describing the location in relation to public ways, streams, or otherwise, is attached to the Declaratory Resolution as EXHIBIT A; and

WHEREAS, On Monday, July 21, 2025 the Declaratory Resolution, including all exhibits attached thereto, was filed with the Office of the LaPorte County, Indiana Assessor in accordance with Section 2.5(b) of the Act as well as filed with the Office of the Michigan Township Assessor as the local assessing official; and

WHEREAS, On or before Friday, July 25, 2025 in accordance Section 2.5(c)(2) of the Act, the City of filed via USPS certified mail-return receipt the following information with each taxing unit that has authority to levy property taxes in the geographic area where the Cooper ERA is located: (i) a copy of the notice published in accordance with IC 5-3-1; and (ii) a statement containing substantially the same information as a statement of benefits filed with the Common Council prior to the public hearing required by Sections 2.5 of the Act under Sections 3, 4.5 and 4.8 of the Act; and

WHEREAS, In accordance with Section 2.5(c)(1) of the Act, the Common Council directed and authorized by the Declaratory Resolution in cooperation with the City Clerk caused to be published in a newspaper of general circulation in the City on or before Friday, July 25, 2025, notice of the adoption and substance of the Declaratory Resolution in accordance with IC 5-3-1 for a public hearing of the Common Council scheduled for Monday, August 4, 2025 at 6:30pm (CDT) in the Common Council Chambers of City Hall located at 100 E. Michigan Boulevard, Michigan City, Indiana 46360; and

WHEREAS, The Common Council as scheduled and as duly published held a public hearing on Monday, August 4, 2025 during a scheduled meeting to receive and hear all remonstrances and objections from interested persons as it related the Declaratory Resolution; and

WHEREAS, The Common Council after conducting and upon conclusion of the public hearing on the matter gave due consideration to all, if any, comments and views expressed before and written comments submitted in a timely manner to the Common Council as the designating body; and

WHEREAS, The Common Council has met the statutory requirements of IC 6-1.1-12.1 to designate and establish the Cooper ERA;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Michigan City, Indiana, that Resolution No. 4960 as the Declaratory Resolution is hereby confirmed in its entirety, subject to the limited rights of appeal provided by law.

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: /s/ Tracie Tillman, President
/s/ Tim Bietry, Member
/s/ Dr. Vidya Kora, Member
/s/ Bryant Dabney, Member

NOTE: Exhibit "A" is attached to this resolution in the Clerk's Office in File CR-114.

President Tillman asked if the authors 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 there were any comments from the Council.

Councilman Bietry made a motion to approve the proposed resolution, second by Councilman Dabney, the motion carried and was approved by the following vote: AYES: Council members Bietry, Coulter, Dabney, Dr. Kora, Lee, Przybylinski, and Tillman (7) NAYS: Council members Moldenhauer and Nelson (2).

President Tillman stated the resolution was approved.

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4974

A RESOLUTION APPROVING A TAXPAYER AGREEMENT FOR "PROJECT MAIZE," A NEW ECONOMIC DEVELOPMENT PROJECT LOCATED AT THE ADDRESS COMMONLY KNOWN AS 402 ROYAL ROAD IN MICHIGAN CITY, INDIANA

WHEREAS, Lavendar Fields Holdings LLC (the "Company") has proposed to develop and operate "Project Maize," which is a data center campus in the City of Michigan City, Indiana

(the “City”), to include without limitation one or more data center buildings as well as certain other buildings, structures and infrastructure that are necessary in support of the foregoing use (collectively, the “Project”); and

WHEREAS, the Company is willing to commit to the investment of Eight Hundred Million and 00/100 Dollars (\$800,000,000.00) in the Project, and is further willing to commit to creating 30 full-time jobs with respect to the Project; and

WHEREAS, this Common Council of the City of Michigan City, Indiana (the “Council”) has determined that supporting the Company’s efforts in developing and operating the Project is in the best interests of the citizens of the City of Michigan City, Indiana; and

WHEREAS, this Common Council has determined that the Project is eligible for an exemption on qualified property within the Project, subject to a Taxpayer Agreement between the Company and the City; and

WHEREAS, a form of Taxpayer Agreement, between the Company, as one party, and the City and the Council, as the other parties, has been presented to the Council on the date hereof (the “Taxpayer Agreement”), which sets forth the terms upon which the Company will receive the Data Center Exemption during the term as set forth in the Taxpayer Agreement, in exchange for its investment in and operation of the Project, the form of which is attached hereto as “Exhibit A” as if part herein; and

WHEREAS, to induce the Company to complete the Project, the Council desires to approve the execution of the Taxpayer Agreement.

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

1. The Council hereby finds that the execution and delivery of the Taxpayer Agreement are in the best interests of the City and its citizens. The President of the Council is authorized and directed to execute the Taxpayer Agreement, in the name and on behalf of the Council, and the Mayor of the City (the “Mayor”) is hereby authorized to execute the Taxpayer Agreement in the name of and on behalf of the City, pending final review and approval of form by legal counsel to effectuate this Resolution, said persons’ execution thereof to be conclusive evidence if the approval of such changes.
2. The Council hereby approves the Data Center Exemption for the Company’s qualifying investment under Ind. Code § 6-1.1-10-44(g).
3. The President of the Council, the Mayor, the legal counsel of the City, and other appropriate officers of the City are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this Resolution and the Taxpayer Agreement.
4. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

INTRODUCED BY: /s/Tracie Tillman, President
/s/Tim Bietry, Member
/s/Dr. Vidya Kora, Member
/s/Bryant Dabney, Member

NOTE: Exhibits “A thru D(2) are attached to this resolution in the Clerk’s Office in File CR-114.

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

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

Scott Meland, 200 Kenwood Place, echoed Councilman Przybylinski’s concerns; advising that this is the time the city has leverage to get something for our community from a billion dollar developer, that the math we have been given is very confusing, but need to take our time moving forward.

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.

Councilwoman Lee made a motion to TABLED the proposed resolution for two (2) weeks, second by Councilwoman Moldenhauer, the motion failed by the following vote: AYES: Council members Lee, Moldenhauer, Nelson, and Przybylinski (4) NAYS: Council members Coulter, Dabney, Dr. Kora, Tillman, and Bietry (5).

President Tillman stated that the motion to table the proposed resolution failed.

President Tillman asked for a motion.

Councilman Bietry made a motion to adopt the proposed resolution, second by Councilman Dabney, the motion carried and the resolution was approved by the following vote: AYES: Council members Dabney, Dr. Kora, Tillman, and Bietry (5) NAYS: Council members Lee, Moldenhauer, Nelson, and Przybylinski (4).

President Tillman stated this resolution has been approved.

The Clerk read the following proposed resolution by title only.
A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, REGARDING THE FUTURE OF THE INDIANA STATE PRISON PROPERTY

Introduced by: Tracie Tillman
Daisy Lee
Bryant Dabney
Don Przybylinski
Joseph Nelson
Tim Bietry
Dr. Vidya Kora
Greg Coulter
Nancy Moldenhauer

Councilwoman Lee read the proposed resolution in its entirety.

WHEREAS, the Indiana State Prison, located in Michigan City, has for decades placed a physical, economic, and social burden on the City’s Westside, limiting opportunities for redevelopment and neighborhood growth; and

WHEREAS, in December 2024, the State of Indiana executed a Letter of Intent with the City of Michigan City to transfer ownership of the Indiana State Prison site to the City by January 1, 2029, providing a pathway for community-led reimagination and redevelopment of the property; and

WHEREAS, in reliance on that Letter of Intent issued by the State of Indiana, the City of Michigan City invested significant resources, including community outreach and professional services, to create a plan of redevelopment for the property; and

WHEREAS, READI 2.0 funds have been expended to assist in advancing this comprehensive reimagination strategy for the property; and

WHEREAS, through the Vibrant Michigan City initiative, several public meetings and other public engagement have occurred in an effort to further refine the design and redevelopment of the property; and

WHEREAS, on August 19, 2025, the State of Indiana rescinded that Letter of Intent due to changing circumstances at the state level; and

WHEREAS, recent reports indicate the State intends to continue operating the Indiana State Prison beyond 2027, and there is public concern that the facility could be repurposed for federal immigration detention or other uses inconsistent with the City's long-term vision; and

WHEREAS, the Common Council affirms that Michigan City taxpayers should not bear the costs or consequences of policies that expand detention capacity at the expense of local redevelopment, economic growth, and community wellbeing; and

WHEREAS, in addition to the Common Council of the City of Michigan City, other entities have drafted letters of support to the City in these efforts, which are incorporated by reference into this Resolution.

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

1. The Council respectfully urges the State of Indiana and the Governor's Administration to honor the spirit of the December 2024 agreement and work in partnership with Michigan City to ensure that the Indiana State Prison property is ultimately transitioned for redevelopment.
2. The Council strongly opposes the use of the Indiana State Prison site as an immigration detention facility or for other purposes that would undermine the City's vision for equitable economic growth and community revitalization.
3. The Council reaffirms its commitment to the ongoing Reimagination Study and pledges to continue engaging residents, businesses, and regional partners in shaping a future for the site that benefits the community as a whole.
4. A copy of this resolution, along with letters of support from the community, shall be transmitted by the Clerk to the Governor of Indiana, the Commissioner of the Indiana Department of Correction, and members of the Indiana General Assembly representing LaPorte County.

Councilwoman Lee stated that she has been working with a city team receiving input from our community to revitalize this area once the prison was decommissioned and is very disheartening, they rescinded the prison and is in fear that it will be used as an ICE detention facility.

President Tillman asked if there were any other comments from the authors, there so no response.

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

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

Councilman Przybylinski commented on the letter rescinding the ownership of the Indiana State Prison to the city of Michigan City.

President Tillman added that she also wholeheartedly and concur with Councilwoman Lee; stating that with everything else that is coming before the Council, that we also have this, wondering how this is going to play out about how Governor Braun has rescinded the original agreement.

Councilwoman Moldenhauer stated that she was very disheartened, especially when the Revitalization Committee has been working so hard and diligently on this for a year; She's looking upon it as a pause, rather than a halt.

President Tillman asked for a motion.

Councilman Dabney made a motion to approve the proposed resolution, second by Councilman Dr. Kora, the motion carried, and the resolution was approved by the following vote: AYES: Council members Dr. Kora, Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter and Dabney (9) NAYS: Council members (0).

President Tillman stated the following resolution was adopted.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4975

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, REGARDING THE FUTURE OF THE INDIANA STATE PRISON PROPERTY

WHEREAS, the Indiana State Prison, located in Michigan City, has for decades placed a physical, economic, and social burden on the City’s Westside, limiting opportunities for redevelopment and neighborhood growth; and

WHEREAS, in December 2024, the State of Indiana executed a Letter of Intent with the City of Michigan City to transfer ownership of the Indiana State Prison site to the City by January 1, 2029, providing a pathway for community-led reimagination and redevelopment of the property; and

WHEREAS, in reliance on that Letter of Intent issued by the State of Indiana, the City of Michigan City invested significant resources, including community outreach and professional services, to create a plan of redevelopment for the property; and

WHEREAS, READI 2.0 funds have been expended to assist in advancing this comprehensive reimagination strategy for the property; and

WHEREAS, through the Vibrant Michigan City initiative, several public meetings and other public engagement have occurred in an effort to further refine the design and redevelopment of the property; and

WHEREAS, on August 19, 2025, the State of Indiana rescinded that Letter of Intent due to changing circumstances at the state level; and

WHEREAS, recent reports indicate the State intends to continue operating the Indiana State Prison beyond 2027, and there is public concern that the facility could be repurposed for federal immigration detention or other uses inconsistent with the City’s long-term vision; and

WHEREAS, the Common Council affirms that Michigan City taxpayers should not bear the costs or consequences of policies that expand detention capacity at the expense of local redevelopment, economic growth, and community wellbeing; and

WHEREAS, in addition to the Common Council of the City of Michigan City, other entities have drafted letters of support to the City in these efforts, which are incorporated by reference into this Resolution.

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

- 1. The Council respectfully urges the State of Indiana and the Governor’s Administration to honor the spirit of the December 2024 agreement and work in partnership with Michigan City to ensure that the Indiana State Prison property is ultimately transitioned for redevelopment.
- 2. The Council strongly opposes the use of the Indiana State Prison site as an immigration detention facility or for other purposes that would undermine the City’s vision for equitable economic growth and community revitalization.
- 3. The Council reaffirms its commitment to the ongoing Reimagination Study and pledges to continue engaging residents, businesses, and regional partners in shaping a future for the site that benefits the community as a whole.
- 4. A copy of this resolution, along with letters of support from the community, shall be transmitted by the Clerk to the Governor of Indiana, the Commissioner of the Indiana Department of Correction, and members of the Indiana General Assembly representing LaPorte County.

INTRODUCED BY: /s/Tracie Tillman, President
/s/Daisy Lee, Member
/s/Bryant Dabney, Member
/s/Don Przybylinski, Member
/s/Joseph Nelson, Member
/s/Tim Bietry, Member
/s/Vidya Kora, Member
/s/Gregory Coulter, Member
/s/Nancy Moldenhauer, Member

ORDINANCES

The Clerk read the following proposed ordinance on second reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PARK CONCESSION NON-REVERTING FUND #2507 TO CONSTRUCT A NEW WINGS OF WONDER AVIARY EXHIBIT AT WASHINGTON PARK ZOO

Introduced by: Bryant Dabney
Don Przybylinski
Nancy Moldenhauer
Tim Bietry
Daisy Lee
Dr. Vidya Kora

(DECREASE Park Concession Non-Reverting Fund #2507 Unappropriated balance \$289,109.00 INCREASE ACCOUNT #2507.000.439.090 \$289,109.00 Contractual Services)

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

Councilman Przybylinski stated that he would like to have second and third reading this evening.

Councilman Dabney explained they are constructing the Aviary Exhibit for the birds which will give them protection which is needed and that these funds are coming from the Zoo’s non-reverting account that come from dollars raised through their operations.

President Tillman stated that there will be a formal public hearing this evening; it was advertised in the Herald Dispatch on August 20th; Opening the Formal Public Hearing,

asking (repeating three times) “ Is there is anyone from the public that wish to comment on the proposed ordinance”.

Scott Meland, 200 Kenwood Place stated that it is definitely needed and that it's their own money; asking the council to approve their request.

President Tillman asked (repeating three times) “If there any other comments from the public at this time”, there was no response closing the formal public hearing.

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

Councilman Przybylinski made a motion to have third reading this evening, second by Councilman Bietry, the motion carried and was approved to have third reading this evening by the following vote: AYES: Council members Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter, Dabney, and Dr. Kora (9) NAYS: Council members (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4775

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
PARK CONCESSION NON-REVERTING FUND #2507 TO CONSTRUCT A NEW
WINGS OF WONDER AVIARY EXHIBIT AT WASHINGTON PARK ZOO**

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 Park Concession Non-Reverting Fund #2507 for the Parks Department to construct a new Wings of Wonder Aviary Exhibit at the Washington Park Zoo; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Park Concession Non-Reverting Fund #2507 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 Park Concession Non-Reverting Fund #2507 Unappropriated balance	\$289,109.00	
INCREASE ACCOUNT #2507.000.439.090 Contractual Services		\$289,109.00
TOTAL FOR FUND	\$289,109.00	

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
/s/ Don Przybylinski, Member
Michigan City Common Council
/s/ Nancy Moldenhauer, Member

Michigan City Common Council
/s/ Tim Bietry, Member
Michigan City Common Council
/s/ Daisy Lee, Member
Michigan City Common Council
/s/Dr. Vidya Kora, Member
Michigan City Common Council

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

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

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

Councilman Dabney made a motion to adopt the proposed ordinance, second by Councilman Bietry, the motion carried, and the ordinance was approved by the following vote: AYES: Council members Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter, Dabney, Dr. Kora, and Lee (9) NAYS: Council members (0).

President Tillman stated this ordinance has been approved.

NEW BUSINESS

President Tillman asked if there was any new business.

Clerk Neulieb advised there is no new business.

UNFINISHED BUSINESS

President Tillman asked if there was any unfinished business.

Clerk Neulieb read the following:

VOTE: The Council has one (1) appointment with the Michigan City Police Civil Service Commission– Incumbent Lela Simmons- Term expires September 7, 2025

Nominations received:

Sheryl Krachinski	Vote 1-8
Scott Meland	Vote 8-1

President Tillman congratulated Scott Meland on his appointment to the Police Civil Service Commission.

COMMENTS FROM THE COUNCIL

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

Councilman Coulter wished Police Chief Marty Corley Happy Birthday.

Councilwoman Moldenhauer stated she received numerous calls, texts, and emails regarding the data center of which about half a dozen were in favor of it while an overwhelming majority were against it; taking into account she represents Ward 6 where the center is located, in addition to research, is why she voted against all the Resolutions; stating especially concerning is the research which indicated children and students in the two schools should not be located within a two-mile radius of a data center.

Councilman Dabney stated this was a tough vote, and that there is a local hiring ordinance that states that any public works project that 50% of salaries come from Michigan City not to include categories with unions or race; and that private developers are not required to use unions but would like to see unions being used.

Councilman Przybylinski stated that he would like to see more unions involved; and that he feels the council gave away the leverage tonight when the resolutions regarding the "Data Center" was passed; reading the following from the passed Tax Abatement resolution for Real Property:

BE IT FURTHER RESOLVED that the Common Council hereby grants the Company an assessed valuation deduction (Tax Abatement) from qualified real property investments **limited to a cost of \$257,000,000 for redevelopment and rehabilitation activities to structures and facilities by the Company between July 1, 2025 and December 31, 2065,** with the existing vacant building and its real property improvements to be fully assessed by **January 1, 2027 (the "Assessment Date")**, all in accordance with the Act as it relates to the Project and as identified on the Statement of Benefits.

Councilman Dr. Kora thanked President Tillman for handling a difficult meeting; and the passing of the "Data Center" is in the best interest of the city by moving it forward to grow and thrive; advising that the councilmembers will engage with Phoenix Investors ,LLC to handle the concerns that may arise.

President Tillman thanked the council members for reminding vigilant with their votes as this was not an easy decision as this will affect the entire community; stating she stands on transparency and her decision was not made to gain a vote for reelection.

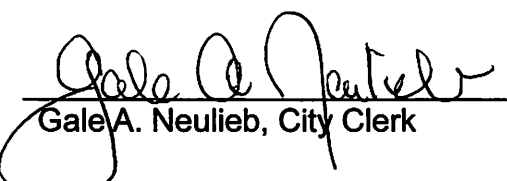
ADJOURNMENT

A motion by Councilman Dr. Kora, second by Councilman Bietry and there being no further business to transact, President Tillman declared the meeting **ADJOURNED** (approximately 10:15 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=nKjZJuM7nmc&list=PL8L8Y5g9S6bqw-rohSfvSUA8dwegrb6st>


Tracie Tillman, President


Gale A. Neulieb, City Clerk